

By the Committee on Community Affairs; and Senator Bennett

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1                   A bill to be entitled  
2       An act relating to environmental regulation; amending  
3       s. 125.022, F.S.; prohibiting a county from requiring  
4       an applicant to obtain a permit or approval from any  
5       state or federal agency as a condition of processing a  
6       development permit under certain conditions;  
7       authorizing a county to attach certain disclaimers to  
8       the issuance of a development permit; amending s.  
9       166.033, F.S.; prohibiting a municipality from  
10      requiring an applicant to obtain a permit or approval  
11      from any state or federal agency as a condition of  
12      processing a development permit under certain  
13      conditions; authorizing a municipality to attach  
14      certain disclaimers to the issuance of a development  
15      permit; amending s. 218.075, F.S.; providing for the  
16      reduction or waiver of permit processing fees relating  
17      to projects that serve a public purpose for certain  
18      entities created by special act, local ordinance, or  
19      interlocal agreement; amending s. 258.397, F.S.;  
20      providing an exemption from a showing of extreme  
21      hardship relating to the sale, transfer, or lease of  
22      sovereignty submerged lands in the Biscayne Bay  
23      Aquatic Preserve for certain municipal applicants;  
24      providing for additional dredging and filling  
25      activities in the preserve; amending s. 339.63, F.S.;  
26      providing exceptions to criteria required for system  
27      facilities designated under the Strategic Intermodal  
28      System; amending s. 373.026, F.S.; requiring the  
29      Department of Environmental Protection to expand its

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30 use of Internet-based self-certification services for  
31 exemptions and permits issued by the department and  
32 water management districts; amending s. 373.306, F.S.;  
33 exempting underground injection control wells from  
34 certain rules; amending s. 373.4141, F.S.; reducing  
35 the time within which a permit must be approved,  
36 denied, or subject to notice of proposed agency  
37 action; prohibiting a state agency or an agency of the  
38 state from requiring additional permits or approval  
39 from a local, state, or federal agency without  
40 explicit authority; amending s. 373.4144, F.S.;  
41 providing legislative intent with respect to the  
42 coordination of regulatory duties among specified  
43 state and federal agencies; encouraging expanded use  
44 of the state programmatic general permit or regional  
45 general permits; providing for a voluntary state  
46 programmatic general permit for certain dredge and  
47 fill activities; amending s. 373.441, F.S.; requiring  
48 that certain counties or municipalities apply by a  
49 specified date to the department or water management  
50 district for authority to require certain permits;  
51 providing that following such delegation, the  
52 department or district may not regulate activities  
53 that are subject to the delegation; clarifying the  
54 authority of local governments to adopt pollution  
55 control programs under certain conditions; providing  
56 applicability with respect to solid mineral mining;  
57 amending s. 376.3071, F.S.; exempting program  
58 deductibles, copayments, and certain assessment report

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requirements from expenditures under the low-scored site initiative; amending s. 376.30715, F.S.; providing that the transfer of a contaminated site from an owner to a child of the owner or corporate entity does not disqualify the site from the innocent victim petroleum storage system restoration financial assistance program; authorizing certain applicants to reapply for financial assistance; amending s. 380.0657, F.S.; authorizing expedited permitting for certain inland multimodal facilities; amending s. 403.061, F.S.; requiring the department to establish reasonable zones of mixing for discharges into specified waters; providing that certain groundwater standards that are exceeded do not create liability for site cleanup; providing that certain soil cleanup target levels that are exceeded are not a basis for enforcement or cleanup; amending s. 403.087, F.S.; revising conditions under which the department is authorized to revoke permits for sources of air or water pollution; amending s. 403.1838, F.S.; revising the definition of the term "financially disadvantaged small community" for purposes of the Small Community Sewer Construction Assistance Act; amending s. 403.7045, F.S.; providing conditions under which sludge from an industrial waste treatment works is not solid waste; amending s. 403.707, F.S.; exempting the disposal of solid waste monitored by certain groundwater monitoring plans from specific authorization; extending the duration of all permits

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88 issued to solid waste management facilities that meet  
89 specified criteria; providing an exception; providing  
90 for prorated permit fees; providing applicability;  
91 specifying a permit term for a solid waste management  
92 facility that does not have a leachate control system  
93 meeting the requirements of the department under  
94 certain conditions; authorizing the department to  
95 adopt rules; providing that the department is not  
96 required to submit the rules to the Environmental  
97 Regulation Commission for approval; requiring that  
98 permit fee caps for solid waste management facilities  
99 be prorated to reflect the extended permit term;  
100 amending s. 403.709, F.S.; creating a solid waste  
101 landfill closure account within the Solid Waste  
102 Management Trust Fund to fund the closing and long-  
103 term care of solid waste facilities under certain  
104 circumstances; requiring that the department deposit  
105 funds that are reimbursed into the solid waste  
106 landfill closure account; amending s. 403.7125, F.S.;  
107 requiring that the department require by rule that the  
108 owner or operator of a solid waste management facility  
109 receiving waste on or after a specified date provide  
110 financial assurance for the cost of completing  
111 corrective action for violations of water quality  
112 standards; amending s. 403.814, F.S.; providing for  
113 issuance of general permits for the construction,  
114 alteration, and maintenance of certain surface water  
115 management systems under certain circumstances;  
116 specifying conditions for the construction of the

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117 system without any action by the department or water  
118 management district; amending s. 403.853, F.S.;  
119 providing for the department, or a local county health  
120 department designated by the department, to perform  
121 sanitary surveys for certain transient noncommunity  
122 water systems; amending s. 403.973, F.S.; authorizing  
123 expedited permitting for certain commercial or  
124 industrial development projects that individually or  
125 collectively will create a minimum number of jobs;  
126 providing for a project-specific memorandum of  
127 agreement to apply to a project subject to expedited  
128 permitting; clarifying the authority of the department  
129 to enter final orders for the issuance of certain  
130 licenses; revising criteria for the review of certain  
131 sites; amending s. 526.203, F.S.; revising the  
132 definition of the term "blended gasoline"; defining  
133 the term "renewable fuel"; authorizing the sale of  
134 unblended fuels for certain uses; providing an  
135 effective date.

136  
137 Be It Enacted by the Legislature of the State of Florida:

138  
139 Section 1. Section 125.022, Florida Statutes, is amended to  
140 read:

141 125.022 Development permits.—If ~~When~~ a county denies an  
142 application for a development permit, the county shall give  
143 written notice to the applicant. The notice must include a  
144 citation to the applicable portions of an ordinance, rule,  
145 statute, or other legal authority for the denial of the permit.

