

Committee Substitute for House Bill No. 2067

An act relating to environmental protection; amending s. 372.57, F.S.; deleting a class of nonresident freshwater fishing license; creating s. 372.5711, F.S.; requiring review of fees for fishing and hunting licenses and exemptions to them; amending s. 373.4145, F.S.; postponing scheduled July 1, 1999, repeal of certain provisions of the interim wetlands permitting program for the Northwest Florida Water Management District; directing the Northwest Florida Water Management District and the Department of Environmental Protection to develop a plan to implement an environmental resource permitting program within the jurisdiction of the district by a specified date; requiring reports to the Legislature on the progress of the planning efforts; providing that certain jurisdictional declaratory statements shall not expire until a specified date; amending s. 252.937, F.S.; renaming the Division of Water Facilities of the department as the Division of Water Resource Management; amending ss. 378.901 and 403.021, F.S.; deleting references to the Division of Environmental Resource Permitting; amending s. 86 of ch. 93-213, Laws of Florida; eliminating repayment of funds appropriated for administering the state NPDES program; requiring reinstatement of certain suspended payments in lieu of taxes; amending subsection (2) of section 373.136, F.S.; allowing the prevailing party to recover attorney's fees and costs; amending s. 57.111, F.S.; defining "state agency"; amending s. 403.031, F.S.; defining the term "total maximum daily load"; creating s. 403.067, F.S.; authorizing the Department of Environmental Protection to adopt a process of listing surface waters not meeting water quality standards and for the process of establishing, allocating, and implementing total maximum daily loads applicable to such listed waters; providing specific authority for the department to implement s. 1313, 33 U.S.C.; providing legislative findings and intent; providing for a listing of surface waters; providing for an assessment; providing for an adopted list; providing for removal from the list; providing for calculation of total maximum daily load; providing for implementation; providing for rules; providing for application; providing for construction; providing for evaluation; amending s. 403.805, F.S.; revising language with respect to the powers and duties of the Secretary of the Department of Environmental Protection; providing authorization for the Secretary of the Department of Environmental Protection to reorganize the department under certain conditions; providing an effective date.

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

Section 1. Subsection (6) of section 373.4145, Florida Statutes, is amended and subsection (7) is added to said section, to read:

373.4145 Interim part IV permitting program for the Northwest Florida Water Management District.—

(6) Subsections (1), (2), (3), and (4) shall be repealed effective July 1, ~~2003~~ 1999.

(7)(a) The department and the Northwest Florida Water Management District are directed to begin developing a plan by which the permitting for activities proposed in surface waters and wetlands shall fully comply with the provisions of part IV of chapter 373, beginning July 1, 2003. The plan also shall address the division of environmental resource permitting responsibilities between the department and the Northwest Florida Water Management District; the methodology of delineating wetlands in the Northwest Florida Water Management District; authority of the Northwest Florida Water Management District to implement federal permitting programs related to activities in surface waters and wetlands; and the chapter 70 implications of implementing the provisions of part IV of chapter 373 within the jurisdiction of the Northwest Florida Water Management District.

(b) The department and Northwest Florida Water Management District shall jointly prepare an interim report on their progress in developing the aforementioned plan, to be presented March 1, 2001 to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the relevant substantive and fiscal committees. The department and district shall present a final report on March 1, 2003.

(c) Any jurisdictional declaratory statement issued for a project within the geographic jurisdiction of the Northwest Florida Water Management District that is valid on July 1, 1999, and for which there has been issued a permit pursuant to chapters 403 and 373 for a phase of that project and which identified proposed future development, including mitigation, that would require an additional permit pursuant to chapters 403 and 373 shall not expire until January 1, 2002.

