A bill to be entitled
An act relating to environmental regulation; amending
s. 163.3162, F.S.; specifying the authority of
counties to enforce certain wetlands, springs
protection, and stormwater ordinances, regulations,
and rules; amending s. 163.3177, F.S.; providing vote
requirements for adoption of certain elements of local
government comprehensive plans and plan amendments;
amending s. 163.3194, F.S.; prohibiting local
governments from rescinding certain comprehensive plan
amendments; amending s. 373.236, F.S.; authorizing
consumptive use permit durations for certain projects
and developments; authorizing multiple commencement
dates for certain consumptive use permits; amending s.
373.308, F.S.; requiring delegated local governments
to follow certain criteria and standards for well
construction; preempting certain well construction
permitting regulations; amending s. 373.4136, F.S.;
providing that proof of insurance meets a certain
mitigation bank permit requirement; directing the
Department of Environmental Protection and water
managements districts to adopt specified rules;
amending s. 373.709, F.S.; requiring certain criteria
to be incorporated into regional water supply plans;
creating s. 403.0874, F.S.; providing conditions under
which the department required to establish certain
greenhouse gas performance standards, repeal certain
rules, and submit rule revisions to the United States
Environmental Protection Agency for approval;
prohibiting the state from proposing or submitting
certain plans; amending s. 403.709, F.S.; establishing
a solid waste landfill closure account within the
Solid Waste Management Trust Fund for specified
purposes; providing for the deposit of certain funds
into the account; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (i) of subsection (3) of section
163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural Lands and Practices.—
(3) DUPLICATION OF REGULATION.—Except as otherwise
provided in this section and s. 487.051(2), and notwithstanding
any other law, including any provision of chapter 125 or this
chapter:

(i) This subsection does not limit a county's powers to:
1. Enforce wetlands, springs protection, or stormwater
ordinances, regulations, or rules adopted before July 1, 2003,
excluding any modification, readoption, or amendment approved on
or after July 1, 2003.
2. Enforce wetlands, springs protection, or stormwater
ordinances, regulations, or rules pertaining to the Wekiva River
3. Enforce ordinances, regulations, or rules as directed by law or implemented consistent with the requirements of a program operated under a delegation agreement from a state agency or water management district.

As used in this paragraph, the term "wetlands" has the same meaning as defined in s. 373.019.

Section 2. Paragraph (f) of subsection (1) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(1) The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the
inclusion of implementing regulations in the comprehensive plan
but rather to require identification of those programs,
activities, and land development regulations that will be part
of the strategy for implementing the comprehensive plan and the
principles that describe how the programs, activities, and land
development regulations will be carried out. The plan shall
establish meaningful and predictable standards for the use and
development of land and provide meaningful guidelines for the
content of more detailed land development and use regulations.

(f) Board-enacted All mandatory and optional elements of
the comprehensive plan and plan amendments shall be adopted by a
simple majority vote of the local government and shall be based
upon relevant and appropriate data and an analysis by the local
government that may include, but not be limited to, surveys,
studies, community goals and vision, and other data available at
the time of adoption of the comprehensive plan or plan
amendment. To be based on data means to react to it in an
appropriate way and to the extent necessary indicated by the
data available on that particular subject at the time of
adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation
of the comprehensive plan may not be deemed a part of the
comprehensive plan unless adopted as a part of it. Copies of
such studies, surveys, data, and supporting documents for
proposed plans and plan amendments shall be made available for
public inspection, and copies of such plans shall be made
available to the public upon payment of reasonable charges for reproduc tion. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission. Absent physical limitations on population growth, population projections for each municipality, and the unincorporated area
within a county must, at a minimum, be reflective of each area's proportional share of the total county population and the total county population growth.

Section 3. Subsection (5) of section 163.3194, Florida Statutes, is amended to read:

163.3194 Legal status of comprehensive plan.—
(5) (a) The tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. 193.461.

(b) A local government may not rescind a comprehensive plan amendment that authorizes land uses other than agricultural use if the land continues to be used primarily for bona fide agricultural purposes and qualifies for an agricultural classification under s. 193.461.

Section 4. Subsection (6) of section 373.236, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

373.236 Duration of permits; compliance reports.—
(6) (a) The Legislature finds that the need for alternative water supply development projects to meet anticipated public water supply demands of the state is so important that it is essential to encourage participation in and contribution to these projects by private-rural-land owners who characteristically have relatively modest near-term water demands but substantially increasing demands after the 20-year
planning period in s. 373.709.

1. Therefore, Where such landowners make extraordinary contributions of lands or construction funding to enable the expeditious implementation of such projects, water management districts and the department may grant permits for such projects for a period of up to 50 years to municipalities, counties, special districts, regional water supply authorities, multijurisdictional water supply entities, and publicly or privately owned utilities, with the exception of any publicly or privately owned utilities created for or by a private landowner after April 1, 2008, which have entered into an agreement with the private landowner for the purpose of more efficiently pursuing alternative public water supply development projects identified in a district's regional water supply plan and meeting water demands of both the applicant and the landowner.

2. Where landowners, individually or collectively, make available lands to enable the expeditious development of projects involving dispersed surface water storage and release or surface water storage and recharge which provide water resource benefits and alternative water supply development, the water management districts and the department may grant permits for such projects for a period of up to 50 years.