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As used in this section, the term "development permit" has the same meaning as in s. 163.3164. A county may not require as a condition of processing a development permit that an applicant obtain a permit or approval from a state or federal agency unless that agency has issued a notice of intent to deny the federal or state permit before the county action on the local development permit. The issuance of a development permit by a county does not create a right on the part of the applicant to obtain a permit from a state or federal agency and does not create a liability on the part of the county for issuance of the permit if the applicant fails to fulfill its legal obligations to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency. A county may attach such a disclaimer to the issuance of a development permit and may include a permit condition that all other applicable state or federal permits be obtained before commencement of the development. This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 2. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits.—~~If~~ When a municipality denies an application for a development permit, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit. As used in this section, the term "development permit" has the same meaning as in s. 163.3164. A municipality may not require as a condition of processing a development permit that an

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175 applicant obtain a permit or approval from a state or federal  
176 agency unless that agency has issued a notice of intent to deny  
177 the federal or state permit before the municipal action on the  
178 local development permit. The issuance of a development permit  
179 by a municipality does not create a right on the part of an  
180 applicant to obtain a permit from a state or federal agency and  
181 does not create any liability on the part of the municipality  
182 for issuance of the permit if the applicant fails to fulfill its  
183 legal obligations to obtain requisite approvals or fulfill the  
184 obligations imposed by a state or federal agency. A municipality  
185 may attach such a disclaimer to the issuance of a development  
186 permit and may include a permit condition that all other  
187 applicable state or federal permits be obtained before  
188 commencement of the development. This section does not prohibit  
189 a municipality from providing information to an applicant  
190 regarding what other state or federal permits may apply.

191 Section 3. Section 218.075, Florida Statutes, is amended to  
192 read:

193 218.075 Reduction or waiver of permit processing fees.—  
194 Notwithstanding any other provision of law, the Department of  
195 Environmental Protection and the water management districts  
196 shall reduce or waive permit processing fees for a county that  
197 has ~~counties with~~ a population of 50,000 or fewer ~~less~~ on April  
198 1, 1994, until such county exceeds ~~counties exceed~~ a population  
199 of 75,000; for a municipality that has ~~and municipalities with~~ a  
200 population of 25,000 or fewer; for an entity created by special  
201 act, local ordinance, or interlocal agreement of such county or  
202 municipality; less, ~~or for a~~ any county or municipality not  
203 included within a metropolitan statistical area. Fee reductions

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or waivers shall be approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

(1) Per capita taxable value is less than the statewide average for the current fiscal year;

(2) Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;

(3) Any condition specified in s. 218.503(1) which results in the county or municipality being in a state of financial emergency;

(4) Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or

(5) A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

The permit applicant must be the governing body of a county or municipality, ~~or~~ a third party under contract with a county or municipality, or an entity created by special act, local ordinance, or interlocal agreement, and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee may ~~shall~~ not exceed \$100.

Section 4. Paragraphs (a) and (b) of subsection (3) of section 258.397, Florida Statutes, are amended to read:



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233 258.397 Biscayne Bay Aquatic Preserve.—

234 (3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the  
235 Internal Improvement Trust Fund is authorized and directed to  
236 maintain the aquatic preserve hereby created pursuant and  
237 subject to the following provisions:

238 (a) A ~~No further~~ sale, transfer, or lease of sovereignty  
239 submerged lands in the preserve may not ~~shall~~ be approved or  
240 consummated by the board of trustees, except upon a showing of  
241 extreme hardship on the part of the applicant and a  
242 determination by the board of trustees that such sale, transfer,  
243 or lease is in the public interest. A municipal applicant  
244 proposing a project under paragraph (b) is exempt from showing  
245 extreme hardship.

246 (b) A ~~No further~~ dredging or filling of submerged lands of  
247 the preserve may not ~~shall~~ be approved or tolerated by the board  
248 of trustees except:

249 1. Such minimum dredging and spoiling as may be authorized  
250 for public navigation projects or for such minimum dredging and  
251 spoiling as may be constituted as a public necessity or for  
252 preservation of the bay according to the expressed intent of  
253 this section.

254 2. Such other alteration of physical conditions, including  
255 the placement of riprap, as may be necessary to enhance the  
256 quality and utility of the preserve.

257 3. Such minimum dredging and filling as may be authorized  
258 for the creation and maintenance of marinas, piers, and docks  
259 and their attendant navigation channels and access roads. Such  
260 projects may ~~only~~ be authorized only upon a specific finding by  
261 the board of trustees that there is assurance that the project

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will be constructed and operated in a manner that will not adversely affect the water quality and utility of the preserve. This subparagraph does ~~shall~~ not authorize the connection of upland canals to the waters of the preserve.

4. Such dredging as ~~is~~ necessary for the purpose of eliminating conditions hazardous to the public health or for the purpose of eliminating stagnant waters, islands, and spoil banks, the dredging of which would enhance the aesthetic and environmental quality and utility of the preserve and be clearly in the public interest as determined by the board of trustees.

5. Such dredging and filling as necessary for the creation of public waterfront promenades.

Any dredging or filling under this subsection or improvements under subsection (5) may ~~shall~~ be approved only after public notice as provided by s. 253.115.

Section 5. Subsection (4) of section 339.63, Florida Statutes, is amended, and subsections (5) and (6) are added to that section, to read:

339.63 System facilities designated; additions and deletions.—

(4) After the initial designation of the Strategic Intermodal System under subsection (1), the department shall, in coordination with the metropolitan planning organizations, local governments, regional planning councils, transportation providers, and affected public agencies, add facilities to or delete facilities from the Strategic Intermodal System described in paragraph (2)(a) based upon criteria adopted by the department with the exceptions provided in subsections (5) and

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291 (6).

292 (5) ~~However,~~ An airport that is designated as a reliever  
293 airport to a Strategic Intermodal System airport which has at  
294 least 75,000 itinerant operations per year, has a runway length  
295 of at least 5,500 linear feet, is capable of handling aircraft  
296 weighing at least 60,000 pounds with a dual wheel configuration  
297 which is served by at least one precision instrument approach,  
298 and serves a cluster of aviation-dependent industries, shall be  
299 designated as part of the Strategic Intermodal System by the  
300 Secretary of Transportation upon the request of a reliever  
301 airport meeting this criteria.

