

1 A bill to be entitled

2 An act relating to environmental regulation; amending s.
3 125.022, F.S.; prohibiting a county from requiring an
4 applicant to obtain a permit or approval from another
5 state or federal agency as a condition of processing a
6 development permit under certain conditions; authorizing a
7 county to attach certain disclaimers to the issuance of a
8 development permit; creating s. 161.032, F.S.; requiring
9 that the Department of Environmental Protection review an
10 application for certain permits under the Beach and Shore
11 Preservation Act and request additional information within
12 a specified time; requiring that the department proceed to
13 process the application if the applicant believes that a
14 request for additional information is not authorized by
15 law or rule; extending the period for an applicant to
16 timely submit additional information, notwithstanding
17 certain provisions of the Administrative Procedure Act;
18 authorizing the department to issue such permits in
19 advance of the issuance of certain permits as provided for
20 in the Endangered Species Act under certain conditions;
21 amending s. 161.041, F.S.; specifying that s. 403.0874,
22 F.S., authorizing expedited permitting, applies to
23 provisions governing coastal construction; prohibiting the
24 Department of Environmental Protection from requiring
25 certain sediment quality specifications or turbidity
26 standards as a permit condition; providing legislative
27 intent with respect to permitting for beach renourishment
28 projects; directing the department to amend specified

29 rules relating to permitting for such projects; amending
30 s. 163.3180, F.S.; providing an exemption to the level-of-
31 service standards adopted under the Strategic Intermodal
32 System for certain inland multimodal facilities;
33 specifying project criteria; amending s. 166.033, F.S.;
34 prohibiting a municipality from requiring an applicant to
35 obtain a permit or approval from another state or federal
36 agency as a condition of processing a development permit
37 under certain conditions; authorizing a county to attach
38 certain disclaimers to the issuance of a development
39 permit; amending s. 218.075, F.S.; providing for the
40 reduction or waiver of permit processing fees relating to
41 projects that serve a public purpose for certain entities
42 created by special act, local ordinance, or interlocal
43 agreement; amending s. 258.397, F.S.; providing an
44 exemption from a showing of extreme hardship relating to
45 the sale, transfer, or lease of sovereignty submerged
46 lands in the Biscayne Bay Aquatic Preserve for certain
47 municipal applicants; providing for additional dredging
48 and filling activities in the preserve; amending s.
49 373.026, F.S.; requiring the Department of Environmental
50 Protection to expand its use of Internet-based self-
51 certification services for exemptions and permits issued
52 by the department and water management districts; amending
53 s. 373.413, F.S.; specifying that s. 403.0874, F.S.,
54 authorizing expedited permitting, applies to provisions
55 governing surface water management and storage; amending
56 s. 373.4135, F.S.; conforming a cross-reference; amending

57 | s. 373.4136, F.S.; clarifying the use of the uniform
58 | mitigation assessment method for mitigation credits for
59 | the establishment and operation of mitigation banks;
60 | amending s. 373.4137, F.S.; revising legislative findings
61 | with respect to the options for mitigation relating to
62 | transportation projects; revising certain requirements for
63 | determining the habitat impacts of transportation
64 | projects; requiring water management districts to purchase
65 | credits from public or private mitigation banks under
66 | certain conditions; providing for the release of certain
67 | mitigation funds held for the benefit of a water
68 | management district if a project is excluded from a
69 | mitigation plan; requiring water management districts to
70 | use private mitigation banks in developing plans for
71 | complying with mitigation requirements; providing an
72 | exception; revising the procedure for excluding a project
73 | from a mitigation plan; amending s. 373.414, F.S.;;
74 | revising provisions for the uniform mitigation assessment
75 | method rule for wetlands and other surface waters;
76 | providing requirements for the interpretation and
77 | application of the uniform mitigation assessment method
78 | rule; providing an exception; defining the terms
79 | "preservation mitigation" and "without preservation" for
80 | the purposes of certain assessments pursuant to the rule;
81 | providing for reassessment of mitigation banks under
82 | certain conditions; amending s. 373.4141, F.S.; providing
83 | a limitation for the request of additional information
84 | from an applicant by the department; providing that

85 failure of an applicant to respond to such a request
86 within a specified time period constitutes withdrawal of
87 the application; reducing the time within which a permit
88 must be approved, denied, or subject to notice of proposed
89 agency action; prohibiting a state agency or an agency of
90 the state from requiring additional permits or approval
91 from a local, state, or federal agency without explicit
92 authority; amending s. 373.4144, F.S.; providing
93 legislative intent with respect to the coordination of
94 regulatory duties among specified state and federal
95 agencies; requiring that the department report annually to
96 the Legislature on efforts to expand the state
97 programmatic general permit or regional general permits;
98 providing for a voluntary state programmatic general
99 permit for certain dredge and fill activities; amending s.
100 373.41492, F.S.; authorizing the use of proceeds from the
101 water treatment plant upgrade fee to pay for specified
102 mitigation projects; requiring proceeds from the water
103 treatment plant upgrade fee to be transferred by the
104 Department of Revenue to the South Florida Water
105 Management District and deposited into the Lake Belt
106 Mitigation Trust Fund until specified criteria is met;
107 providing, after such criteria is met, for the proceeds of
108 the water treatment plant upgrade fee to return to being
109 transferred by the Department of Revenue to a trust fund
110 established by Miami-Dade County for specified purposes;
111 conforming a term; amending s. 373.441, F.S.; requiring
112 that certain counties or municipalities apply by a

113 specified date to the department or water management
114 district for authority to require certain permits;
115 providing that following such delegation, the department
116 or district may not regulate activities that are subject
117 to the delegation; clarifying the authority of local
118 governments to adopt pollution control programs under
119 certain conditions; amending s. 376.3071, F.S.; exempting
120 program deductibles, copayments, and certain assessment
121 report requirements from expenditures under the low-scored
122 site initiative; amending s. 376.30715, F.S.; providing
123 that the transfer of a contaminated site from an owner to
124 a child of the owner or corporate entity does not
125 disqualify the site from the innocent victim petroleum
126 storage system restoration financial assistance program;
127 authorizing certain applicants to reapply for financial
128 assistance; amending s. 380.06, F.S.; exempting a proposed
129 solid mineral mine or a proposed addition or expansion of
130 an existing solid mineral mine from provisions governing
131 developments of regional impact; providing certain
132 exceptions; clarifying the applicability of local
133 government regulations with respect to such mining
134 activities; requiring solid mineral mines that meet
135 specified criteria to enter into binding agreements with
136 the Department of Transportation to mitigate impacts to
137 Strategic Intermodal System facilities; amending s.
138 380.0657, F.S.; authorizing expedited permitting for
139 certain inland multimodal facilities that individually or
140 collectively will create a minimum number of jobs;

141 amending s. 403.061, F.S.; requiring the Department of
142 Environmental Protection to establish reasonable zones of
143 mixing for discharges into specified waters; providing
144 that exceedance of certain groundwater standards does not
145 create liability for site cleanup; providing that
146 exceedance of soil cleanup target levels is not a basis
147 for enforcement or cleanup; amending s. 403.087, F.S.;
148 revising conditions under which the department is
149 authorized to revoke environmental resource permits;
150 creating s. 403.0874, F.S.; providing a short title;
151 providing legislative findings and intent with respect to
152 the consideration of the compliance history of a permit
153 applicant; providing for applicability; specifying the
154 period of compliance history to be considered is issuing
155 or renewing a permit; providing criteria to be considered
156 by the Department of Environmental Protection; authorizing
157 expedited review of permit issuance, renewal,
158 modification, and transfer; providing for a reduced number
159 of inspections; providing for extended permit duration;
160 authorizing the department to make additional incentives
161 available under certain circumstances; providing for
162 automatic permit renewal and reduced or waived fees under
163 certain circumstances; authorizing the department to adopt
164 additional incentives by rule; providing that such rules
165 are binding on a water management district or local
166 government that has been delegated certain regulatory
167 duties; limiting applicability; amending s. 403.1838,
168 F.S.; revising the definition of the term "financially

169 | disadvantaged small community" for the purposes of the
170 | Small Community Sewer Construction Assistance Act;
171 | amending s. 403.7045, F.S.; providing conditions under
172 | which sludge from an industrial waste treatment works is
173 | not solid waste; amending s. 403.707, F.S.; exempting the
174 | disposal of solid waste monitored by certain groundwater
175 | monitoring plans from specific authorization; extending
176 | the duration of all permits issued to solid waste
177 | management facilities that meet specified criteria;
178 | providing an exception; providing for prorated permit
179 | fees; providing applicability; amending s. 403.814, F.S.;
180 | providing for issuance of general permits for the
181 | construction, alteration, and maintenance of certain
182 | surface water management systems without the action of the
183 | department or a water management district; specifying
184 | conditions for the general permits; amending s. 403.853,
185 | F.S.; providing for the Department of Health, or a local
186 | county health department designated by the department, to
187 | perform sanitary surveys for a transient noncommunity
188 | water system using groundwater as a source of supply and
189 | serving religious institutions or businesses; amending s.
190 | 403.973, F.S.; authorizing expedited permitting for
191 | certain commercial or industrial development projects that
192 | individually or collectively will create a minimum number
193 | of jobs; providing for a project-specific memorandum of
194 | agreement to apply to a project subject to expedited
195 | permitting; clarifying the authority of the Department of
196 | Environmental Protection to enter final orders for the

197 issuance of certain licenses; revising criteria for the
198 review of certain sites; amending s. 526.203, F.S.;
199 authorizing the sale of unblended fuels for certain uses;
200 revising the deadline for completion of the installation
201 of fuel tank upgrades to secondary containment systems for
202 specified properties; providing for future effect of
203 specified provisions within the territory of the Northwest
204 Florida Water Management District; amending s. 20.23,
205 F.S.; requiring the Secretary of Transportation to
206 designate duties relating to certain investment
207 opportunities and transportation projects to an assistant
208 secretary; amending s. 311.09, F.S.; revising requirements
209 for the inclusion of certain goals and objectives in the
210 Florida Seaport Mission Plan; requiring the Florida
211 Seaport Transportation and Economic Development Council to
212 develop a priority list of projects and submit the list to
213 the Department of Transportation; amending s. 311.14,
214 F.S.; requiring certain ports to develop strategic plans;
215 providing criteria for such plans; requiring such plans to
216 be consistent with local government comprehensive plans;
217 requiring such plans to be submitted to the Florida
218 Seaport Transportation and Economic Development Council;
219 requiring the Florida Seaport Transportation and Economic
220 Development Council to review such plans and include
221 related information in the Florida Seaport Mission Plan;
222 amending s. 339.155, F.S.; clarifying and revising the
223 principles on which the Florida Transportation Plan is
224 based; amending s. 339.63, F.S.; adding certain existing

225 | and planned facilities to the list of facilities included
 226 | in the Strategic Intermodal System and the Emerging
 227 | Strategic Intermodal System; amending s. 373.406, F.S.;
 228 | exempting overwater piers, docks, and structures located
 229 | in deepwater ports from stormwater management system
 230 | requirements under specified conditions; amending s.
 231 | 373.4133, F.S.; requiring the Department of Environmental
 232 | Protection to approve or deny an application for a port
 233 | conceptual permit within a specified time; providing a
 234 | limitation for the request of additional information from
 235 | an applicant by the department; providing that failure of
 236 | an applicant to respond to such a request within a
 237 | specified time constitutes withdrawal of the application;
 238 | providing that a third party who challenge the issuance of
 239 | a port conceptual permit has the burden of ultimate
 240 | persuasion and the burden of going forward with evidence;
 241 | amending s. 403.813, F.S.; exempting specified seaports
 242 | and inland navigation districts from requirements to
 243 | conduct maintenance dredging under certain conditions;
 244 | excluding ditches, pipes, and similar linear conveyances
 245 | from consideration as receiving waters for the disposal of
 246 | dredged materials; authorizing public ports and inland
 247 | navigation districts to use sovereignty submerged lands in
 248 | connection with maintenance dredging; authorizing the
 249 | disposal of spoil material on specified sites; providing
 250 | an exemption from permitting requirements for sites that
 251 | meet specified criteria; requiring notice to the
 252 | Department of Environmental Protection of intent to use

253 the exemption; providing effective dates.