Section 2. Subsection (2) of section 252.937, Florida Statutes, 1998 Supplement, is amended to read:

252.937 Department powers and duties.—

(2) To ensure that this program is self-supporting, the department shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and shall provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a memorandum of understanding with the department which specifically outlines how each agency's staff, facilities, materials, and services will be utilized to support implementation. At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Resource Management Facilities, and the Department of Labor and Employment Security's Division of Safety. It is the Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

Section 3. Paragraph (a) of subsection (1) of section 378.901, Florida Statutes, is amended to read:

378.901 Life-of-the-mine permit.—

(1) As used in this section, the term:

(a) “Bureau” means the Bureau of Mine Reclamation of the Division of Water Resource Management ~~Environmental Resource Permitting~~ of the Department of Environmental Protection.

Section 4. Paragraph (a) of subsection (9) of section 403.021, Florida Statutes, is amended to read:

403.021 Legislative declaration; public policy.—

(9)(a) The Legislature finds and declares that it is essential to preserve and maintain authorized water depth in the existing navigation channels, port harbors, turning basins, and harbor berths of this state in order to provide for the continued safe navigation of deepwater shipping commerce. The department shall recognize that maintenance of authorized water depths consistent with port master plans developed pursuant to s. 163.3178(2)(k) is an ongoing, continuous, beneficial, and necessary activity that is in the public interest; and it shall develop a regulatory process that shall enable the ports of this state to conduct such activities in an environmentally sound, safe, expeditious, and cost-efficient manner. It is the further intent of the Legislature that the permitting and enforcement of dredging, dredged-material management, and other related activities for Florida's deepwater ports pursuant to this chapter and chapters 161, 253, and 373 shall be consolidated within the department's Division of Water Resource Management ~~Environmental Resource Permitting~~ and, with the concurrence of the affected deepwater port or ports, may be administered by a district office of the department or delegated to an approved local environmental program.

Section 5. Section 86 of chapter 93-213, Laws of Florida, is amended to read:

Section 86. The Department of Environmental Regulation is authorized 54 career service positions for administering the state NPDES program. Twenty-five career service positions are authorized for startup of the program beginning July 1, 1993, and the remaining 29 career service positions beginning January 1, 1994. The state NPDES program staffing shall start July 1, 1993, with completion targeted for 6 months following United States Environmental Protection Agency authorization to administer the National Pollutant Discharge Elimination System program. Implementation of positions is subject to review and final approval by the secretary of the Department of Environmental Regulation. The sum of \$3.2 million is hereby appropriated from the Pollution Recovery Trust Fund to cover program startup costs. ~~Such funds are to be repaid from a fund the Legislature deems appropriate, no later than July 1, 2000.~~

Section 6. If the Department of Environmental Protection or a water management district has made a payment in lieu of taxes to a governmental

entity and subsequently suspended such payment, the department or water management district shall reinstitute appropriate payments and continue the payments in consecutive years until the governmental entity has received a total of 10 payments for each tax loss.

Section 7. Subsection (2) of section 373.136, Florida Statutes, is amended to read:

(2) The court may award to the prevailing party or parties reasonable attorney's fees for services rendered in actions at law and all appellate proceedings resulting therefrom under the provisions of ch. 373. In addition to the above, the court may award all costs and charges incident to such actions.

~~(3)~~(2) Any action by a citizen of the state to seek judicial enforcement of any of the provisions of this chapter shall be governed by the Florida Environmental Protection Act, s. 403.412.

Section 8. Paragraph (f) is added to subsection (3) of section 57.111, Florida Statutes, to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(3) As used in this section:

(f) The term "state agency" has the meaning described in s. 120.52(1).

Section 9. Subsection (21) is added to section 403.031, Florida Statutes, to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(21) "Total maximum daily load" is defined as the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background. Prior to determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water segment can assimilate from all sources without exceeding water quality standards must first be calculated.