302 (6) A planned facility that is projected to create at least  
303 50 full-time jobs and is designated in the local comprehensive  
304 plan as an intermodal logistics center or inland logistics  
305 center, or the local equivalent, and meets the following  
306 criteria shall be designated as part of the Strategic Intermodal  
307 System by the Secretary of Transportation upon the request of a  
308 planned intermodal logistics center facility. The planned  
309 facility must:

310 (a) Serve the purpose of receiving or sending cargo for  
311 distribution and providing cargo storage, consolidation, and  
312 repackaging and transfer of goods, and may, if developed as  
313 proposed, include other intermodal terminals, related  
314 transportation facility, warehousing and distribution, and  
315 associated office space, light industrial, manufacturing, and  
316 assembly uses;

317 (b) Be proximate to one or more Strategic Intermodal  
318 System-designated highway facility for the purpose of  
319 facilitating regional freight traffic movements within the

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state;

(c) Be located within 30 miles to an existing Strategic Intermodal System- or Emerging Strategic Intermodal System- designated rail line;

(d) Be located within 100 miles of a Strategic Intermodal System-designated seaport, for the purpose of providing additional relief for expansion of cargo storage and seaport movement capacity, and have a collaborative agreement, letter of interest, or memorandum of understanding with the seaport; and

(e) Be consistent with market feasibility studies for location and size of a intermodal logistics center or an inland port facility as published by the Department of Transportation or other sources.

If a planned facility is designated as an intermodal logistics center or inland logistics center, or the local equivalent, a local government must adopt a waiver of transportation concurrency or a limited exemption that allows up to 150 percent increase in the adopted level of service capacity standard for the project's impact to roadway facilities on the Strategic Intermodal System.

Section 6. Subsection (10) is added to section 373.026, Florida Statutes, to read:

373.026 General powers and duties of the department.—The department, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water

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management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(10) Expand the use of Internet-based self-certification services for appropriate exemptions and general permits issued by the department and the water management districts, if the expansion is economically feasible. In addition to expanding the use of Internet-based, self-certification services for appropriate exemptions and general permits, the department and the water management districts shall identify and develop general permits for appropriate activities currently requiring individual review which could be expedited through the use of applicable professional certification.

Section 7. Section 373.306, Florida Statutes, is amended to read:

373.306 Scope.—~~A No person may not shall~~ construct, repair, abandon, or cause to be constructed, repaired, or abandoned, any water well contrary to the provisions of this part and applicable rules ~~and regulations~~. This part does ~~shall~~ not apply to equipment used temporarily for dewatering purposes or to the process used in dewatering or to wells that have been authorized under the state's underground injection control program pursuant to department rules.

Section 8. Subsection (2) of section 373.4141, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

373.4141 Permits; processing.—

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(2) A permit shall be approved, ~~or~~ denied, or subject to a notice of proposed agency action within 60 ~~90~~ days after receipt of the original application, the last item of timely requested additional material, or the applicant's written request to begin processing the permit application.

(4) A state agency or an agency of the state may not require as a condition of approval for a permit or as an item to complete a pending permit application that an applicant obtain a permit or approval from any other local, state, or federal agency without explicit statutory authority to require such permit or approval.

Section 9. Section 373.4144, Florida Statutes, is amended to read:

373.4144 Federal environmental permitting.—

(1) It is the intent of the Legislature to facilitate the coordination of a more efficient process for implementing regulatory duties and functions between the Department of Environmental Protection, the water management districts, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Environmental Protection Agency, the Fish and Wildlife Conservation Commission, and other relevant federal and state agencies.

(2) The Department of Environmental Protection may obtain issuance by the United States Army Corps of Engineers, pursuant to state and federal law and as set forth in this section, of an expanded state programmatic general permit, or a series of regional general permits, for categories of activities in waters of the United States governed by the Clean Water Act and in

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407 navigable waters under the Rivers and Harbors Act of 1899 which  
408 are similar in nature, which will cause only minimal adverse  
409 environmental effects when performed separately, and which will  
410 have only minimal cumulative adverse effects on the environment.

411 (3) The Department of Environmental Protection may use a  
412 state general permit or a regional general permit to eliminate  
413 overlapping federal regulations and state rules that protect the  
414 same resource and to avoid duplication of permitting between the  
415 United States Army Corps of Engineers and the department for  
416 minor work located in waters of the United States, including  
417 navigable waters, and to eliminate, in appropriate cases, the  
418 need for a separate individual approval from the United States  
419 Army Corps of Engineers while ensuring the most stringent  
420 protection of wetland resources.

421 (4) The department may not seek issuance of or take any  
422 action pursuant to a permit unless the conditions of that permit  
423 are at least as protective of the environment and natural  
424 resources as existing state law under this part and federal law  
425 under the Clean Water Act and the Rivers and Harbors Act of  
426 1899.

427 (5) The department and the water management districts may  
428 implement a voluntary state programmatic general permit for all  
429 dredge and fill activities impacting 3 acres or less of wetlands  
430 or other surface waters, including navigable waters, subject to  
431 agreement with the United States Army Corps of Engineers, if the  
432 general permit is at least as protective of the environment and  
433 natural resources as existing state law under this part and  
434 federal law under the Clean Water Act and the Rivers and Harbors  
435 Act of 1899.

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~~(1) The department is directed to develop, on or before October 1, 2005, a mechanism or plan to consolidate, to the maximum extent practicable, the federal and state wetland permitting programs. It is the intent of the Legislature that all dredge and fill activities impacting 10 acres or less of wetlands or waters, including navigable waters, be processed by the state as part of the environmental resource permitting program implemented by the department and the water management districts. The resulting mechanism or plan shall analyze and propose the development of an expanded state programmatic general permit program in conjunction with the United States Army Corps of Engineers pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors Act of 1899. Alternatively, or in combination with an expanded state programmatic general permit, the mechanism or plan may propose the creation of a series of regional general permits issued by the United States Army Corps of Engineers pursuant to the referenced statutes. All of the regional general permits must be administered by the department or the water management districts or their designees.~~

~~(2) The department is directed to file with the Speaker of the House of Representatives and the President of the Senate a report proposing any required federal and state statutory changes that would be necessary to accomplish the directives listed in this section and to coordinate with the Florida Congressional Delegation on any necessary changes to federal law to implement the directives.~~

~~(6)-(3) Nothing in This section does not shall be construed to preclude the department from pursuing a series of regional~~



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465 general permits for construction activities in wetlands or  
466 surface waters or from pursuing complete assumption of federal  
467 permitting programs regulating the discharge of dredged or fill  
468 material pursuant to s. 404 of the Clean Water Act, Pub. L. No.  
469 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the  
470 Rivers and Harbors Act of 1899, so long as the assumption  
471 encompasses all dredge and fill activities in, on, or over  
472 jurisdictional wetlands or waters, including navigable waters,  
473 within the state.