254

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

256

257 Section 1. Section 125.022, Florida Statutes, is amended
258 to read:

259 125.022 Development permits.—When a county denies an
260 application for a development permit, the county shall give
261 written notice to the applicant. The notice must include a
262 citation to the applicable portions of an ordinance, rule,
263 statute, or other legal authority for the denial of the permit.
264 As used in this section, the term "development permit" has the
265 same meaning as in s. 163.3164. A county may not require as a
266 condition of processing a development permit that an applicant
267 obtain a permit or approval from any other state or federal
268 agency unless the agency has issued a notice of intent to deny
269 the federal or state permit before the county action on the
270 local development permit. Issuance of a development permit by a
271 county does not in any way create any rights on the part of the
272 applicant to obtain a permit from another state or federal
273 agency and does not create any liability on the part of the
274 county for issuance of the permit if the applicant fails to
275 fulfill its legal obligations to obtain requisite approvals or
276 fulfill the obligations imposed by another state or a federal
277 agency. A county may attach such a disclaimer to the issuance of
278 a development permit, and may include a permit condition that
279 all other applicable state or federal permits be obtained before
280 commencement of the development. This section does not prohibit

281 a county from providing information to an applicant regarding
282 what other state or federal permits may apply.

283 Section 2. Section 161.032, Florida Statutes, is created
284 to read:

285 161.032 Application review; request for additional
286 information.-

287 (1) Within 30 days after receipt of an application for a
288 permit under this part, the department shall review the
289 application and shall request submission of any additional
290 information the department is permitted by law to require. If
291 the applicant believes that a request for additional information
292 is not authorized by law or rule, the applicant may request a
293 hearing pursuant to s. 120.57. Within 30 days after receipt of
294 such additional information, the department shall review such
295 additional information and may request only that information
296 needed to clarify such additional information or to answer new
297 questions raised by or directly related to such additional
298 information. If the applicant believes that the request for such
299 additional information by the department is not authorized by
300 law or rule, the department, at the applicant's request, shall
301 proceed to process the permit application.

302 (2) Notwithstanding s. 120.60, an applicant for a permit
303 under this part has 90 days after the date of a timely request
304 for additional information to submit such information. If an
305 applicant requires more than 90 days in order to respond to a
306 request for additional information, the applicant must notify
307 the agency processing the permit application in writing of the
308 circumstances, at which time the application shall be held in

309 active status for no more than one additional period of up to 90
310 days. Additional extensions may be granted for good cause shown
311 by the applicant. A showing that the applicant is making a
312 diligent effort to obtain the requested additional information
313 constitutes good cause. Failure of an applicant to provide the
314 timely requested information by the applicable deadline shall
315 result in denial of the application without prejudice.

316 (3) Notwithstanding any other provision of law, the
317 department is authorized to issue permits pursuant to this part
318 in advance of the issuance of any incidental take authorization
319 as provided for in the Endangered Species Act and its
320 implementing regulations if the permits and authorizations
321 include a condition requiring that authorized activities shall
322 not begin until such incidental take authorization is issued.

323 Section 3. Subsections (5), (6), and (7) are added to
324 section 161.041, Florida Statutes, to read:

325 161.041 Permits required.—

326 (5) The provisions of s. 403.0874, relating to the
327 incentive-based permitting program, apply to all permits issued
328 under this chapter.

329 (6) The department may not require as a permit condition
330 sediment quality specifications or turbidity standards more
331 stringent than those provided for in this chapter, chapter 373,
332 or the Florida Administrative Code. The department may not issue
333 guidelines that are enforceable as standards without going
334 through the rulemaking process pursuant to chapter 120.

335 (7) As an incentive for permit applicants, it is the
336 Legislature's intent to simplify the permitting for periodic

337 maintenance of beach renourishment projects previously permitted
338 and restored under the joint coastal permit process pursuant to
339 this section or part IV of chapter 373. The department shall
340 amend chapters 62B-41 and 62B-49 of the Florida Administrative
341 Code to streamline the permitting process, as necessary, for
342 periodic maintenance projects.

343 Section 4. Subsection (10) of section 163.3180, Florida
344 Statutes, is amended to read:

345 163.3180 Concurrency.—

346 (10) (a) Except in transportation concurrency exception
347 areas, with regard to roadway facilities on the Strategic
348 Intermodal System designated in accordance with s. 339.63, local
349 governments shall adopt the level-of-service standard
350 established by the Department of Transportation by rule.
351 However, if the Office of Tourism, Trade, and Economic
352 Development concurs in writing with the local government that
353 the proposed development is for a qualified job creation project
354 under s. 288.0656 or s. 403.973, the affected local government,
355 after consulting with the Department of Transportation, may
356 provide for a waiver of transportation concurrency for the
357 project. For all other roads on the State Highway System, local
358 governments shall establish an adequate level-of-service
359 standard that need not be consistent with any level-of-service
360 standard established by the Department of Transportation. In
361 establishing adequate level-of-service standards for any
362 arterial roads, or collector roads as appropriate, which
363 traverse multiple jurisdictions, local governments shall
364 consider compatibility with the roadway facility's adopted

365 level-of-service standards in adjacent jurisdictions. Each local
366 government within a county shall use a professionally accepted
367 methodology for measuring impacts on transportation facilities
368 for the purposes of implementing its concurrency management
369 system. Counties are encouraged to coordinate with adjacent
370 counties, and local governments within a county are encouraged
371 to coordinate, for the purpose of using common methodologies for
372 measuring impacts on transportation facilities for the purpose
373 of implementing their concurrency management systems.

374 (b) There shall be a limited exemption from the Strategic
375 Intermodal System adopted level-of-service standards for new or
376 redevelopment projects consistent with the local comprehensive
377 plan as inland multimodal facilities receiving or sending cargo
378 for distribution and providing cargo storage, consolidation,
379 repackaging, and transfer of goods, and which may, if developed
380 as proposed, include other intermodal terminals, related
381 transportation facilities, warehousing and distribution
382 facilities, and associated office space, light industrial,
383 manufacturing, and assembly uses. The limited exemption applies
384 if the project meets all of the following criteria:

385 1. The project will not cause the adopted level-of-service
386 standards for the Strategic Intermodal System facilities to be
387 exceeded by more than 150 percent within the first 5 years of
388 the project's development.

389 2. The project, upon completion, would result in the
390 creation of at least 50 full-time jobs.

391 3. The project is compatible with existing and planned
392 adjacent land uses.

393 4. The project is consistent with local and regional
394 economic development goals or plans.

395 5. The project is proximate to regionally significant road
396 and rail transportation facilities.

397 6. The project is proximate to a community having an
398 unemployment rate, as of the date of the development order
399 application, which is 10 percent or more above the statewide
400 reported average.

401 7. The local government has a plan, developed in
402 consultation with the Department of Transportation, for
403 mitigating any impacts to the strategic intermodal system.

404 Section 5. Section 166.033, Florida Statutes, is amended
405 to read:

406 166.033 Development permits.—When a municipality denies an
407 application for a development permit, the municipality shall
408 give written notice to the applicant. The notice must include a
409 citation to the applicable portions of an ordinance, rule,
410 statute, or other legal authority for the denial of the permit.
411 As used in this section, the term "development permit" has the
412 same meaning as in s. 163.3164. A municipality may not require
413 as a condition of processing a development permit that an
414 applicant obtain a permit or approval from any other state or
415 federal agency unless the agency has issued a notice of intent
416 to deny the federal or state permit before the municipal action
417 on the local development permit. Issuance of a development
418 permit by a municipality does not in any way create any right on
419 the part of an applicant to obtain a permit from another state
420 or federal agency and does not create any liability on the part

421 of the municipality for issuance of the permit if the applicant
 422 fails to fulfill its legal obligations to obtain requisite
 423 approvals or fulfill the obligations imposed by another state or
 424 federal agency. A municipality may attach such a disclaimer to
 425 the issuance of development permits and may include a permit
 426 condition that all other applicable state or federal permits be
 427 obtained before commencement of the development. This section
 428 does not prohibit a municipality from providing information to
 429 an applicant regarding what other state or federal permits may
 430 apply.

431 Section 6. Section 218.075, Florida Statutes, is amended
 432 to read:

433 218.075 Reduction or waiver of permit processing fees.—
 434 Notwithstanding any other provision of law, the Department of
 435 Environmental Protection and the water management districts
 436 shall reduce or waive permit processing fees for counties with a
 437 population of 50,000 or less on April 1, 1994, until such
 438 counties exceed a population of 75,000 and municipalities with a
 439 population of 25,000 or less, or for an entity created by
 440 special act, local ordinance, or interlocal agreement of such
 441 counties or municipalities, or for any county or municipality
 442 not included within a metropolitan statistical area. Fee
 443 reductions or waivers shall be approved on the basis of fiscal
 444 hardship or environmental need for a particular project or
 445 activity. The governing body must certify that the cost of the
 446 permit processing fee is a fiscal hardship due to one of the
 447 following factors:

448 (1) Per capita taxable value is less than the statewide

449 average for the current fiscal year;

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

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

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

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

462

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

470 Section 7. Paragraphs (a) and (b) of subsection (3) of
 471 section 258.397, Florida Statutes, are amended to read:

472 258.397 Biscayne Bay Aquatic Preserve.—

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

477 (a) No further sale, transfer, or lease of sovereignty
478 submerged lands in the preserve shall be approved or consummated
479 by the board of trustees, except upon a showing of extreme
480 hardship on the part of the applicant and a determination by the
481 board of trustees that such sale, transfer, or lease is in the
482 public interest. A municipal applicant proposing a project under
483 paragraph (b) is exempt from showing extreme hardship.