Section 10. Section 403.067, Florida Statutes, is created to read:

403.067 Establishment and implementation of total maximum daily loads.—

(1) LEGISLATIVE FINDINGS AND INTENT.—In furtherance of public policy established in s. 403.021, the Legislature declares that the waters of the state are among its most basic resources and that the development of a total maximum daily load program for state waters as required by ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. will promote improvements in water quality throughout the state through

the coordinated control of point and nonpoint sources of pollution. The Legislature finds that, while point and nonpoint sources of pollution have been managed through numerous programs, better coordination among these efforts and additional management measures may be needed in order to achieve the restoration of impaired water bodies. The scientifically based total maximum daily load program is necessary to fairly and equitably allocate pollution loads to both nonpoint and point sources. Implementation of the allocation shall include consideration of a cost-effective approach coordinated between contributing point and nonpoint sources of pollution for impaired water bodies or water body segments and may include the opportunity to implement the allocation through non-regulatory and incentive-based programs. The Legislature further declares that the Department of Environmental Protection shall be the lead agency in administering this program and shall coordinate with local governments, water management districts, the Department of Agriculture and Consumer Services, local soil and water conservation districts, environmental groups, regulated interests, other appropriate state agencies, and affected pollution sources in developing and executing the total maximum daily load program.

(2) LIST OF SURFACE WATERS OR SEGMENTS.—In accordance with ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., the department must submit periodically to the United States Environmental Protection Agency a list of surface waters or segments for which total maximum daily load assessments will be conducted. The assessments shall evaluate the water quality conditions of the listed waters and, if such waters are determined not to meet water quality standards, total maximum daily loads shall be established, subject to the provisions of s. 403.067(4). The department shall establish a priority ranking and schedule for analyzing such waters.

(a) The list, priority ranking, and schedule cannot be used in the administration or implementation of any regulatory program. However, this paragraph does not prohibit any agency from employing the data or other information used to establish the list, priority ranking, or schedule in administering any program.

(b) The list, priority ranking, and schedule prepared under this subsection shall be made available for public comment, but shall not be subject to challenge under chapter 120.

(c) The provisions of this subsection are applicable to all lists prepared by the department and submitted to the United States Environmental Protection Agency pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., including those submitted prior to the effective date of this act, except as provided in s. 403.067(4).

(d) If the department proposes to implement total maximum daily load calculations or allocations established prior to the effective date of this act, the department shall adopt those calculations and allocations by rule by the secretary pursuant to ss. 120.54, 120.536(1) and 403.067(6)(d).

(3) ASSESSMENT.—

(a) Based on the priority ranking and schedule for a particular listed water body or water body segment, the department shall conduct a total maximum daily load assessment of the basin in which the water body or water body segment is located using the methodology developed pursuant to s. 403.067(3)(b). In conducting this assessment, the department shall coordinate with the local water management district, the Department of Agriculture and Consumer Services, other appropriate state agencies, soil and water conservation districts, environmental groups, regulated interests, and other interested parties.

(b) The department shall adopt by rule a methodology for determining those waters which are impaired. The rule shall provide for consideration as to whether water quality standards codified in chapter 62-302, Florida Administrative Code, are being exceeded, based on objective and credible data, studies and reports, including surface water improvement and management plans approved by water management districts under s. 373.456 and pollutant load reduction goals developed according to department rule. Such rule also shall set forth:

1. Water quality sample collection and analysis requirements, accounting for ambient background conditions, seasonal and other natural variations;

2. Approved methodologies;

3. Quality assurance and quality control protocols;

4. Data modeling; and

5. Other appropriate water quality assessment measures.

(c) If the department has adopted a rule establishing a numerical criterion for a particular pollutant, a narrative or biological criterion may not be the basis for determining an impairment in connection with that pollutant unless the department identifies specific factors as to why the numerical criterion is not adequate to protect water quality. If water quality non-attainment is based on narrative or biological criteria, the specific factors concerning particular pollutants shall be identified prior to a total maximum daily load being developed for those criteria for that surface water or surface water segment.

(4) APPROVED LIST.—If the department determines, based on the total maximum daily load assessment methodology described in s. 403.067(3), that water quality standards are not being achieved and that technology-based effluent limitations and other pollution control programs under local, state, or federal authority, including Everglades restoration activities pursuant to s. 373.4592 and the National Estuary Program, which are designed to restore such waters for the pollutant of concern are not sufficient to result in attainment of applicable surface water quality standards, it shall confirm that determination by issuing a subsequent, updated list of those water bodies or segments for which total maximum daily loads will be calculated. In association with this updated list the department shall establish priority rankings and schedules by which water bodies or segments will be subjected

to total maximum daily load calculations. If a surface water or water segment is to be listed under this subsection, the department must specify the particular pollutants causing the impairment and the concentration of those pollutants causing the impairment relative to the water quality standard. This updated list shall be approved and amended by order of the department subsequent to completion of an assessment of each water body or water body segment, and submitted to the United States Environmental Protection Agency. Each order shall be subject to challenge under ss. 120.569 and 120.57.