474 Section 10. Present subsections (3), (4), and (5) of  
475 section 373.441, Florida Statutes, are renumbered as subsections  
476 (7), (8), and (9), respectively, and new subsections (3), (4),  
477 and (5) and subsection (6) are added to that section, to read:

478 373.441 Role of counties, municipalities, and local  
479 pollution control programs in permit processing; delegation.—

480 (3) A county or municipality that has a population of  
481 400,000 or more as of July 1, 2012, and that implements a local  
482 pollution control program regulating all or a portion of the  
483 wetlands or surface waters throughout its geographic boundary  
484 must apply for delegation of state environmental resource  
485 permitting authority before January 1, 2014. If the county or  
486 municipality fails to receive delegation of all or a portion of  
487 state environmental resource permitting authority within 2 years  
488 after submitting its application for delegation or by January 1,  
489 2016, at the latest, it may not require permits that in part or  
490 in full are substantially similar to the requirements needed to  
491 obtain an environmental resource permit. A county or  
492 municipality that has received delegation before January 1,  
493 2014, does not need to reapply.

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494       (4) The department may delegate state environmental  
495 resource permitting authority to local governments. The  
496 department must grant or deny an application for delegation of  
497 authority submitted by a county or municipality that meets the  
498 criteria in subsection (3) within 2 years after receipt of the  
499 application. If an application for delegation of authority is  
500 denied, any available legal challenge to the denial tolls the  
501 preemption deadline until resolution of the legal challenge.  
502 Upon delegation of authority to a qualified local government,  
503 the department and water management district may not regulate  
504 the activities delegated to the qualified local government  
505 within that jurisdiction.

506       (5) This section does not prohibit or limit a local  
507 government that meets the criteria in subsection (3) from  
508 regulating wetlands or surface waters on or after January 1,  
509 2014, if the local government receives delegation of all or a  
510 portion of state environmental resource permitting authority  
511 within 2 years after submitting its application for the  
512 delegation.

513       (6) Notwithstanding subsections (3), (4), and (5), this  
514 section does not apply to environmental resource permitting or  
515 reclamation applications for solid mineral mining and does not  
516 prohibit the application of local government regulations to any  
517 new solid mineral mine or any proposed addition to, change to,  
518 or expansion of an existing solid mineral mine.

519       Section 11. Paragraph (b) of subsection (11) of section  
520 376.3071, Florida Statutes, is amended to read:

521       376.3071 Inland Protection Trust Fund; creation; purposes;  
522 funding.—

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(11)

(b) *Low-scored site initiative.*—Notwithstanding s. 376.30711, any site with a priority ranking score of 10 points or less may voluntarily participate in the low-scored site initiative, whether or not the site is eligible for state restoration funding.

1. To participate in the low-scored site initiative, the responsible party or property owner must affirmatively demonstrate that the following conditions are met:

a. Upon reassessment pursuant to department rule, the site retains a priority ranking score of 10 points or less.

b. No excessively contaminated soil, as defined by department rule, exists onsite as a result of a release of petroleum products.

c. A minimum of 6 months of groundwater monitoring indicates that the plume is shrinking or stable.

d. The release of petroleum products at the site does not adversely affect adjacent surface waters, including their effects on human health and the environment.

e. The area of groundwater containing the petroleum products' chemicals of concern is less than one-quarter acre and is confined to the source property boundaries of the real property on which the discharge originated.

f. Soils onsite that are subject to human exposure found between land surface and 2 feet below land surface meet the soil cleanup target levels established by department rule or human exposure is limited by appropriate institutional or engineering controls.

2. Upon affirmative demonstration of the conditions under

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552 subparagraph 1., the department shall issue a determination of  
553 "No Further Action." Such determination acknowledges that  
554 minimal contamination exists onsite and that such contamination  
555 is not a threat to human health or the environment. If no  
556 contamination is detected, the department may issue a site  
557 rehabilitation completion order.

558 3. Sites that are eligible for state restoration funding  
559 may receive payment of preapproved costs for the low-scored site  
560 initiative as follows:

561 a. A responsible party or property owner may submit an  
562 assessment plan designed to affirmatively demonstrate that the  
563 site meets the conditions under subparagraph 1. Notwithstanding  
564 the priority ranking score of the site, the department may  
565 preapprove the cost of the assessment pursuant to s. 376.30711,  
566 including 6 months of groundwater monitoring, not to exceed  
567 \$30,000 for each site. The department may not pay the costs  
568 associated with the establishment of institutional or  
569 engineering controls.

570 b. The assessment work shall be completed no later than 6  
571 months after the department issues its approval.

572 c. No more than \$10 million for the low-scored site  
573 initiative may ~~shall~~ be encumbered from the Inland Protection  
574 Trust Fund in any fiscal year. Funds shall be made available on  
575 a first-come, first-served basis and shall be limited to 10  
576 sites in each fiscal year for each responsible party or property  
577 owner.

578 d. Program deductibles, copayments, and the limited  
579 contamination assessment report requirements under paragraph  
580 (13) (c) do not apply to expenditures under this paragraph.

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581 Section 12. Section 376.30715, Florida Statutes, is amended  
582 to read:

583 376.30715 Innocent victim petroleum storage system  
584 restoration.—A contaminated site acquired by the current owner  
585 before ~~prior to~~ July 1, 1990, which has ceased operating as a  
586 petroleum storage or retail business before ~~prior to~~ January 1,  
587 1985, is eligible for financial assistance pursuant to s.  
588 376.305(6), notwithstanding s. 376.305(6)(a). For purposes of  
589 this section, the term “acquired” means the acquisition of title  
590 to the property; however, a subsequent transfer of the property  
591 to a spouse or a child of the owner, a surviving spouse or a  
592 child of the owner in trust or free of trust, ~~or~~ a revocable  
593 trust created for the benefit of the settlor, or a corporate  
594 entity created by the owner to hold title to the site does not  
595 disqualify the site from financial assistance pursuant to s.  
596 376.305(6). Applicants previously denied coverage may reapply.  
597 Eligible sites shall be ranked in accordance with s.  
598 376.3071(5).

599 Section 13. Subsection (1) of section 380.0657, Florida  
600 Statutes, is amended to read:

601 380.0657 Expedited permitting process for economic  
602 development projects.—

603 (1) The Department of Environmental Protection and, as  
604 appropriate, the water management districts created under  
605 chapter 373 shall adopt programs to expedite the processing of  
606 wetland resource and environmental resource permits for economic  
607 development projects that have been identified by a municipality  
608 or county as meeting the definition of target industry  
609 businesses under s. 288.106, or any inland multimodal facility

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610 receiving or sending cargo to or from state ports, with the  
611 exception of those projects requiring approval by the Board of  
612 Trustees of the Internal Improvement Trust Fund.