484 (b) No further dredging or filling of submerged lands of
485 the preserve shall be approved or tolerated by the board of
486 trustees except:

487 1. Such minimum dredging and spoiling as may be authorized
488 for public navigation projects or for such minimum dredging and
489 spoiling as may be constituted as a public necessity or for
490 preservation of the bay according to the expressed intent of
491 this section.

492 2. Such other alteration of physical conditions, including
493 the placement of riprap, as may be necessary to enhance the
494 quality and utility of the preserve.

495 3. Such minimum dredging and filling as may be authorized
496 for the creation and maintenance of marinas, piers, and docks
497 and their attendant navigation channels and access roads. Such
498 projects may only be authorized upon a specific finding by the
499 board of trustees that there is assurance that the project will
500 be constructed and operated in a manner that will not adversely
501 affect the water quality and utility of the preserve. This
502 subparagraph shall not authorize the connection of upland canals
503 to the waters of the preserve.

504 4. Such dredging as is necessary for the purpose of

505 eliminating conditions hazardous to the public health or for the
 506 purpose of eliminating stagnant waters, islands, and spoil
 507 banks, the dredging of which would enhance the aesthetic and
 508 environmental quality and utility of the preserve and be clearly
 509 in the public interest as determined by the board of trustees.

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

512
 513 Any dredging or filling under this subsection or improvements
 514 under subsection (5) shall be approved only after public notice
 515 as provided by s. 253.115.

516 Section 8. Subsection (10) is added to section 373.026,
 517 Florida Statutes, to read:

518 373.026 General powers and duties of the department.—The
 519 department, or its successor agency, shall be responsible for
 520 the administration of this chapter at the state level. However,
 521 it is the policy of the state that, to the greatest extent
 522 possible, the department may enter into interagency or
 523 interlocal agreements with any other state agency, any water
 524 management district, or any local government conducting programs
 525 related to or materially affecting the water resources of the
 526 state. All such agreements shall be subject to the provisions of
 527 s. 373.046. In addition to its other powers and duties, the
 528 department shall, to the greatest extent possible:

529 (10) Expand the use of Internet-based self-certification
 530 services for appropriate exemptions and general permits issued
 531 by the department and the water management districts, if such
 532 expansion is economically feasible. In addition to expanding the

533 use of Internet-based self-certification services for
534 appropriate exemptions and general permits, the department and
535 water management districts shall identify and develop general
536 permits for appropriate activities currently requiring
537 individual review which could be expedited through the use of
538 applicable professional certification.

539 Section 9. Subsection (6) is added to section 373.413,
540 Florida Statutes, to read:

541 373.413 Permits for construction or alteration.—

542 (6) The provisions of s. 403.0874, relating to the
543 incentive-based permitting program, apply to permits issued
544 under this section.

545 Section 10. Paragraph (c) of subsection (6) of section
546 373.4135, Florida Statutes, is amended to read:

547 373.4135 Mitigation banks and offsite regional
548 mitigation.—

549 (6) An environmental creation, preservation, enhancement,
550 or restoration project, including regional offsite mitigation
551 areas, for which money is donated or paid as mitigation, that is
552 sponsored by the department, a water management district, or a
553 local government and provides mitigation for five or more
554 applicants for permits under this part, or for 35 or more acres
555 of adverse impacts, shall be established and operated under a
556 memorandum of agreement. The memorandum of agreement shall be
557 between the governmental entity proposing the mitigation project
558 and the department or water management district, as appropriate.
559 Such memorandum of agreement need not be adopted by rule. For
560 the purposes of this subsection, one creation, preservation,

561 enhancement, or restoration project shall mean one or more
 562 parcels of land with similar ecological communities that are
 563 intended to be created, preserved, enhanced, or restored under a
 564 common scheme.

565 (c) At a minimum, the memorandum of agreement must address
 566 the following for each project authorized:

567 1. A description of the work that will be conducted on the
 568 site and a timeline for completion of such work.

569 2. A timeline for obtaining any required environmental
 570 resource permit.

571 3. The environmental success criteria that the project
 572 must achieve.

573 4. The monitoring and long-term management requirements
 574 that must be undertaken for the project.

575 5. An assessment of the project in accordance with s.
 576 373.4136(4) ~~(a)-(i)~~, until the adoption of the uniform wetland
 577 mitigation assessment method pursuant to s. 373.414(18).

578 6. A designation of the entity responsible for the
 579 successful completion of the mitigation work.

580 7. A definition of the geographic area where the project
 581 may be used as mitigation established using the criteria of s.
 582 373.4136(6).

583 8. Full cost accounting of the project, including annual
 584 review and adjustment.

585 9. Provision and a timetable for the acquisition of any
 586 lands necessary for the project.

587 10. Provision for preservation of the site.

588 11. Provision for application of all moneys received

589 solely to the project for which they were collected.

590 12. Provision for termination of the agreement and
 591 cessation of use of the project as mitigation if any material
 592 contingency of the agreement has failed to occur.

593 Section 11. Subsection (4) of section 373.4136, Florida
 594 Statutes, is amended to read:

595 373.4136 Establishment and operation of mitigation banks.—

596 (4) MITIGATION CREDITS.—After evaluating the information
 597 submitted by the applicant for a mitigation bank permit and
 598 assessing the proposed mitigation bank pursuant to the criteria
 599 in this section, the department or water management district
 600 shall award a number of mitigation credits to a proposed
 601 mitigation bank or phase of such mitigation bank. An entity
 602 establishing and operating a mitigation bank may apply to modify
 603 the mitigation bank permit to seek the award of additional
 604 mitigation credits if the mitigation bank results in an
 605 additional increase in ecological value over the value
 606 contemplated at the time of the original permit issuance, or the
 607 most recent modification thereto involving the number of credits
 608 awarded. The number of credits awarded shall be based on the
 609 degree of improvement in ecological value expected to result
 610 from the establishment and operation of the mitigation bank as
 611 determined using the uniform mitigation assessment method
 612 adopted pursuant to s. 373.414(18). ~~a functional assessment~~
 613 ~~methodology. In determining the degree of improvement in~~
 614 ~~ecological value, each of the following factors, at a minimum,~~
 615 ~~shall be evaluated:~~

616 ~~(a) The extent to which target hydrologic regimes can be~~

617 ~~achieved and maintained.~~

618 ~~(b) The extent to which management activities promote~~
619 ~~natural ecological conditions, such as natural fire patterns.~~

620 ~~(c) The proximity of the mitigation bank to areas with~~
621 ~~regionally significant ecological resources or habitats, such as~~
622 ~~national or state parks, Outstanding National Resource Waters~~
623 ~~and associated watersheds, Outstanding Florida Waters and~~
624 ~~associated watersheds, and lands acquired through governmental~~
625 ~~or nonprofit land acquisition programs for environmental~~
626 ~~conservation; and the extent to which the mitigation bank~~
627 ~~establishes corridors for fish, wildlife, or listed species to~~
628 ~~those resources or habitats.~~

629 ~~(d) The quality and quantity of wetland or upland~~
630 ~~restoration, enhancement, preservation, or creation.~~

631 ~~(e) The ecological and hydrological relationship between~~
632 ~~wetlands and uplands in the mitigation bank.~~

633 ~~(f) The extent to which the mitigation bank provides~~
634 ~~habitat for fish and wildlife, especially habitat for species~~
635 ~~listed as threatened, endangered, or of special concern, or~~
636 ~~provides habitats that are unique for that mitigation service~~
637 ~~area.~~

638 ~~(g) The extent to which the lands that are to be preserved~~
639 ~~are already protected by existing state, local, or federal~~
640 ~~regulations or land use restrictions.~~

641 ~~(h) The extent to which lands to be preserved would be~~
642 ~~adversely affected if they were not preserved.~~

643 ~~(i) Any special designation or classification of the~~
644 ~~affected waters and lands.~~

645 Section 12. Subsections (1) and (2), paragraph (c) of
646 subsection (3), and subsection (4) of section 373.4137, Florida
647 Statutes, are amended to read:

648 373.4137 Mitigation requirements for specified
649 transportation projects.—

650 (1) The Legislature finds that environmental mitigation
651 for the impact of transportation projects proposed by the
652 Department of Transportation or a transportation authority
653 established pursuant to chapter 348 or chapter 349 can be more
654 effectively achieved by regional, long-range mitigation planning
655 rather than on a project-by-project basis. It is the intent of
656 the Legislature that mitigation to offset the adverse effects of
657 these transportation projects be funded by the Department of
658 Transportation and be carried out by the water management
659 districts, through including the use of private mitigation banks
660 if available or, if a private mitigation bank is not available,
661 through any other mitigation options that satisfy state and
662 federal requirements established pursuant to this part.

663 (2) Environmental impact inventories for transportation
664 projects proposed by the Department of Transportation or a
665 transportation authority established pursuant to chapter 348 or
666 chapter 349 shall be developed as follows:

667 (a) By July 1 of each year, the Department of
668 Transportation or a transportation authority established
669 pursuant to chapter 348 or chapter 349 which chooses to
670 participate in this program shall submit to the water management
671 districts a list ~~copy~~ of its projects in the adopted work
672 program and an environmental impact inventory of habitats

673 | addressed in the rules adopted pursuant to this part and s. 404
674 | of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
675 | by its plan of construction for transportation projects in the
676 | next 3 years of the tentative work program. The Department of
677 | Transportation or a transportation authority established
678 | pursuant to chapter 348 or chapter 349 may also include in its
679 | environmental impact inventory the habitat impacts of any future
680 | transportation project. The Department of Transportation and
681 | each transportation authority established pursuant to chapter
682 | 348 or chapter 349 may fund any mitigation activities for future
683 | projects using current year funds.

684 | (b) The environmental impact inventory shall include a
685 | description of these habitat impacts, including their location,
686 | acreage, and type; state water quality classification of
687 | impacted wetlands and other surface waters; any other state or
688 | regional designations for these habitats; and a list ~~survey~~ of
689 | threatened species, endangered species, and species of special
690 | concern affected by the proposed project.