(5) REMOVAL FROM LIST.—At any time throughout the total maximum daily load process, surface waters or segments evaluated or listed under this section shall be removed from the lists described in s. 403.067(2) or s. 403.067(4) upon demonstration that water quality criteria are being attained, based on data equivalent to that required by rule under s. 403.067(3).

(6) CALCULATION AND ALLOCATION.—

(a) Calculation of total maximum daily load.

1. Prior to developing a total maximum daily load calculation for each water body or water body segment on the list specified in s. 403.067(4), the department shall coordinate with applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources to determine the information required, accepted methods of data collection and analysis, and quality control/quality assurance requirements. The analysis may include mathematical water quality modeling using approved procedures and methods.

2. The department shall develop total maximum daily load calculations for each water body or water body segment on the list described in s. 403.067(4) according to the priority ranking and schedule unless the impairment of such waters is due solely to activities other than point and nonpoint sources of pollution. For waters determined to be impaired due solely to factors other than point and nonpoint sources of pollution, no total maximum daily load will be required. A total maximum daily load may be required for those waters that are impaired predominantly due to activities other than point and nonpoint sources. The total maximum daily load calculation shall establish the amount of a pollutant that a water body or water body segment can assimilate without exceeding water quality standards, and shall account for seasonal variations and include a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. The total maximum daily load may be based on a pollutant load reduction goal developed by a water management district, provided that such pollutant load reduction goal is promulgated by the department in accordance with the procedural and substantive requirements of this subsection.

(b) Allocation of total maximum daily loads. The total maximum daily loads shall include establishment of reasonable and equitable allocations of

the total maximum daily load among point and nonpoint sources that will alone, or in conjunction with other management and restoration activities, provide for the attainment of water quality standards and the restoration of impaired waters. The allocations shall establish the maximum amount of the water pollutant from a given source or category of sources that may be discharged or released into the water body or water body segment in combination with other discharges or releases. Such allocations shall be designed to attain water quality standards and shall be based on consideration of the following:

1. Existing treatment levels and management practices;
2. Differing impacts pollutant sources may have on water quality;
3. The availability of treatment technologies, management practices, or other pollutant reduction measures;
4. Environmental, economic, and technological feasibility of achieving the allocation;
5. The cost benefit associated with achieving the allocation;
6. Reasonable timeframes for implementation;
7. Potential applicability of any moderating provisions such as variances, exemptions, and mixing zones; and
8. The extent to which nonattainment of water quality standards is caused by pollution sources outside of Florida, discharges that have ceased, or alterations to water bodies prior to the date of this act.

(c) Not later than February 1, 2001, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations, including draft legislation, for any modifications to the process for allocating total maximum daily loads, including the relationship between allocations and the basin planning process. Such recommendations shall be developed by the department in cooperation with a technical advisory committee which includes representatives of affected parties, environmental organizations, water management districts, and other appropriate local, state, and federal government agencies. The technical advisory committee shall also include such members as may be designated by the President of the Senate and the Speaker of the House of Representatives.

(d) The total maximum daily load calculations and allocations for each water body or water body segment shall be adopted by rule by the secretary pursuant to ss. 120.54 and 120.536(1), and 403.805. The rules adopted pursuant to this paragraph shall not be subject to approval by the Environmental Regulation Commission. As part of the rule development process, the department shall hold at least one public workshop in the vicinity of the water body or water body segment for which the total maximum daily load is being developed. Notice of the public workshop shall be published not less than 5 days nor more than 15 days before the public workshop in a newspaper of general circulation in the county or counties containing the water

bodies or water body segments for which the total maximum daily load calculation and allocation are being developed.