613 Section 14. Subsection (11) of section 403.061, Florida  
614 Statutes, is amended to read:

615 403.061 Department; powers and duties.—The department shall  
616 have the power and the duty to control and prohibit pollution of  
617 air and water in accordance with the law and rules adopted and  
618 promulgated by it and, for this purpose, to:

619 (11) Establish ambient air quality and water quality  
620 standards for the state as a whole or for any part thereof, and  
621 also standards for the abatement of excessive and unnecessary  
622 noise. The department may ~~is authorized to~~ establish reasonable  
623 zones of mixing for discharges into waters. For existing  
624 installations as defined by department rule, zones of discharge  
625 to groundwater are authorized to a facility's or owner's  
626 property boundary and extending to the base of a specifically  
627 designated aquifer or aquifers. Primary and secondary  
628 groundwater standards that are exceeded and that occur within a  
629 zone of discharge do not create a liability pursuant to this  
630 chapter or chapter 376 for site cleanup, and soil cleanup target  
631 levels that are exceeded are not a basis for enforcement or site  
632 cleanup.

633 (a) ~~If When~~ a receiving body of water fails to meet a water  
634 quality standard for pollutants set forth in department rules, a  
635 steam electric generating plant discharge of pollutants that is  
636 existing or licensed under this chapter on July 1, 1984, may  
637 nevertheless be granted a mixing zone, provided that:

638 1. The standard would not be met in the water body in the

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639 absence of the discharge;

640 2. The discharge is in compliance with all applicable  
641 technology-based effluent limitations;

642 3. The discharge does not cause a measurable increase in  
643 the degree of noncompliance with the standard at the boundary of  
644 the mixing zone; and

645 4. The discharge otherwise complies with the mixing zone  
646 provisions specified in department rules.

647 (b) A ~~No~~ mixing zone for point source discharges may not  
648 ~~shall~~ be permitted in Outstanding Florida Waters except for:

649 1. Sources that have received permits from the department  
650 prior to April 1, 1982, or the date of designation, whichever is  
651 later;

652 2. Blowdown from new power plants certified pursuant to the  
653 Florida Electrical Power Plant Siting Act;

654 3. Discharges of water necessary for water management  
655 purposes which have been approved by the governing board of a  
656 water management district and, if required by law, by the  
657 secretary; and

658 4. The discharge of demineralization concentrate which has  
659 been determined permittable under s. 403.0882 and which meets  
660 the specific provisions of s. 403.0882(4)(a) and (b), if the  
661 proposed discharge is clearly in the public interest.

662 (c) The department, by rule, shall establish water quality  
663 criteria for wetlands which criteria give appropriate  
664 recognition to the water quality of such wetlands in their  
665 natural state.

666  
667 ~~Nothing in This act~~ does not ~~shall be construed to~~ invalidate

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any existing department rule relating to mixing zones. The department shall cooperate with the Department of Highway Safety and Motor Vehicles in the development of regulations required by s. 316.272(1).

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 15. Subsection (7) of section 403.087, Florida Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(7) A permit issued pursuant to this section does ~~shall~~ not become a vested right in the permittee. The department may revoke any permit issued by it if it finds that the permit holder has:

(a) ~~Has~~ Submitted false or inaccurate information in the ~~his or her~~ application for the permit;

(b) ~~Has~~ Violated law, department orders, rules, ~~or~~ ~~regulations~~, or ~~permit~~ conditions;

(c) ~~Has~~ Failed to submit operational reports or other information required by department rule which directly relates to the permit and has refused to correct or cure such violation when requested to do so ~~or regulation~~; or

(d) ~~Has~~ Refused lawful inspection under s. 403.091 at the facility authorized by the permit.

Section 16. Subsection (2) of section 403.1838, Florida Statutes, is amended to read:



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697 403.1838 Small Community Sewer Construction Assistance  
698 Act.—

699 (2) The department shall use funds specifically  
700 appropriated to award grants under this section to assist  
701 financially disadvantaged small communities with their needs for  
702 adequate sewer facilities. For purposes of this section, the  
703 term "financially disadvantaged small community" means a  
704 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer  
705 ~~less~~, according to the latest decennial census and a per capita  
706 annual income less than the state per capita annual income as  
707 determined by the United States Department of Commerce.

708 Section 17. Paragraph (f) of subsection (1) of section  
709 403.7045, Florida Statutes, is amended to read:

710 403.7045 Application of act and integration with other  
711 acts.—

712 (1) The following wastes or activities shall not be  
713 regulated pursuant to this act:

714 (f) Industrial byproducts, if:

715 1. A majority of the industrial byproducts are demonstrated  
716 to be sold, used, or reused within 1 year.

717 2. The industrial byproducts are not discharged, deposited,  
718 injected, dumped, spilled, leaked, or placed upon any land or  
719 water so that such industrial byproducts, or any constituent  
720 thereof, may enter other lands or be emitted into the air or  
721 discharged into any waters, including groundwaters, or otherwise  
722 enter the environment such that a threat of contamination in  
723 excess of applicable department standards and criteria or a  
724 significant threat to public health is caused.

725 3. The industrial byproducts are not hazardous wastes as

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defined under s. 403.703 and rules adopted under this section.

Sludge from an industrial waste treatment works which meets the exemption requirements of this paragraph is not solid waste as defined in s. 403.703(32).

Section 18. Subsections (2) and (3) of section 403.707, Florida Statutes, are amended to read:

403.707 Permits.—

(2) Except as provided in s. 403.722(6), a permit under this section is not required for the following, ~~if the activity does not create a public nuisance or any condition adversely affecting the environment or public health and does not violate other state or local laws, ordinances, rules, regulations, or orders:~~

(a) Disposal by persons of solid waste resulting from their own activities on their own property, if such waste is ordinary household waste from their residential property or is rocks, soils, trees, tree remains, and other vegetative matter that normally result from land development operations. Disposal of materials that could create a public nuisance or adversely affect the environment or public health, such as white goods; automotive materials, such as batteries and tires; petroleum products; pesticides; solvents; or hazardous substances, is not covered under this exemption.

(b) Storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, or property subject to a homeowners' ~~homeowners~~ or maintenance association for which the person contributes association assessments, if the solid waste in such containers

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is collected at least once a week.

(c) Disposal by persons of solid waste resulting from their own activities on their property, if the environmental effects of such disposal on groundwater and surface waters are:

1. Addressed or authorized by a site certification order issued under part II or a permit issued by the department under this chapter or rules adopted pursuant to this chapter; or

2. Addressed or authorized by, or exempted from the requirement to obtain, a groundwater monitoring plan approved by the department. If a facility has a permit authorizing disposal activity, a new area where solid waste is being disposed of which is monitored by an existing or modified groundwater monitoring plan is not required to be specifically authorized in a permit or other certification.

(d) Disposal by persons of solid waste resulting from their own activities on their own property, if such disposal occurred prior to October 1, 1988.