691 | (3)

692 | (c) Except for current mitigation projects in the
693 | monitoring and maintenance phase and except as allowed by
694 | paragraph (d), the water management districts may request a
695 | transfer of funds from an escrow account no sooner than 30 days
696 | prior to the date the funds are needed to pay for activities
697 | associated with development or implementation of the approved
698 | mitigation plan described in subsection (4) for the current
699 | fiscal year, including, but not limited to, design, engineering,
700 | production, and staff support. Actual conceptual plan

701 preparation costs incurred before plan approval may be submitted
702 to the Department of Transportation or the appropriate
703 transportation authority each year with the plan. The conceptual
704 plan preparation costs of each water management district will be
705 paid from mitigation funds associated with the environmental
706 impact inventory for the current year. The amount transferred to
707 the escrow accounts each year by the Department of
708 Transportation and participating transportation authorities
709 established pursuant to chapter 348 or chapter 349 shall
710 correspond to a cost per acre of \$75,000 multiplied by the
711 projected acres of impact identified in the environmental impact
712 inventory described in subsection (2). However, the \$75,000 cost
713 per acre does not constitute an admission against interest by
714 the state or its subdivisions nor is the cost admissible as
715 evidence of full compensation for any property acquired by
716 eminent domain or through inverse condemnation. Each July 1, the
717 cost per acre shall be adjusted by the percentage change in the
718 average of the Consumer Price Index issued by the United States
719 Department of Labor for the most recent 12-month period ending
720 September 30, compared to the base year average, which is the
721 average for the 12-month period ending September 30, 1996. Each
722 quarter, the projected acreage of impact shall be reconciled
723 with the acreage of impact of projects as permitted, including
724 permit modifications, pursuant to this part and s. 404 of the
725 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
726 of funds shall be adjusted accordingly to reflect the acreage of
727 impacts as permitted. The Department of Transportation and
728 participating transportation authorities established pursuant to

729 chapter 348 or chapter 349 are authorized to transfer such funds
730 from the escrow accounts to the water management districts to
731 carry out the mitigation programs. Environmental mitigation
732 funds that are identified or maintained in an escrow account for
733 the benefit of a water management district may be released if
734 the associated transportation project is excluded in whole or
735 part from the mitigation plan. For a mitigation project that is
736 in the maintenance and monitoring phase, the water management
737 district may request and receive a one-time payment based on the
738 project's expected future maintenance and monitoring costs. Upon
739 disbursement of the final maintenance and monitoring payment,
740 the department or the participating transportation authorities'
741 obligation will be satisfied, the water management district will
742 have continuing responsibility for the mitigation project, and
743 the escrow account for the project established by the Department
744 of Transportation or the participating transportation authority
745 may be closed. Any interest earned on these disbursed funds
746 shall remain with the water management district and must be used
747 as authorized under this section.

748 (4) Prior to March 1 of each year, each water management
749 district, in consultation with the Department of Environmental
750 Protection, the United States Army Corps of Engineers, the
751 Department of Transportation, participating transportation
752 authorities established pursuant to chapter 348 or chapter 349,
753 and other appropriate federal, state, and local governments, and
754 other interested parties, including entities operating
755 mitigation banks, shall develop a plan for the primary purpose
756 of complying with the mitigation requirements adopted pursuant

757 to this part and 33 U.S.C. s. 1344. In developing such plans,
 758 private mitigation banks shall be used if available or, if a
 759 private mitigation bank is not available, the districts shall
 760 use ~~utilize~~ sound ecosystem management practices to address
 761 significant water resource needs and shall focus on activities
 762 of the Department of Environmental Protection and the water
 763 management districts, such as surface water improvement and
 764 management (SWIM) projects and lands identified for potential
 765 acquisition for preservation, restoration or enhancement, and
 766 the control of invasive and exotic plants in wetlands and other
 767 surface waters, to the extent that such activities comply with
 768 the mitigation requirements adopted under this part and 33
 769 U.S.C. s. 1344. In determining the activities to be included in
 770 such plans, the districts shall ~~also consider the purchase of~~
 771 credits from public or private mitigation banks permitted under
 772 s. 373.4136 and associated federal authorization and shall
 773 include such purchase as a part of the mitigation plan when such
 774 purchase would offset the impact of the transportation project,
 775 ~~provide equal benefits to the water resources than other~~
 776 ~~mitigation options being considered, and provide the most cost-~~
 777 ~~effective mitigation option.~~ The mitigation plan shall be
 778 submitted to the water management district governing board, or
 779 its designee, for review and approval. At least 14 days prior to
 780 approval, the water management district shall provide a copy of
 781 the draft mitigation plan to any person who has requested a
 782 copy.

783 (a) For each transportation project with a funding request
 784 for the next fiscal year, the mitigation plan must include a

785 brief explanation of why a mitigation bank was or was not chosen
 786 as a mitigation option, including an estimation of identifiable
 787 costs of the mitigation bank and nonbank options to the extent
 788 practicable.

789 (b) Specific projects may be excluded from the mitigation
 790 plan, in whole or in part, and shall not be subject to this
 791 section upon the election agreement of the Department of
 792 Transportation, ~~or~~ a transportation authority if applicable, or
 793 ~~and~~ the appropriate water management district ~~that the inclusion~~
 794 ~~of such projects would hamper the efficiency or timeliness of~~
 795 ~~the mitigation planning and permitting process. The water~~
 796 ~~management district may choose to exclude a project in whole or~~
 797 ~~in part if the district is unable to identify mitigation that~~
 798 ~~would offset impacts of the project.~~

799 Section 13. Subsection (18) of section 373.414, Florida
 800 Statutes, is amended to read:

801 373.414 Additional criteria for activities in surface
 802 waters and wetlands.—

803 (18) The department, in coordination with ~~and~~ each water
 804 management district responsible for implementation of the
 805 environmental resource permitting program, shall develop a
 806 uniform mitigation assessment method for wetlands and other
 807 surface waters. ~~The department shall adopt the uniform~~
 808 ~~mitigation assessment method by rule no later than July 31,~~
 809 ~~2002.~~ The rule shall provide an exclusive, uniform, and
 810 consistent process for determining the amount of mitigation
 811 required to offset impacts to wetlands and other surface waters,
 812 and, once effective, shall supersede all rules, ordinances, and

813 variance procedures from ordinances that determine the amount of
814 mitigation needed to offset such impacts. Except when evaluating
815 mitigation bank applications, which must meet the criteria of s.
816 373.4136(1), the rule shall be applied only after determining
817 that the mitigation is appropriate to offset the values and
818 functions of wetlands and surface waters to be adversely
819 impacted by the proposed activity. Once the department adopts
820 the uniform mitigation assessment method by rule, the uniform
821 mitigation assessment method shall be binding on the department,
822 the water management districts, local governments, and any other
823 governmental agencies and shall be the sole means to determine
824 the amount of mitigation needed to offset adverse impacts to
825 wetlands and other surface waters and to award and deduct
826 mitigation bank credits. A water management district and any
827 other governmental agency subject to chapter 120 may apply the
828 uniform mitigation assessment method without the need to adopt
829 it pursuant to s. 120.54. It shall be a goal of the department
830 and water management districts that the uniform mitigation
831 assessment method developed be practicable for use within the
832 timeframes provided in the permitting process and result in a
833 consistent process for determining mitigation requirements. It
834 shall be recognized that any such method shall require the
835 application of reasonable scientific judgment. The uniform
836 mitigation assessment method must determine the value of
837 functions provided by wetlands and other surface waters
838 considering the current conditions of these areas, utilization
839 by fish and wildlife, location, uniqueness, and hydrologic
840 connection, ~~and, when applied to mitigation banks, the factors~~

841 ~~listed in s. 373.4136(4)~~. The uniform mitigation assessment
842 method shall also account for the expected time-lag associated
843 with offsetting impacts and the degree of risk associated with
844 the proposed mitigation. The uniform mitigation assessment
845 method shall account for different ecological communities in
846 different areas of the state. In developing the uniform
847 mitigation assessment method, the department and water
848 management districts shall consult with approved local programs
849 under s. 403.182 which have an established mitigation program
850 for wetlands or other surface waters. The department and water
851 management districts shall consider the recommendations
852 submitted by such approved local programs, including any
853 recommendations relating to the adoption by the department and
854 water management districts of any uniform mitigation methodology
855 that has been adopted and used by an approved local program in
856 its established mitigation program for wetlands or other surface
857 waters. Environmental resource permitting rules may establish
858 categories of permits or thresholds for minor impacts under
859 which the use of the uniform mitigation assessment method will
860 not be required. The application of the uniform mitigation
861 assessment method is not subject to s. 70.001. In the event the
862 rule establishing the uniform mitigation assessment method is
863 deemed to be invalid, the applicable rules related to
864 establishing needed mitigation in existence prior to the
865 adoption of the uniform mitigation assessment method, including
866 those adopted by a county which is an approved local program
867 under s. 403.182, and the method described in paragraph (b) for
868 existing mitigation banks, shall be authorized for use by the

869 department, water management districts, local governments, and
870 other state agencies.

871 (a) In developing the uniform mitigation assessment
872 method, the department shall seek input from the United States
873 Army Corps of Engineers in order to promote consistency in the
874 mitigation assessment methods used by the state and federal
875 permitting programs.

876 (b) An entity which has received a mitigation bank permit
877 prior to the adoption of the uniform mitigation assessment
878 method shall have impact sites assessed, for the purpose of
879 deducting bank credits, using the credit assessment method,
880 including any functional assessment methodology, which was in
881 place when the bank was permitted; unless the entity elects to
882 have its credits redetermined, and thereafter have its credits
883 deducted, using the uniform mitigation assessment method.

884 (c) The department shall ensure statewide coordination and
885 consistency in the interpretation and application of the uniform
886 mitigation assessment method rule by providing programmatic
887 training and guidance to staff of the department, water
888 management districts, and local governments. To ensure that the
889 uniform mitigation assessment method rule is interpreted and
890 applied uniformly, the department's interpretation, guidance,
891 and approach to applying the uniform mitigation assessment
892 method rule shall govern.

893 (d) Applicants shall submit the information needed to
894 perform the assessment required under the uniform mitigation
895 assessment method rule and may submit the qualitative
896 characterization and quantitative assessment for each assessment

897 area specified by the rule. The reviewing agency shall review
898 that information and notify the applicant of any inadequacy in
899 the information or application of the assessment method.

900 (e) When conducting qualitative characterization of
901 artificial wetlands and other surface waters, such as borrow
902 pits, ditches, and canals, under the uniform mitigation
903 assessment method rule, the native community type to which it is
904 most analogous in function shall be used as a reference. For
905 wetlands or other surface waters that have been altered from
906 their native community type, the historic community type at that
907 location shall be used as a reference, unless the alteration has
908 been of such a degree and extent that a different native
909 community type is now present and self-sustaining.