(b) A permit under paragraph (a):

1. May authorize the uses of the individual project participants to begin on different dates.

2. May be granted only for that period for which there is
sufficient data to provide reasonable assurance that the
conditions for permit issuance will be met.

3. Such a permit shall require a compliance report by the
permittee every 5 years during the term of the permit. The
report shall contain sufficient data to maintain reasonable
assurance that the conditions for permit issuance applicable at
the time of district review of the compliance report are met.
After review of the this report, the governing board or the
department may modify the permit to ensure that the use meets
the conditions for issuance.

(c) This subsection does not limit the existing authority
of the department or the governing board to modify or revoke a
consumptive use permit.

(8) Water management districts and the department may
grant a permit for a period of up to 30 years for a development
of regional impact that is approved pursuant to s. 380.06 and
located in a rural area of critical economic concern as defined
in s. 288.0656.

Section 5. Subsection (5) is added to section 373.308,
Florida Statutes, to read:

373.308 Implementation of programs for regulating water
wells.—

(5) Delegated local governments must follow well
construction criteria and applicable standards adopted by the
department or water management district, and such criteria and
standards shall preempt additional local government well
construction permitting regulations.

Section 6. Paragraph (i) of subsection (1) of section 373.4136, Florida Statutes, is amended to read:

373.4136 Establishment and operation of mitigation banks.—

(1) MITIGATION BANK PERMITS.—The department and the water management districts may require permits to authorize the establishment and use of mitigation banks. A mitigation bank permit shall also constitute authorization to construct, alter, operate, maintain, abandon, or remove any surface water management system necessary to establish and operate the mitigation bank. To obtain a mitigation bank permit, the applicant must provide reasonable assurance that:

(i) It can meet the financial responsibility requirements prescribed for mitigation banks. The applicant may satisfy this condition by submitting proof of insurance in a form approved by the department or water management district.

Section 7. By January 1, 2015, the Department of Environmental Protection and each water management district shall adopt rules to implement the amendment to s. 373.4136(1)(i), Florida Statutes.

Section 8. Subsection (9) of section 373.709, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to that section to read:

373.709 Regional water supply planning.—

(9) The water needs, water sources, water resource development projects, and water supply development projects
identified in a long-term master plan adopted pursuant to s. 163.3245 or a master plan development order issued under s. 380.06(21) shall be incorporated into a regional water supply plan adopted pursuant to this section and are exempt from the analyses required under subsection (2).

Section 9. Section 403.0874, Florida Statutes, is created to read:

403.0874 Implementation of federal greenhouse gas regulations.—

(1) If the United States Environmental Protection Agency adopts a final regulation under 42 U.S.C. s. 7411(d) requiring the state to develop an implementation plan establishing greenhouse gas performance standards for existing industrial sources, the department shall establish such performance standards based on a system of emission reduction that has been adequately demonstrated for each existing industrial source in the state that is subject to greenhouse gas performance standards. The department shall take into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements.

(2) In determining the applicable greenhouse gas performance standard for an existing source, the department shall consider whether to provide for the application of less stringent performance standards or longer compliance schedules than those provided in applicable rules or emission guidelines, taking into consideration:
(a) The unreasonable cost of control based on plant age, location, or basic process design.

(b) The physical difficulties with or impossibility of installing necessary control equipment.

(c) The impacts on electric reliability based on the availability of diversified sources of electric generation.

(d) The cost of applying the performance standard considering other environmentally beneficial projects undertaken at the source in the past 10 years.

(e) The expected remaining useful life of the source.

(f) The economic impacts of applying the performance standard, including any costs to the public or expected job losses.

(g) Any other factors specific to a facility or class of facilities that make application of a less stringent performance standard or final compliance time significantly more reasonable.

(3) The state may not propose or submit any plan establishing greenhouse gas performance standards for existing sources that is inconsistent with this section.

(4) If any federal greenhouse gas regulation is declared invalid, vacated, revoked, repealed, or withdrawn, the department shall:

(a) Publish notice of the repeal of any substantively identical department rule as soon as practicable, but no later than 60 days after receipt of the declaration. The repeal shall be effective upon publication of the notice.
(b) Revise applicable federally approved state implementation plan provisions as soon as practicable to reflect cessation of implementation of the applicable federal regulation and immediately submit such revisions for approval to the United States Environmental Protection Agency.

Section 10. Subsection (5) is added to section 403.709, Florida Statutes, to read:

403.709 Solid Waste Management Trust Fund; use of waste tire fees.—There is created the Solid Waste Management Trust Fund, to be administered by the department.

(5) (a) Notwithstanding subsection (1), a solid waste landfill closure account is established within the Solid Waste Management Trust Fund to provide funding for the closing and long-term care of solid waste management facilities. The department may use funds from the account to contract with a third party for the closing and long-term care of a solid waste management facility if:

1. The facility has or had a department permit to operate the facility.
2. The permittee provided proof of financial assurance for closure in the form of an insurance certificate.
3. The facility is deemed to be abandoned or was ordered to close by the department.
4. Closure is accomplished in substantial accordance with a closure plan approved by the department.
5. The department has written documentation that the
insurance company issuing the closure insurance policy will provide or reimburse the funds required to complete closing and long-term care of the facility.

(b) The department shall deposit the funds received from the insurance company as reimbursement for the costs of closing or long-term care of the facility into the solid waste landfill closure account.

Section 11. This act shall take effect July 1, 2014.