(e) Disposal of solid waste resulting from normal farming operations as defined by department rule. Polyethylene agricultural plastic, damaged, nonsalvageable, untreated wood pallets, and packing material that cannot be feasibly recycled, which are used in connection with agricultural operations related to the growing, harvesting, or maintenance of crops, may be disposed of by open burning if a public nuisance or any condition adversely affecting the environment or the public health is not created by the open burning and state or federal ambient air quality standards are not violated.

(f) The use of clean debris as fill material in any area. However, this paragraph does not exempt any person from

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obtaining any other required permits, and does not affect a person's responsibility to dispose of clean debris appropriately if it is not to be used as fill material.

(g) Compost operations that produce less than 50 cubic yards of compost per year when the compost produced is used on the property where the compost operation is located.

(3)(a) All applicable provisions of ss. 403.087 and 403.088, relating to permits, apply to the control of solid waste management facilities.

(b) A permit, including a general permit, issued to a solid waste management facility that is designed with a leachate control system meeting department requirements shall be issued for a term of 20 years unless the applicant requests a shorter permit term. Notwithstanding the limitations of s. 403.087(6)(a), existing permit fees for a qualifying solid waste management facility shall be adjusted to the permit term authorized by this section. This paragraph applies to a qualifying solid waste management facility that applies for an operating or construction permit or renews an existing operating or construction permit on or after October 1, 2012.

(c) A permit, including a general permit, but not including a registration, issued to a solid waste management facility that does not have a leachate control system meeting department requirements shall be renewed for a term of 10 years, unless the applicant requests a shorter term, if the following conditions are met:

1. The applicant has conducted the regulated activity at the same site for which the renewal is sought for at least 4 years and 6 months before the date that the permit application

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813 is received by the department; and

814 2. At the time of applying for the renewal permit:

815 a. The applicant is not subject to a notice of violation,  
816 consent order, or administrative order issued by the department  
817 for violation of an applicable law or rule;

818 b. The department has not notified the applicant that the  
819 applicant is required to implement assessment or evaluation  
820 monitoring as a result of applicable groundwater standards or  
821 criteria being exceeded, or, if applicable, the applicant is  
822 completing corrective actions in accordance with applicable  
823 department rules; and

824 c. The applicant is in compliance with the applicable  
825 financial assurance requirements.

826 (d) The department may adopt rules to administer this  
827 subsection; however, the provisions of chapter 120 which require  
828 a statement of estimated regulatory cost and legislative  
829 ratification do not apply to such rulemaking, and the department  
830 is not required to submit the rules to the Environmental  
831 Regulation Commission for approval. Notwithstanding the  
832 limitations of s. 403.087(6)(a), permit fee caps for solid waste  
833 management facilities shall be prorated to reflect the extended  
834 permit term authorized by this subsection.

835 Section 19. Subsection (5) is added to section 403.709,  
836 Florida Statutes, to read:

837 403.709 Solid Waste Management Trust Fund; use of waste  
838 tire fees.—There is created the Solid Waste Management Trust  
839 Fund, to be administered by the department.

840 (5) A solid waste landfill closure account is created  
841 within the Solid Waste Management Trust Fund to provide funding

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for the closing and long-term care of solid waste management facilities, if:

- (a) The facility has or had a department permit to operate;
- (b) The permittee provided proof of financial assurance for closure in the form of an insurance certificate;
- (c) The facility has been deemed to be abandoned or has been ordered to close by the department; and
- (d) Closure will be accomplished in substantial accordance with a closure plan approved by the department.

The department has a reasonable expectation that the insurance company issuing the closure insurance policy will provide or reimburse most or all of the funds required to complete the closing and long-term care of the facility. If the insurance company reimburses the department for the costs of the closing or long-term care of the facility, the department shall deposit the funds into the solid waste landfill closure account.

Section 20. Section 403.7125, Florida Statutes, is amended to read:

403.7125 Financial assurance ~~for closure.~~

(1) Each ~~Every~~ owner or operator of a landfill is jointly and severally liable for the improper operation and closure of the landfill, as provided by law. As used in this section, the term "owner or operator" means any owner of record of any interest in land wherein a landfill is or has been located and any person or corporation that owns a majority interest in any other corporation that is the owner or operator of a landfill.

(2) The owner or operator of a landfill owned or operated by a local or state government or the Federal Government shall

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871 establish a fee, or a surcharge on existing fees or other  
872 appropriate revenue-producing mechanism, to ensure the  
873 availability of financial resources for the proper closure of  
874 the landfill. However, the disposal of solid waste by persons on  
875 their own property, as described in s. 403.707(2), is exempt  
876 from this section.

877 (a) The revenue-producing mechanism must produce revenue at  
878 a rate sufficient to generate funds to meet state and federal  
879 landfill closure requirements.

880 (b) The revenue shall be deposited in an interest-bearing  
881 escrow account to be held and administered by the owner or  
882 operator. The owner or operator shall file with the department  
883 an annual audit of the account. The audit shall be conducted by  
884 an independent certified public accountant. Failure to collect  
885 or report such revenue, except as allowed in subsection (3), is  
886 a noncriminal violation punishable by a fine of not more than  
887 \$5,000 for each offense. The owner or operator may make  
888 expenditures from the account and its accumulated interest only  
889 for the purpose of landfill closure and, if such expenditures do  
890 not deplete the fund to the detriment of eventual closure, for  
891 planning and construction of resource recovery or landfill  
892 facilities. Any moneys remaining in the account after paying for  
893 proper and complete closure, as determined by the department,  
894 shall, if the owner or operator does not operate a landfill, be  
895 deposited by the owner or operator into the general fund or the  
896 appropriate solid waste fund of the local government of  
897 jurisdiction.

898 (c) The revenue generated under this subsection and any  
899 accumulated interest thereon may be applied to the payment of,

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or pledged as security for, the payment of revenue bonds issued in whole or in part for the purpose of complying with state and federal landfill closure requirements. Such application or pledge may be made directly in the proceedings authorizing such bonds or in an agreement with an insurer of bonds to assure such insurer of additional security therefor.

(d) The provisions of s. 212.055 which relate to raising of revenues for landfill closure or long-term maintenance do not relieve a landfill owner or operator from the obligations of this section.

(e) The owner or operator of any landfill that had established an escrow account in accordance with this section and the conditions of its permit before ~~prior to~~ January 1, 2007, may continue to use that escrow account to provide financial assurance for closure of that landfill, even if that landfill is not owned or operated by a local or state government or the Federal Government.

(3) An owner or operator of a landfill owned or operated by a local or state government or by the Federal Government may provide financial assurance to the department in lieu of the requirements of subsection (2). An owner or operator of any other landfill, or any other solid waste management facility designated by department rule, shall provide financial assurance to the department for the closure of the facility. Such financial assurance may include surety bonds, certificates of deposit, securities, letters of credit, or other documents showing that the owner or operator has sufficient financial resources to cover, at a minimum, the costs of complying with applicable closure requirements. The owner or operator shall



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estimate such costs to the satisfaction of the department.