910 (f) When conducting qualitative characterization of upland
911 mitigation assessment areas, the characterization shall include
912 functions that the upland assessment area provides to the fish
913 and wildlife of the associated wetland or other surface waters.
914 These functions shall be considered and accounted for when
915 scoring the upland assessment area for preservation,
916 enhancement, or restoration.

917 (g) The term "preservation mitigation," as used in the
918 uniform mitigation assessment method, means the protection of
919 important wetland, other surface water, or upland ecosystems
920 predominantly in their existing condition and absent
921 restoration, creation, or enhancement from adverse impacts by
922 placing a conservation easement or other comparable land use
923 restriction over the property or by donation of fee simple
924 interest in the property. Preservation may include a management

925 plan for perpetual protection of the area. The preservation
926 adjustment factor set forth in rule 62-345.500(3), Florida
927 Administrative Code, shall only apply to preservation
928 mitigation.

929 (h) When assessing a preservation mitigation assessment
930 area under the uniform mitigation assessment method, the
931 following apply:

932 1. The term "without preservation" means the reasonably
933 anticipated loss of functions and values provided by the
934 assessment area, assuming the area is not preserved.

935 2. Each of the considerations of the preservation
936 adjustment factor specified in rule 62-345.500(3)(a), Florida
937 Administrative Code, shall be equally weighted and scored on a
938 scale from 0, no value, to 0.2, optimal value. In addition, the
939 minimum preservation adjustment factor shall be 0.2.

940 (i) The location and landscape support scores, pursuant to
941 rule 62-345.500, Florida Administrative Code, may change in the
942 "with mitigation" or "with impact" condition in both upland and
943 wetland assessment areas, regardless of the initial community
944 structure or water environment scores.

945 (j) When a mitigation plan for creation, restoration, or
946 enhancement includes a preservation mechanism, such as a
947 conservation easement, the "with mitigation" assessment of that
948 creation, restoration, or enhancement shall consider, and the
949 scores shall reflect, the benefits of that preservation
950 mechanism, and the benefits of that preservation mechanism may
951 not be scored separately.

952 (k) Any entity holding a mitigation bank permit that was

953 evaluated under the uniform mitigation assessment method before
954 the effective date of paragraphs (c)-(j) may submit a permit
955 modification request to the relevant permitting agency to have
956 such mitigation bank reassessed pursuant to the provisions set
957 forth in this section, and the relevant permitting agency shall
958 reassess such mitigation bank, if such request is filed with
959 that agency no later than September 30, 2011.

960 Section 14. Section 373.4141, Florida Statutes, is amended
961 to read:

962 373.4141 Permits; processing.—

963 (1) Within 30 days after receipt of an application for a
964 permit under this part, the department or the water management
965 district shall review the application and shall request
966 submittal of all additional information the department or the
967 water management district is permitted by law to require. If the
968 applicant believes any request for additional information is not
969 authorized by law or rule, the applicant may request a hearing
970 pursuant to s. 120.57. Within 30 days after receipt of such
971 additional information, the department or water management
972 district shall review it and may request only that information
973 needed to clarify such additional information or to answer new
974 questions raised by or directly related to such additional
975 information. If the applicant believes the request of the
976 department or water management district for such additional
977 information is not authorized by law or rule, the department or
978 water management district, at the applicant's request, shall
979 proceed to process the permit application. The department or
980 water management district may request additional information no

981 more than twice unless the applicant waives this limitation in
 982 writing. If the applicant does not provide a written response to
 983 the second request for additional information within 90 days or
 984 another time period mutually agreed upon between the applicant
 985 and the department or water management district, the application
 986 shall be considered withdrawn.

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

992 (3) Processing of applications for permits for affordable
 993 housing projects shall be expedited to a greater degree than
 994 other projects.

995 (4) A state agency or an agency of the state may not
 996 require as a condition of approval for a permit or as an item to
 997 complete a pending permit application that an applicant obtain a
 998 permit or approval from any other local, state, or federal
 999 agency without explicit statutory authority to require such
 1000 permit or approval.

1001 Section 15. Section 373.4144, Florida Statutes, is amended
 1002 to read:

1003 373.4144 Federal environmental permitting.—

1004 (1) It is the intent of the Legislature to:

1005 (a) Facilitate coordination and a more efficient process
 1006 of implementing regulatory duties and functions between the
 1007 Department of Environmental Protection, the water management
 1008 districts, the United States Army Corps of Engineers, the United

1009 States Fish and Wildlife Service, the National Marine Fisheries
 1010 Service, the United States Environmental Protection Agency, the
 1011 Fish and Wildlife Conservation Commission, and other relevant
 1012 federal and state agencies.

1013 (b) Authorize the Department of Environmental Protection
 1014 to obtain issuance by the United States Army Corps of Engineers,
 1015 pursuant to state and federal law and as set forth in this
 1016 section, of an expanded state programmatic general permit, or a
 1017 series of regional general permits, for categories of activities
 1018 in waters of the United States governed by the Clean Water Act
 1019 and in navigable waters under the Rivers and Harbors Act of 1899
 1020 which are similar in nature, which will cause only minimal
 1021 adverse environmental effects when performed separately, and
 1022 which will have only minimal cumulative adverse effects on the
 1023 environment.

1024 (c) Use the mechanism of such a state general permit or
 1025 such regional general permits to eliminate overlapping federal
 1026 regulations and state rules that seek to protect the same
 1027 resource and to avoid duplication of permitting between the
 1028 United States Army Corps of Engineers and the department for
 1029 minor work located in waters of the United States, including
 1030 navigable waters, thus eliminating, in appropriate cases, the
 1031 need for a separate individual approval from the United States
 1032 Army Corps of Engineers while ensuring the most stringent
 1033 protection of wetland resources.

1034 (d) Direct the department not to seek issuance of or take
 1035 any action pursuant to any such permit or permits unless such
 1036 conditions are at least as protective of the environment and

1037 natural resources as existing state law under this part and
 1038 federal law under the Clean Water Act and the Rivers and Harbors
 1039 Act of 1899. The department is directed to develop, on or before
 1040 October 1, 2005, a mechanism or plan to consolidate, to the
 1041 maximum extent practicable, the federal and state wetland
 1042 permitting programs. It is the intent of the Legislature that
 1043 all dredge and fill activities impacting 10 acres or less of
 1044 wetlands or waters, including navigable waters, be processed by
 1045 the state as part of the environmental resource permitting
 1046 program implemented by the department and the water management
 1047 districts. The resulting mechanism or plan shall analyze and
 1048 propose the development of an expanded state programmatic
 1049 general permit program in conjunction with the United States
 1050 Army Corps of Engineers pursuant to s. 404 of the Clean Water
 1051 Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,
 1052 and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,
 1053 or in combination with an expanded state programmatic general
 1054 permit, the mechanism or plan may propose the creation of a
 1055 series of regional general permits issued by the United States
 1056 Army Corps of Engineers pursuant to the referenced statutes. All
 1057 of the regional general permits must be administered by the
 1058 department or the water management districts or their designees.

1059 (2) In order to effectuate efficient wetland permitting
 1060 and avoid duplication, the department and water management
 1061 districts are authorized to implement a voluntary state
 1062 programmatic general permit for all dredge and fill activities
 1063 impacting 3 acres or less of wetlands or other surface waters,
 1064 including navigable waters, subject to agreement with the United

1065 States Army Corps of Engineers, if the general permit is at
 1066 least as protective of the environment and natural resources as
 1067 existing state law under this part and federal law under the
 1068 Clean Water Act and the Rivers and Harbors Act of 1899. ~~The~~
 1069 ~~department is directed to file with the Speaker of the House of~~
 1070 ~~Representatives and the President of the Senate a report~~
 1071 ~~proposing any required federal and state statutory changes that~~
 1072 ~~would be necessary to accomplish the directives listed in this~~
 1073 ~~section and to coordinate with the Florida Congressional~~
 1074 ~~Delegation on any necessary changes to federal law to implement~~
 1075 ~~the directives.~~

1076 (3) Nothing in this section shall be construed to preclude
 1077 the department from pursuing a series of regional general
 1078 permits for construction activities in wetlands or surface
 1079 waters or complete assumption of federal permitting programs
 1080 regulating the discharge of dredged or fill material pursuant to
 1081 s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended,
 1082 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors
 1083 Act of 1899, so long as the assumption encompasses all dredge
 1084 and fill activities in, on, or over jurisdictional wetlands or
 1085 waters, including navigable waters, within the state.

1086 Section 16. Subsections (2) and (3), paragraph (a) of
 1087 subsection (4), and paragraph (a) of subsection (6) of section
 1088 373.41492, Florida Statutes, are amended to read:

1089 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
 1090 mitigation for mining activities within the Miami-Dade County
 1091 Lake Belt.—

1092 (2) To provide for the mitigation of wetland resources

1093 | lost to mining activities within the Miami-Dade County Lake Belt
 1094 | Plan, effective October 1, 1999, a mitigation fee is imposed on
 1095 | each ton of limerock and sand extracted by any person who
 1096 | engages in the business of extracting limerock or sand from
 1097 | within the Miami-Dade County Lake Belt Area and the east one-
 1098 | half of sections 24 and 25 and all of sections 35 and 36,
 1099 | Township 53 South, Range 39 East. The mitigation fee is imposed
 1100 | for each ton of limerock and sand sold from within the
 1101 | properties where the fee applies in raw, processed, or
 1102 | manufactured form, including, but not limited to, sized
 1103 | aggregate, asphalt, cement, concrete, and other limerock and
 1104 | concrete products. The mitigation fee imposed by this subsection
 1105 | for each ton of limerock and sand sold shall be 12 cents per ton
 1106 | beginning January 1, 2007; 18 cents per ton beginning January 1,
 1107 | 2008; 24 cents per ton beginning January 1, 2009; and 45 cents
 1108 | per ton beginning close of business December 31, 2011. To pay
 1109 | for seepage mitigation projects, including hydrological
 1110 | structures, as authorized in an environmental resource permit
 1111 | issued by the department for mining activities within the Miami-
 1112 | Dade County Lake Belt Area, and to upgrade a water treatment
 1113 | plant that treats water coming from the Northwest Wellfield in
 1114 | Miami-Dade County, a water treatment plant upgrade fee is
 1115 | imposed within the same Lake Belt Area subject to the mitigation
 1116 | fee and upon the same kind of mined limerock and sand subject to
 1117 | the mitigation fee. The water treatment plant upgrade fee
 1118 | imposed by this subsection for each ton of limerock and sand
 1119 | sold shall be 15 cents per ton beginning on January 1, 2007, and
 1120 | the collection of this fee shall cease once the total amount of

1121 | proceeds collected for this fee reaches the amount of the actual
 1122 | moneys necessary to design and construct the water treatment
 1123 | plant upgrade, as determined in an open, public solicitation
 1124 | process. Any limerock or sand that is used within the mine from
 1125 | which the limerock or sand is extracted is exempt from the fees.
 1126 | The amount of the mitigation fee and the water treatment plant
 1127 | upgrade fee imposed under this section must be stated separately
 1128 | on the invoice provided to the purchaser of the limerock or sand
 1129 | product from the limerock or sand miner, or its subsidiary or
 1130 | affiliate, for which the fee or fees apply. The limerock or sand
 1131 | miner, or its subsidiary or affiliate, who sells the limerock or
 1132 | sand product shall collect the mitigation fee and the water
 1133 | treatment plant upgrade fee and forward the proceeds of the fees
 1134 | to the Department of Revenue on or before the 20th day of the
 1135 | month following the calendar month in which the sale occurs. As
 1136 | used in this section, the term "proceeds of the fee" means all
 1137 | funds collected and received by the Department of Revenue under
 1138 | this section, including interest and penalties on delinquent
 1139 | fees. The amount deducted for administrative costs may not
 1140 | exceed 3 percent of the total revenues collected under this
 1141 | section and may equal only those administrative costs reasonably
 1142 | attributable to the fees.