(7) IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(a) The department shall be the lead agency in coordinating the implementation of the total maximum daily load allocation through water quality protection programs. Application of a total maximum daily load calculation or allocation by a water management district shall be consistent with this section and shall not require the issuance of an order or a separate action pursuant to s. 120.54 or s. 120.536(1) for adoption of the calculation and allocation previously established by the department. Such programs may include, but are not limited to:

1. Permitting and other existing regulatory programs;
2. Nonregulatory and incentive-based programs, including best management practices, cost sharing, waste minimization, pollution prevention, and public education;
3. Other water quality management and restoration activities, for example surface water improvement and management plans approved by water management districts under s. 373.456;
4. Pollutant trading or other equitable economically based agreements;
5. Public works including capital facilities; or
6. Land acquisition.

(b) In developing and implementing the total maximum daily load allocation, the department may develop a basin plan. The basin plan will serve to fully integrate all the management strategies available to the state for the purpose of achieving water quality restoration. The basin planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. The department shall hold at least one public meeting in the vicinity of the basin to discuss and receive comments during the basin planning process and shall otherwise encourage public participation to the greatest practical extent. Notice of the public meeting shall be published in a newspaper of general circulation in each county in which the basin lies not less than 5 days nor more than 15 days before the public meeting. A basin plan shall not supplant or otherwise alter any assessment made under s. 403.086(3) and s.403.086(4), or any calculation or allocation made under s. 403.086(6).

(c) The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to s. 403.067(6)(b). These practices and measures may be adopted by rule by the department and the water management districts pursuant to ss.

120.54 and 120.536(1), and may be implemented by those parties responsible for nonagricultural nonpoint pollutant sources and the department and the water management districts shall assist with implementation. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to s. 403.067(6)(b) shall be verified by the department. Implementation, in accordance with applicable rules, of practices that have been verified by the department to be effective at representative sites shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface or ground water caused by those pollutants. Such rules shall also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements. Where water quality problems are detected despite the appropriate implementation, operation and maintenance of best management practices and other measures according to rules adopted under this paragraph, the department or the water management districts shall institute a reevaluation of the best management practice or other measures.

(d) The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.54 and 120.536(1) suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to s. 403.067(6)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts and the Department of Agriculture and Consumer Services shall assist with implementation. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to s. 403.067(6)(b) shall be verified by the department. Implementation, in accordance with applicable rules, of practices that have been verified by the department to be effective at representative sites shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface or ground water caused by those pollutants. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules shall also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements. Where water quality problems

are detected despite the appropriate implementation, operation and maintenance of best management practices and other measures according to rules adopted under this paragraph, the Department of Agriculture and Consumer Services shall institute a reevaluation of the best management practice or other measure.

(e) The provisions of s. 403.067(7) paragraphs (c) and (d) shall not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, s. 403.067(7)(c) and s. 403.067(7)(d) are applicable only to the extent that they do not conflict with any rules promulgated by the department that are necessary to maintain a federally delegated or approved program.

(8) RULES.—The department is authorized to adopt rules pursuant to ss. 120.54 and 120.536(1) for:

(a) Delisting water bodies or water body segments from the list developed under s. 403.067(4) pursuant to the guidance under s. 403.067(5);

(b) Administration of funds to implement the total maximum daily load program;

(c) Procedures for pollutant trading among the pollutant sources to a water body or water body segment, including a mechanism for the issuance and tracking of pollutant credits. Such procedures may be implemented through permits or other authorizations and must be legally binding. No rule implementing a pollutant trading program shall become effective prior to review and ratification by the Legislature; and

(d) The total maximum daily load calculation in accordance with s. 403.067(6)(a) immediately upon the effective date of this act, for those eight water segments within Lake Okeechobee proper as submitted to the United States Environmental Protection Agency pursuant to s. 403.067(2).