(4) This section does not repeal, limit, or abrogate any other law authorizing local governments to fix, levy, or charge rates, fees, or charges for the purpose of complying with state and federal landfill closure requirements.

(5) The department shall by rule require that the owner or operator of a solid waste management facility that receives waste on or after October 9, 1993, and that is required by department rule to undertake corrective actions for violations of water quality standards provide financial assurance for the cost of completing such corrective actions. The same financial assurance mechanisms that are available for closure costs shall be available for costs associated with undertaking corrective actions.

(6)~~(5)~~ The department shall adopt rules to implement this section.

Section 21. Subsection (12) is added to section 403.814, Florida Statutes, to read:

403.814 General permits; delegation.—

(12) A general permit shall be granted for the construction, alteration, and maintenance of a surface water management system serving a total project area of up to 10 acres. The construction of the system may proceed without any agency action by the department or water management district if:

(a) The total project area is less than 10 acres;

(b) The total project area involves less than 2 acres of impervious surface;

(c) The activities will not impact wetlands or other surface waters;

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958       (d) The activities are not conducted in, on, or over  
959 wetlands or other surface waters;

960       (e) Drainage facilities will not include pipes having  
961 diameters greater than 24 inches, or the hydraulic equivalent,  
962 and will not use pumps in any manner;

963       (f) The project is not part of a larger common plan,  
964 development, or sale;

965       (g) The project does not cause:

966       1. Adverse water quantity or flooding impacts to receiving  
967 water and adjacent lands;

968       2. Adverse impacts to existing surface water storage and  
969 conveyance capabilities;

970       3. A violation of state water quality standards; or

971       4. An adverse impact to the maintenance of surface or  
972 ground water levels or surface water flows established pursuant  
973 to s. 373.042 or a work of the district established pursuant to  
974 s. 373.086; and

975       (h) The surface water management system design plans are  
976 signed and sealed by a Florida-registered professional who  
977 attests that the system will perform and function as proposed  
978 and has been designed in accordance with appropriate, generally  
979 accepted performance standards and scientific principles.

980       Section 22. Subsection (6) of section 403.853, Florida  
981 Statutes, is amended to read:

982       403.853 Drinking water standards.—

983       (6) Upon the request of the owner or operator of a  
984 transient noncommunity water system using groundwater as a  
985 source of supply and serving religious institutions or  
986 businesses, other than restaurants or other public food service

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987 establishments or religious institutions with school or day care  
988 services, ~~and using groundwater as a source of supply,~~ the  
989 department, or a local county health department designated by  
990 the department, shall perform a sanitary survey of the facility.  
991 Upon receipt of satisfactory survey results according to  
992 department criteria, the department shall reduce the  
993 requirements of such owner or operator from monitoring and  
994 reporting on a quarterly basis to performing these functions on  
995 an annual basis. Any revised monitoring and reporting schedule  
996 approved by the department under this subsection shall apply  
997 until such time as a violation of applicable state or federal  
998 primary drinking water standards is determined by the system  
999 owner or operator, by the department, or by an agency designated  
1000 by the department, after a random or routine sanitary survey.  
1001 Certified operators are not required for transient noncommunity  
1002 water systems of the type and size covered by this subsection.  
1003 Any reports required of such system shall be limited to the  
1004 minimum as required by federal law. When not contrary to the  
1005 provisions of federal law, the department may, upon request and  
1006 by rule, waive additional provisions of state drinking water  
1007 regulations for such systems.

1008 Section 23. Paragraph (a) of subsection (3) and subsections  
1009 (4), (5), (10), (11), (14), (15), and (18) of section 403.973,  
1010 Florida Statutes, are amended to read:

1011 403.973 Expedited permitting; amendments to comprehensive  
1012 plans.—

1013 (3)(a) The secretary shall direct the creation of regional  
1014 permit action teams for the purpose of expediting review of  
1015 permit applications and local comprehensive plan amendments

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submitted by:

1. Businesses creating at least 50 jobs or a commercial or industrial development project that will be occupied by businesses that would individually or collectively create at least 50 jobs; or

2. Businesses creating at least 25 jobs if the project is located in an enterprise zone, or in a county having a population of fewer than 75,000 or in a county having a population of fewer than 125,000 which is contiguous to a county having a population of fewer than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county.

(4) The regional teams shall be established through the execution of a project-specific memorandum ~~memoranda~~ of agreement developed and executed by the applicant and the secretary, with input solicited from ~~the Department of Economic Opportunity~~ and the respective heads of the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memorandum ~~memoranda~~ of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(5) In order to facilitate local government's option to participate in this expedited review process, the secretary shall, in cooperation with local governments and participating state agencies, create a standard form memorandum of agreement.

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1045 The standard form of the memorandum of agreement shall be used  
1046 only if the local government participates in the expedited  
1047 review process. In the absence of local government  
1048 participation, only the project-specific memorandum of agreement  
1049 executed pursuant to subsection (4) applies. A local government  
1050 shall hold a duly noticed public workshop to review and explain  
1051 to the public the expedited permitting process and the terms and  
1052 conditions of the standard form memorandum of agreement.

1053 (10) The memorandum ~~memoranda~~ of agreement may provide for  
1054 the waiver or modification of procedural rules prescribing  
1055 forms, fees, procedures, or time limits for the review or  
1056 processing of permit applications under the jurisdiction of  
1057 those agencies that are members of the regional permit action  
1058 team ~~party to the memoranda of agreement~~. Notwithstanding any  
1059 other provision of law to the contrary, a memorandum of  
1060 agreement must to the extent feasible provide for proceedings  
1061 and hearings otherwise held separately ~~by the parties to the~~  
1062 ~~memorandum of agreement~~ to be combined into one proceeding or  
1063 held jointly and at one location. Such waivers or modifications  
1064 are not authorized ~~shall not be available~~ for permit  
1065 applications governed by federally delegated or approved  
1066 permitting programs, the requirements of which would prohibit,  
1067 or be inconsistent with, such a waiver or modification.