1143 | (3) The mitigation fee and the water treatment plant
 1144 | upgrade fee imposed by this section must be reported to the
 1145 | Department of Revenue. Payment of the mitigation and the water
 1146 | treatment plant upgrade fees must be accompanied by a form
 1147 | prescribed by the Department of Revenue.

1148 | (a) The proceeds of the mitigation fee, less

1149 administrative costs, must be transferred by the Department of
 1150 Revenue to the South Florida Water Management District and
 1151 deposited into the Lake Belt Mitigation Trust Fund.

1152 (b) Beginning January 1, 2012, the proceeds of the water
 1153 treatment plant upgrade fee, less administrative costs, must be
 1154 transferred by the Department of Revenue to the South Florida
 1155 Water Management District and deposited into the Lake Belt
 1156 Mitigation Trust Fund until either:

1157 1. A total of \$20 million from the water treatment plant
 1158 upgrade fee proceeds, less administrative costs, is deposited
 1159 into the Lake Belt Mitigation Trust Fund; or

1160 2. The quarterly pathogen sampling conducted as a
 1161 condition of the permits issued by the department for rock
 1162 mining activities in the Miami-Dade Lake Belt Area demonstrates
 1163 that the water in any quarry lake in the vicinity of the
 1164 Northwest Wellfield would be classified as being in Bin Two or
 1165 higher as defined in the Environmental Protection Agency's
 1166 Enhanced Surface Water Treatment Rule.

1167 (c) Upon the earliest occurrence of the criteria under
 1168 either subparagraph (b)1. or subparagraph (b)2., the proceeds of
 1169 the water treatment plant upgrade fee, less administrative
 1170 costs, must be transferred by the Department of Revenue to a
 1171 trust fund established by Miami-Dade County, for the sole
 1172 purpose authorized by paragraph (6) (a). ~~As used in this section,~~
 1173 ~~the term "proceeds of the fee" means all funds collected and~~
 1174 ~~received by the Department of Revenue under this section,~~
 1175 ~~including interest and penalties on delinquent fees. The amount~~
 1176 ~~deducted for administrative costs may not exceed 3 percent of~~

1177 | ~~the total revenues collected under this section and may equal~~
 1178 | ~~only those administrative costs reasonably attributable to the~~
 1179 | ~~fees.~~

1180 | (4) (a) The Department of Revenue shall administer,
 1181 | collect, and enforce the mitigation and water treatment plant
 1182 | upgrade fees authorized under this section in accordance with
 1183 | the procedures used to administer, collect, and enforce the
 1184 | general sales tax imposed under chapter 212. The provisions of
 1185 | chapter 212 with respect to the authority of the Department of
 1186 | Revenue to audit and make assessments, the keeping of books and
 1187 | records, and the interest and penalties imposed on delinquent
 1188 | fees apply to this section. The fees may not be included in
 1189 | computing estimated taxes under s. 212.11, and the dealer's
 1190 | credit for collecting taxes or fees provided for in s. 212.12
 1191 | does not apply to the fees imposed by this section.

1192 | (6) (a) The proceeds of the mitigation fee must be used to
 1193 | conduct mitigation activities that are appropriate to offset the
 1194 | loss of the value and functions of wetlands as a result of
 1195 | mining activities and must be used in a manner consistent with
 1196 | the recommendations contained in the reports submitted to the
 1197 | Legislature by the Miami-Dade County Lake Belt Plan
 1198 | Implementation Committee and adopted under s. 373.4149. Such
 1199 | mitigation may include the purchase, enhancement, restoration,
 1200 | and management of wetlands and uplands, the purchase of
 1201 | mitigation credit from a permitted mitigation bank, and any
 1202 | structural modifications to the existing drainage system to
 1203 | enhance the hydrology of the Miami-Dade County Lake Belt Area.
 1204 | Funds may also be used to reimburse other funding sources,

1205 including the Save Our Rivers Land Acquisition Program, the
 1206 Internal Improvement Trust Fund, the South Florida Water
 1207 Management District, and Miami-Dade County, for the purchase of
 1208 lands that were acquired in areas appropriate for mitigation due
 1209 to rock mining and to reimburse governmental agencies that
 1210 exchanged land under s. 373.4149 for mitigation due to rock
 1211 mining. The proceeds of the water treatment plant upgrade fee
 1212 that are deposited into the Lake Belt Mitigation Trust Fund
 1213 shall be used solely to pay for seepage mitigation projects,
 1214 including groundwater or surface water management structures, as
 1215 authorized in an environmental resource permit issued by the
 1216 department for mining activities within the Miami-Dade County
 1217 Lake Belt Area. The proceeds of the water treatment plant
 1218 upgrade fee that are transferred to a trust fund established by
 1219 Miami-Dade County shall be used to upgrade a water treatment
 1220 plant that treats water coming from the Northwest Wellfield in
 1221 Miami-Dade County. As used in this section, the terms "upgrade a
 1222 water treatment plant" or "water treatment plant upgrade" means
 1223 those works necessary to treat or filter a surface water source
 1224 or supply or both.

1225 Section 17. Present subsections (3), (4), and (5) of
 1226 section 373.441, Florida Statutes, are renumbered as subsections
 1227 (7), (8), and (9), respectively, and new subsections (3), (4),
 1228 (5), and (6) are added to that section, to read:

1229 373.441 Role of counties, municipalities, and local
 1230 pollution control programs in permit processing; delegation.—

1231 (3) A county or municipality having a population of
 1232 400,000 or more that implements a local pollution control

1233 program regulating all or a portion of the wetlands or surface
1234 waters throughout its geographic boundary must apply for
1235 delegation of state environmental resource permitting authority
1236 on or before January 1, 2013. If such a county or municipality
1237 fails to receive delegation of all or a portion of state
1238 environmental resource permitting authority within 2 years after
1239 submitting its application for delegation or by January 1, 2015,
1240 at the latest, it may not require permits that in part or in
1241 full are substantially similar to the requirements needed to
1242 obtain an environmental resource permit. A county or
1243 municipality that has received delegation before January 1,
1244 2013, does not need to reapply.

1245 (4) The department is responsible for all delegations of
1246 state environmental resource permitting authority to local
1247 governments. The department must grant or deny an application
1248 for delegation submitted by a county or municipality that meets
1249 the criteria in subsection (3) within 2 years after the receipt
1250 of the application. If an application for delegation is denied,
1251 any available legal challenge to such denial shall toll the
1252 preemption deadline until resolution of the legal challenge.
1253 Upon delegation to a qualified local government, the department
1254 and water management district may not regulate the activities
1255 subject to the delegation within that jurisdiction.

1256 (5) This section does not prohibit or limit a local
1257 government that meets the criteria in subsection (3) from
1258 regulating wetlands or surface waters after January 1, 2013, if
1259 the local government receives delegation of all or a portion of
1260 state environmental resource permitting authority within 2 years

1261 after submitting its application for delegation.

1262 (6) Notwithstanding subsections (3), (4), and (5), this
 1263 section does not apply to environmental resource permitting or
 1264 reclamation applications for solid mineral mining and does not
 1265 prohibit the application of local government regulations to any
 1266 new solid mineral mine or any proposed addition to, change to,
 1267 or expansion of an existing solid mineral mine.

1268 Section 18. Paragraph (b) of subsection (11) of section
 1269 376.3071, Florida Statutes, is amended to read:

1270 376.3071 Inland Protection Trust Fund; creation; purposes;
 1271 funding.—

1272 (11)

1273 (b) Low-scored site initiative.—Notwithstanding s.
 1274 376.30711, any site with a priority ranking score of 10 points
 1275 or less may voluntarily participate in the low-scored site
 1276 initiative, whether or not the site is eligible for state
 1277 restoration funding.

1278 1. To participate in the low-scored site initiative, the
 1279 responsible party or property owner must affirmatively
 1280 demonstrate that the following conditions are met:

1281 a. Upon reassessment pursuant to department rule, the site
 1282 retains a priority ranking score of 10 points or less.

1283 b. No excessively contaminated soil, as defined by
 1284 department rule, exists onsite as a result of a release of
 1285 petroleum products.

1286 c. A minimum of 6 months of groundwater monitoring
 1287 indicates that the plume is shrinking or stable.

1288 d. The release of petroleum products at the site does not

1289 adversely affect adjacent surface waters, including their
1290 effects on human health and the environment.

1291 e. The area of groundwater containing the petroleum
1292 products' chemicals of concern is less than one-quarter acre and
1293 is confined to the source property boundaries of the real
1294 property on which the discharge originated.

1295 f. Soils onsite that are subject to human exposure found
1296 between land surface and 2 feet below land surface meet the soil
1297 cleanup target levels established by department rule or human
1298 exposure is limited by appropriate institutional or engineering
1299 controls.

1300 2. Upon affirmative demonstration of the conditions under
1301 subparagraph 1., the department shall issue a determination of
1302 "No Further Action." Such determination acknowledges that
1303 minimal contamination exists onsite and that such contamination
1304 is not a threat to human health or the environment. If no
1305 contamination is detected, the department may issue a site
1306 rehabilitation completion order.

1307 3. Sites that are eligible for state restoration funding
1308 may receive payment of preapproved costs for the low-scored site
1309 initiative as follows:

1310 a. A responsible party or property owner may submit an
1311 assessment plan designed to affirmatively demonstrate that the
1312 site meets the conditions under subparagraph 1. Notwithstanding
1313 the priority ranking score of the site, the department may
1314 preapprove the cost of the assessment pursuant to s. 376.30711,
1315 including 6 months of groundwater monitoring, not to exceed
1316 \$30,000 for each site. The department may not pay the costs

1317 associated with the establishment of institutional or
 1318 engineering controls.