(9) APPLICATION.—The provisions of this section are intended to supplement existing law and nothing in this section shall be construed as altering any applicable state water quality standards or as restricting the authority otherwise granted to the department or a water management district under this chapter or chapter 373. The exclusive means of state implementation of ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. shall be in accordance with the identification, assessment, calculation and allocation, and implementation provisions of s. 403.067.

(10) CONSTRUCTION.—Nothing in this section shall be construed as limiting the applicability or consideration of any mixing zone, variance, exemption, site specific alternative criteria, or other moderating provision.

(11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.—The department shall not implement, without prior legislative approval, any additional regulatory authority pursuant to the Clean Water Act ss. 303(d) or 40

CFR Part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

(12) In order to provide adequate due process while ensuring timely development of total maximum daily loads, proposed rules and orders authorized by this act shall be ineffective pending resolution of a section 120.54(3), 120.56, 120.569, or 120.57 administrative proceeding. However, the department may go forward prior to resolution of such administrative proceedings with subsequent agency actions authorized by s. 403.067(2) through s. 403.067(6), provided that the department can support and substantiate those actions using the underlying bases for the rules or orders without the benefit of any legal presumption favoring, or in deference to, the challenged rules or orders.

Section 11. Subsection (1) of section 403.805, Florida Statutes, is amended to read:

403.805 Secretary; powers and duties.—

(1) The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of chapters 253, 373, and 376 and this chapter. The secretary shall have rulemaking responsibility under chapter 120, but shall submit any proposed rule containing standards to the Environmental Regulation Commission for approval, modification, or disapproval pursuant to s. 403.804, except for total maximum daily load calculations and allocations developed pursuant to s. 403.067(6). The secretary shall have responsibility for final agency action regarding total maximum daily load calculations and allocations developed pursuant to s. 403.067(6). The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts.

Section 12. The department, coordinating with the water management districts and the Department of Agriculture and Consumer Services, shall evaluate the effectiveness of the implementation of total maximum daily loads for a period of 5 years from the effective date of this act. The department shall document that effectiveness, using all data and information at its disposal, in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2005. The report shall provide specific recommendations for statutory changes necessary to implement total maximum daily loads more effectively, including the development or expansion of pollution prevention and pollutant trading opportunities, and best management practices. The report shall also provide recommendations for statutory changes relating to pollutant sources which are not subject to permitting under chapter 403, Florida Statutes, or chapter 373, Florida Statutes, and which do not implement the nonregulatory practices or other measures outlined in the basin plan prepared under s. 403.067,

Florida Statutes, in accordance with the schedule of the plan, or fail to implement them as designed.

Section 13. Notwithstanding subsection 20.255(2), Florida Statutes, the Secretary of the Department of Environmental Protection is authorized to restructure and reorganize the department within the current statutory prescribed divisions and in compliance with s. 216.292, F.S., 1998 Supplement, to increase efficiency in carrying out the agency's statutory mission and objectives. Actions taken under the authority granted by this section must be taken in consultation with the Executive Office of the Governor subject to the notification and review procedures in s. 216.177, Florida Statutes. The secretary shall submit a report describing actions taken and additional plans for implementing the provisions of this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by 30 days after this bill becomes a law. The department shall submit status reports on a monthly basis through December 1999.

Section 14. Paragraph (b) of subsection (2) of section 372.57, Florida Statutes, 1998 Supplement, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany all applications for a lifetime license for residents 12 years of age and younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

(2) For residents and nonresidents, the license and fees for noncommercial fishing and for hunting and trapping in this state, and the activity authorized thereby, are as follows:

(b)1. A fishing license for a nonresident to take freshwater fish in this state for 7 consecutive days is \$15.

~~2. A fishing license for a nonresident to take freshwater fish for 3 consecutive days is \$5.~~

Section 15. Section 372.5711, Florida Statutes, is created to read:

372.5711 Review of fees for licenses and permits; review of exemptions.— The fees for licenses and permits established under this chapter, and exemptions thereto, shall be reviewed by the Legislature during its regular session every 5 years beginning in 2000.

Section 16. This act shall take effect upon becoming a law.

Approved by the Governor June 11, 1999.

Filed in Office Secretary of State June 11, 1999.