1068 (11) The memorandum ~~standard form for memoranda~~ of  
1069 agreement must ~~shall~~ include guidelines to be used in working  
1070 with state, regional, and local permitting authorities.  
1071 Guidelines may include, but are not limited to, the following:

1072 (a) A central contact point for filing permit applications  
1073 and local comprehensive plan amendments and for obtaining

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1074 information on permit and local comprehensive plan amendment  
1075 requirements.+

1076 (b) Identification of the individual or individuals within  
1077 each respective agency who will be responsible for processing  
1078 the expedited permit application or local comprehensive plan  
1079 amendment for that agency.+

1080 (c) A mandatory preapplication review process to reduce  
1081 permitting conflicts by providing guidance to applicants  
1082 regarding the permits needed from each agency and governmental  
1083 entity, site planning and development, site suitability and  
1084 limitations, facility design, and steps the applicant can take  
1085 to ensure expeditious permit application and local comprehensive  
1086 plan amendment review. As a part of this process, the first  
1087 interagency meeting to discuss a project shall be held within 14  
1088 days after the secretary's determination that the project is  
1089 eligible for expedited review. Subsequent interagency meetings  
1090 may be scheduled to accommodate the needs of participating local  
1091 governments that are unable to meet public notice requirements  
1092 for executing a memorandum of agreement within this timeframe.  
1093 This accommodation may not exceed 45 days from the secretary's  
1094 determination that the project is eligible for expedited  
1095 review.+

1096 (d) The preparation of a single coordinated project  
1097 description form and checklist and an agreement by state and  
1098 regional agencies to reduce the burden on an applicant to  
1099 provide duplicate information to multiple agencies.+

1100 (e) Establishment of a process for the adoption and review  
1101 of any comprehensive plan amendment needed by any certified  
1102 project within 90 days after the submission of an application

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1103 for a comprehensive plan amendment. However, the memorandum of  
1104 agreement may not prevent affected persons as defined in s.  
1105 163.3184 from appealing or participating in this expedited plan  
1106 amendment process and any review or appeals of decisions made  
1107 under this paragraph. ~~and~~

1108 (f) Additional incentives for an applicant who proposes a  
1109 project that provides a net ecosystem benefit.

1110 (14) (a) Challenges to state agency action in the expedited  
1111 permitting process for projects processed under this section are  
1112 subject to the summary hearing provisions of s. 120.574, except  
1113 that the administrative law judge's decision, as provided in s.  
1114 120.574(2) (f), shall be in the form of a recommended order and  
1115 do not constitute the final action of the state agency. In those  
1116 proceedings where the action of only one agency of the state  
1117 other than the Department of Environmental Protection is  
1118 challenged, the agency of the state shall issue the final order  
1119 within 45 working days after receipt of the administrative law  
1120 judge's recommended order, and the recommended order shall  
1121 inform the parties of their right to file exceptions or  
1122 responses to the recommended order in accordance with the  
1123 uniform rules of procedure pursuant to s. 120.54. In those  
1124 proceedings where the actions of more than one agency of the  
1125 state are challenged, the Governor shall issue the final order  
1126 within 45 working days after receipt of the administrative law  
1127 judge's recommended order, and the recommended order shall  
1128 inform the parties of their right to file exceptions or  
1129 responses to the recommended order in accordance with the  
1130 uniform rules of procedure pursuant to s. 120.54. For This  
1131 ~~paragraph does not apply to~~ the issuance of department licenses

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1132 required under any federally delegated or approved permit  
1133 program. ~~In such instances,~~ the department, and not the  
1134 Governor, shall enter the final order. The participating  
1135 agencies of the state may opt at the preliminary hearing  
1136 conference to allow the administrative law judge's decision to  
1137 constitute the final agency action.

1138 (b) Projects identified in paragraph (3)(f) or challenges  
1139 to state agency action in the expedited permitting process for  
1140 establishment of a state-of-the-art biomedical research  
1141 institution and campus in this state by the grantee under s.  
1142 288.955 are subject to the same requirements as challenges  
1143 brought under paragraph (a), except that, notwithstanding s.  
1144 120.574, summary proceedings must be conducted within 30 days  
1145 after a party files the motion for summary hearing, regardless  
1146 of whether the parties agree to the summary proceeding.

1147 (15) The Department of Economic Opportunity, working with  
1148 the agencies providing cooperative assistance and input  
1149 regarding the memorandum ~~memoranda~~ of agreement, shall review  
1150 sites proposed for the location of facilities that the  
1151 Department of Economic Opportunity has certified to be eligible  
1152 for the Innovation Incentive Program under s. 288.1089. Within  
1153 20 days after the request for the review by the Department of  
1154 Economic Opportunity, the agencies shall provide to the  
1155 Department of Economic Opportunity a statement as to each site's  
1156 necessary permits under local, state, and federal law and an  
1157 identification of significant permitting issues, which if  
1158 unresolved, may result in the denial of an agency permit or  
1159 approval or any significant delay caused by the permitting  
1160 process.



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1161 (18) The Department of Economic Opportunity, working with  
1162 the Rural Economic Development Initiative ~~and the agencies~~  
1163 ~~participating in the memoranda of agreement~~, shall provide  
1164 technical assistance in preparing permit applications and local  
1165 comprehensive plan amendments for counties having a population  
1166 of fewer than 75,000 residents, or counties having fewer than  
1167 125,000 residents which are contiguous to counties having fewer  
1168 than 75,000 residents. Additional assistance may include, but  
1169 not be limited to, guidance in land development regulations and  
1170 permitting processes, working cooperatively with state,  
1171 regional, and local entities to identify areas within these  
1172 counties which may be suitable or adaptable for preclearance  
1173 review of specified types of land uses and other activities  
1174 requiring permits.

1175 Section 24. Subsection (1) of section 526.203, Florida  
1176 Statutes, is amended, and subsection (5) is added to that  
1177 section, to read:

1178 526.203 Renewable fuel standard.—

1179 (1) DEFINITIONS.—As used in this act:

1180 (a) "Blender," "importer," "terminal supplier," and  
1181 "wholesaler" are defined as provided in s. 206.01.

1182 (b) "Blended gasoline" means a mixture of 90 to 91 percent  
1183 gasoline and 9 to 10 percent fuel ethanol or other renewable  
1184 fuel, by volume, which ~~that~~ meets the specifications as adopted  
1185 by the department. The fuel ethanol portion may be derived from  
1186 any agricultural source.

1187 (c) "Fuel ethanol" means an anhydrous denatured alcohol  
1188 produced by the conversion of carbohydrates that meets the  
1189 specifications as adopted by the department.

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1190        (d) "Renewable fuel" means a fuel produced from renewable  
1191 biomass which is used to replace or reduce the quantity of  
1192 fossil fuel present in a transportation fuel.

1193        (e) ~~(d)~~ "Unblended gasoline" means gasoline that has not  
1194 been blended with fuel ethanol and that meets the specifications  
1195 as adopted by the department.

1196        (5) SALE OF UNBLENDED FUELS.—This section does not prohibit  
1197 the sale of unblended fuels for the uses exempted under  
1198 subsection (3).

1199        Section 25. This act shall take effect July 1, 2012.