1319 b. The assessment work shall be completed no later than 6
 1320 months after the department issues its approval.

1321 c. No more than \$10 million for the low-scored site
 1322 initiative shall be encumbered from the Inland Protection Trust
 1323 Fund in any fiscal year. Funds shall be made available on a
 1324 first-come, first-served basis and shall be limited to 10 sites
 1325 in each fiscal year for each responsible party or property
 1326 owner.

1327 d. Program deductibles, copayments, and the limited
 1328 contamination assessment report requirements under paragraph
 1329 (13) (c) do not apply to expenditures under this paragraph.

1330 Section 19. Section 376.30715, Florida Statutes, is
 1331 amended to read:

1332 376.30715 Innocent victim petroleum storage system
 1333 restoration.—A contaminated site acquired by the current owner
 1334 prior to July 1, 1990, which has ceased operating as a petroleum
 1335 storage or retail business prior to January 1, 1985, is eligible
 1336 for financial assistance pursuant to s. 376.305(6),
 1337 notwithstanding s. 376.305(6) (a). For purposes of this section,
 1338 the term "acquired" means the acquisition of title to the
 1339 property; however, a subsequent transfer of the property to a
 1340 spouse or child of the owner, a surviving spouse or child of the
 1341 owner in trust or free of trust, ~~or~~ a revocable trust created
 1342 for the benefit of the settlor, or a corporate entity created by
 1343 the owner to hold title to the site does not disqualify the site
 1344 from financial assistance pursuant to s. 376.305(6) and

1345 applicants previously denied coverage may reapply. Eligible
1346 sites shall be ranked in accordance with s. 376.3071(5).

1347 Section 20. Paragraph (u) is added to subsection (24) of
1348 section 380.06, Florida Statutes, to read:

1349 380.06 Developments of regional impact.—

1350 (24) STATUTORY EXEMPTIONS.—

1351 (u) Any proposed solid mineral mine and any proposed
1352 addition to, expansion of, or change to an existing solid
1353 mineral mine is exempt from the provisions of this section.
1354 Proposed changes to any previously approved solid mineral mine
1355 development-of-regional-impact development orders having vested
1356 rights is not subject to further review or approval as a
1357 development of regional impact or notice of proposed change
1358 review or approval pursuant to subsection (19), except for those
1359 applications pending as of July 1, 2011, which shall be governed
1360 by s. 380.115(2). Notwithstanding the foregoing, however,
1361 pursuant to s. 380.115(1), previously approved solid mineral
1362 mine development-of-regional-impact development orders shall
1363 continue to enjoy vested rights and continue to be effective
1364 unless rescinded by the developer. All local government
1365 regulations of proposed solid mineral mines apply to any new
1366 solid mineral mine or to any proposed addition to, expansion of,
1367 or change to an existing solid mineral mine. Notwithstanding
1368 this exemption, a new solid mineral mine that contributes more
1369 than 5 percent of the maximum service volume to a Strategic
1370 Intermodal System facility operating below its designated level
1371 of service must enter into a binding agreement with the
1372 Department of Transportation to mitigate its impacts to the

1373 Strategic Intermodal System facility.

1374
 1375 If a use is exempt from review as a development of regional
 1376 impact under paragraphs (a)-(s), but will be part of a larger
 1377 project that is subject to review as a development of regional
 1378 impact, the impact of the exempt use must be included in the
 1379 review of the larger project, unless such exempt use involves a
 1380 development of regional impact that includes a landowner,
 1381 tenant, or user that has entered into a funding agreement with
 1382 the Office of Tourism, Trade, and Economic Development under the
 1383 Innovation Incentive Program and the agreement contemplates a
 1384 state award of at least \$50 million.

1385 Section 21. Subsection (1) of section 380.0657, Florida
 1386 Statutes, is amended to read:

1387 380.0657 Expedited permitting process for economic
 1388 development projects.-

1389 (1) The Department of Environmental Protection and, as
 1390 appropriate, the water management districts created under
 1391 chapter 373 shall adopt programs to expedite the processing of
 1392 wetland resource and environmental resource permits for economic
 1393 development projects that have been identified by a municipality
 1394 or county as meeting the definition of target industry
 1395 businesses under s. 288.106, or any inland multimodal facility,
 1396 receiving or sending cargo to or from Florida ports, with the
 1397 exception of those projects requiring approval by the Board of
 1398 Trustees of the Internal Improvement Trust Fund.

1399 Section 22. Subsection (11) of section 403.061, Florida
 1400 Statutes, is amended to read:

1401 403.061 Department; powers and duties.—The department
 1402 shall have the power and the duty to control and prohibit
 1403 pollution of air and water in accordance with the law and rules
 1404 adopted and promulgated by it and, for this purpose, to:

1405 (11) Establish ambient air quality and water quality
 1406 standards for the state as a whole or for any part thereof, and
 1407 also standards for the abatement of excessive and unnecessary
 1408 noise. The department is authorized to establish reasonable
 1409 zones of mixing for discharges into waters. For existing
 1410 installations as defined by rule 62-520.200(10), Florida
 1411 Administrative Code, effective July 12, 2009, zones of discharge
 1412 to groundwater are authorized to a facility's or owner's
 1413 property boundary and extending to the base of a specifically
 1414 designated aquifer or aquifers. Exceedance of primary and
 1415 secondary groundwater standards that occur within a zone of
 1416 discharge does not create liability pursuant to this chapter or
 1417 chapter 376 for site cleanup, and the exceedance of soil cleanup
 1418 target levels is not a basis for enforcement or site cleanup.

1419 (a) When a receiving body of water fails to meet a water
 1420 quality standard for pollutants set forth in department rules, a
 1421 steam electric generating plant discharge of pollutants that is
 1422 existing or licensed under this chapter on July 1, 1984, may
 1423 nevertheless be granted a mixing zone, provided that:

- 1424 1. The standard would not be met in the water body in the
 1425 absence of the discharge;
- 1426 2. The discharge is in compliance with all applicable
 1427 technology-based effluent limitations;
- 1428 3. The discharge does not cause a measurable increase in

1429 the degree of noncompliance with the standard at the boundary of
 1430 the mixing zone; and

1431 4. The discharge otherwise complies with the mixing zone
 1432 provisions specified in department rules.

1433 (b) No mixing zone for point source discharges shall be
 1434 permitted in Outstanding Florida Waters except for:

1435 1. Sources that have received permits from the department
 1436 prior to April 1, 1982, or the date of designation, whichever is
 1437 later;

1438 2. Blowdown from new power plants certified pursuant to
 1439 the Florida Electrical Power Plant Siting Act;

1440 3. Discharges of water necessary for water management
 1441 purposes which have been approved by the governing board of a
 1442 water management district and, if required by law, by the
 1443 secretary; and

1444 4. The discharge of demineralization concentrate which has
 1445 been determined permissible under s. 403.0882 and which meets
 1446 the specific provisions of s. 403.0882(4)(a) and (b), if the
 1447 proposed discharge is clearly in the public interest.

1448 (c) The department, by rule, shall establish water quality
 1449 criteria for wetlands which criteria give appropriate
 1450 recognition to the water quality of such wetlands in their
 1451 natural state.

1452
 1453 Nothing in this act shall be construed to invalidate any
 1454 existing department rule relating to mixing zones. The
 1455 department shall cooperate with the Department of Highway Safety
 1456 and Motor Vehicles in the development of regulations required by

1457 s. 316.272(1).

1458
 1459 The department shall implement such programs in conjunction with
 1460 its other powers and duties and shall place special emphasis on
 1461 reducing and eliminating contamination that presents a threat to
 1462 humans, animals or plants, or to the environment.

1463 Section 23. Subsection (7) of section 403.087, Florida
 1464 Statutes, is amended to read:

1465 403.087 Permits; general issuance; denial; revocation;
 1466 prohibition; penalty.—

1467 (7) A permit issued pursuant to this section shall not
 1468 become a vested right in the permittee. The department may
 1469 revoke any permit issued by it if it finds that the permitholder
 1470 has:

1471 (a) ~~Has~~ Submitted false or inaccurate information in the
 1472 ~~his or her~~ application for such permit;

1473 (b) ~~Has~~ Violated law, department orders, rules, ~~or~~
 1474 ~~regulations,~~ or ~~permit~~ conditions;

1475 (c) ~~Has~~ Failed to submit operational reports or other
 1476 information required by department rule which directly relate to
 1477 such permit and has refused to correct or cure such violations
 1478 when requested to do so or regulation; or

1479 (d) ~~Has~~ Refused lawful inspection under s. 403.091 at the
 1480 facility authorized by such permit.

1481 Section 24. Section 403.0874, Florida Statutes, is created
 1482 to read:

1483 403.0874 Incentive-based permitting program.—

1484 (1) SHORT TITLE.—This section may be cited as the "Florida

1485 Incentive-based Permitting Act."

1486 (2) FINDINGS AND INTENT.—The Legislature finds and
 1487 declares that the department should consider compliance history
 1488 when deciding whether to issue, renew, amend, or modify a permit
 1489 by evaluating an applicant's site-specific and program-specific
 1490 relevant aggregate compliance history. Persons having a history
 1491 of complying with applicable permits or state environmental laws
 1492 and rules are eligible for permitting benefits, including, but
 1493 not limited to, expedited permit application reviews, longer-
 1494 duration permit periods, decreased announced compliance
 1495 inspections, and other similar regulatory and compliance
 1496 incentives to encourage and reward such persons for their
 1497 environmental performance.

1498 (3) APPLICABILITY.—

1499 (a) This section applies to all persons and regulated
 1500 activities that are subject to the permitting requirements of
 1501 chapter 161, chapter 373, or this chapter, and all other
 1502 applicable state or federal laws that govern activities for the
 1503 purpose of protecting the environment or the public health from
 1504 pollution or contamination.

1505 (b) Notwithstanding paragraph (a), this section does not
 1506 apply to certain permit actions or environmental permitting laws
 1507 such as:

1508 1. Environmental permitting or authorization laws that
 1509 regulate activities for the purpose of zoning, growth
 1510 management, or land use; or

1511 2. Any federal law or program delegated or assumed by the
 1512 state to the extent that implementation of this section, or any

1513 part of this section, would jeopardize the ability of the state
 1514 to retain such delegation or assumption.

1515 (c) As used in this section, the term "regulated activity"
 1516 means any activity, including, but not limited to, the
 1517 construction or operation of a facility, installation, system,
 1518 or project, for which a permit, certification, or authorization
 1519 is required under chapter 161, chapter 373, or this chapter.

1520 (4) COMPLIANCE HISTORY.—The compliance history period
 1521 shall be the 10 years before the date any permit or renewal
 1522 application is received by the department. Any person is
 1523 entitled to the incentives under subsection (5) if:

1524 (a)1. The applicant has conducted the regulated activity
 1525 at the same site for which the permit or renewal is sought for
 1526 at least 8 of the 10 years before the date the permit
 1527 application is received by the department; or

1528 2. The applicant has conducted the same regulated activity
 1529 at a different site within the state for at least 8 of the 10
 1530 years before the date the permit or renewal application is
 1531 received by the department; and

1532 (b) In the 10 years before the date the permit or renewal
 1533 application is received by the department or water management
 1534 district, the applicant has not been subject to a final
 1535 administrative order or civil judgment or criminal conviction
 1536 whereby an administrative law judge or civil or criminal court
 1537 found the applicant violated the applicable law or rule and has
 1538 not been the subject of an administrative settlement or consent
 1539 order, whether formal or informal, that established a violation
 1540 of an applicable law or rule; and

1541 (c) The applicant can demonstrate during a 10-year
 1542 compliance history period the implementation of activities or
 1543 practices that resulted in:

1544 1. Reductions in actual or permitted discharges or
 1545 emissions;

1546 2. Reductions in the impacts of regulated activities on
 1547 public lands or natural resources; and

1548 3. Implementation of voluntary environmental performance
 1549 programs, such as environmental management systems.

1550 (5) COMPLIANCE INCENTIVES.—An applicant shall request all
 1551 applicable incentives at the time of application submittal.
 1552 Unless otherwise prohibited by state or federal law, rule, or
 1553 regulation, and if the applicant meets all other applicable
 1554 criteria for the issuance of a permit or authorization, an
 1555 applicant is entitled to the following incentives:

1556 (a) Expedited reviews on permit actions, including, but
 1557 not limited to, initial permit issuance, renewal, modification,
 1558 and transfer, if applicable. Expedited review means, at a
 1559 minimum, that the initial request for additional information
 1560 regarding a permit application shall be issued no later than 30
 1561 days after the application is filed, and final agency action
 1562 shall be taken no later than 60 days after the application is
 1563 deemed complete;

1564 (b) Priority review of the permit application;

1565 (c) Reduction in the number of routine compliance
 1566 inspections;

1567 (d) No more than two requests for additional information
 1568 under s. 120.60; and

1569 (e) Longer permit period durations.

1570 (6) RULEMAKING.—The department may adopt additional

1571 incentives by rule. Such incentives shall be based on, and

1572 proportional to, actions taken by the applicant to reduce the

1573 applicant's impacts on human health and the environment beyond

1574 those actions required by law. The department's rules adopted

1575 under this section are binding on the water management districts

1576 and any local government that has been delegated or assumed a

1577 regulatory program to which this section applies.

1578 (7) SAVINGS PROVISION.—This section does not affect an

1579 applicant's responsibility to provide reasonable assurance of

1580 compliance with applicable statutes and rules as a condition

1581 precedent to issuance of a permit and does not limit factors the

1582 department, a water management district, or a delegated program

1583 may consider in evaluating a permit application under existing

1584 law.

1585 Section 25. Subsection (2) of section 403.1838, Florida

1586 Statutes, is amended to read:

1587 403.1838 Small Community Sewer Construction Assistance

1588 Act.—

1589 (2) The department shall use funds specifically

1590 appropriated to award grants under this section to assist

1591 financially disadvantaged small communities with their needs for

1592 adequate sewer facilities. For purposes of this section, the

1593 term "financially disadvantaged small community" means a

1594 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer

1595 ~~less~~, according to the latest decennial census and a per capita

1596 annual income less than the state per capita annual income as

1597 determined by the United States Department of Commerce.

1598 Section 26. Paragraph (f) of subsection (1) of section
1599 403.7045, Florida Statutes, is amended to read:

1600 403.7045 Application of act and integration with other
1601 acts.—

1602 (1) The following wastes or activities shall not be
1603 regulated pursuant to this act:

1604 (f) Industrial byproducts, if:

1605 1. A majority of the industrial byproducts are
1606 demonstrated to be sold, used, or reused within 1 year.

1607 2. The industrial byproducts are not discharged,
1608 deposited, injected, dumped, spilled, leaked, or placed upon any
1609 land or water so that such industrial byproducts, or any
1610 constituent thereof, may enter other lands or be emitted into
1611 the air or discharged into any waters, including groundwaters,
1612 or otherwise enter the environment such that a threat of
1613 contamination in excess of applicable department standards and
1614 criteria or a significant threat to public health is caused.

1615 3. The industrial byproducts are not hazardous wastes as
1616 defined under s. 403.703 and rules adopted under this section.

1617
1618 Sludge from an industrial waste treatment works that meets the
1619 exemption requirements of this paragraph is not solid waste as
1620 defined in s. 403.703(32).

1621 Section 27. Subsections (2) and (3) of section 403.707,
1622 Florida Statutes, are amended to read:

1623 403.707 Permits.—

1624 (2) Except as provided in s. 403.722(6), a permit under

1625 | ~~this section is not required for the following, if the activity~~
 1626 | ~~does not create a public nuisance or any condition adversely~~
 1627 | ~~affecting the environment or public health and does not violate~~
 1628 | ~~other state or local laws, ordinances, rules, regulations, or~~
 1629 | ~~orders:~~

1630 | (a) Disposal by persons of solid waste resulting from
 1631 | their own activities on their own property, if such waste is
 1632 | ordinary household waste from their residential property or is
 1633 | rocks, soils, trees, tree remains, and other vegetative matter
 1634 | that normally result from land development operations. Disposal
 1635 | of materials that could create a public nuisance or adversely
 1636 | affect the environment or public health, such as white goods;
 1637 | automotive materials, such as batteries and tires; petroleum
 1638 | products; pesticides; solvents; or hazardous substances, is not
 1639 | covered under this exemption.

1640 | (b) Storage in containers by persons of solid waste
 1641 | resulting from their own activities on their property, leased or
 1642 | rented property, or property subject to a homeowners or
 1643 | maintenance association for which the person contributes
 1644 | association assessments, if the solid waste in such containers
 1645 | is collected at least once a week.

1646 | (c) Disposal by persons of solid waste resulting from
 1647 | their own activities on their property, if the environmental
 1648 | effects of such disposal on groundwater and surface waters are:

- 1649 | 1. Addressed or authorized by a site certification order
 1650 | issued under part II or a permit issued by the department under
 1651 | this chapter or rules adopted pursuant to this chapter; or
 1652 | 2. Addressed or authorized by, or exempted from the

1653 requirement to obtain, a groundwater monitoring plan approved by
1654 the department. If a facility has a permit authorizing disposal
1655 activity, new areas where solid waste is being disposed of that
1656 are monitored by an existing or modified groundwater monitoring
1657 plan are not required to be specifically authorized in a permit
1658 or other certification.

1659 (d) Disposal by persons of solid waste resulting from
1660 their own activities on their own property, if such disposal
1661 occurred prior to October 1, 1988.

1662 (e) Disposal of solid waste resulting from normal farming
1663 operations as defined by department rule. Polyethylene
1664 agricultural plastic, damaged, nonsalvageable, untreated wood
1665 pallets, and packing material that cannot be feasibly recycled,
1666 which are used in connection with agricultural operations
1667 related to the growing, harvesting, or maintenance of crops, may
1668 be disposed of by open burning if a public nuisance or any
1669 condition adversely affecting the environment or the public
1670 health is not created by the open burning and state or federal
1671 ambient air quality standards are not violated.

1672 (f) The use of clean debris as fill material in any area.
1673 However, this paragraph does not exempt any person from
1674 obtaining any other required permits, and does not affect a
1675 person's responsibility to dispose of clean debris appropriately
1676 if it is not to be used as fill material.

1677 (g) Compost operations that produce less than 50 cubic
1678 yards of compost per year when the compost produced is used on
1679 the property where the compost operation is located.

1680 (3) (a) All applicable provisions of ss. 403.087 and

1681 403.088, relating to permits, apply to the control of solid
1682 waste management facilities.

1683 (b) Any permit issued to a solid waste management facility
1684 that is designed with a leachate control system that meets
1685 department requirements shall be issued for a term of 20 years
1686 unless the applicant requests a lesser permit term. Existing
1687 permit fees for qualifying solid waste management facilities
1688 shall be prorated to the permit term authorized by this section.
1689 This provision applies to all qualifying solid waste management
1690 facilities that apply for an operating or construction permit or
1691 renew an existing operating or construction permit on or after
1692 July 1, 2012.

1693 Section 28. Subsection (12) is added to section 403.814,
1694 Florida Statutes, to read:

1695 403.814 General permits; delegation.—

1696 (12) A general permit shall be granted for the
1697 construction, alteration, and maintenance of a surface water
1698 management system serving a total project area of up to 10
1699 acres. The construction of such a system may proceed without any
1700 agency action by the department or water management district if:

1701 (a) The total project area is less than 10 acres;

1702 (b) The total project area involves less than 2 acres of
1703 impervious surface;

1704 (c) No activities will impact wetlands or other surface
1705 waters;

1706 (d) No activities are conducted in, on, or over wetlands
1707 or other surface waters;

1708 (e) Drainage facilities will not include pipes having

1709 diameters greater than 24 inches, or the hydraulic equivalent,
 1710 and will not use pumps in any manner;

1711 (f) The project is not part of a larger common plan,
 1712 development, or sale.

1713 (g) The project does not:

1714 1. Cause adverse water quantity or flooding impacts to
 1715 receiving water and adjacent lands;

1716 2. Cause adverse impacts to existing surface water storage
 1717 and conveyance capabilities;

1718 3. Cause a violation of state water quality standards; and

1719 4. Cause an adverse impact to the maintenance of surface
 1720 or ground water levels or surface water flows established
 1721 pursuant to s. 373.042 or a work of the district established
 1722 pursuant to s. 373.086; and

1723 (h) The surface water management system design plans must
 1724 be signed and sealed by a Florida registered professional who
 1725 shall attest that the system will perform and function as
 1726 proposed and has been designed in accordance with appropriate,
 1727 generally accepted performance standards and scientific
 1728 principles.

1729 Section 29. Subsection (6) of section 403.853, Florida
 1730 Statutes, is amended to read:

1731 403.853 Drinking water standards.—

1732 (6) Upon the request of the owner or operator of a
 1733 transient noncommunity water system using groundwater as a
 1734 source of supply and serving religious institutions or
 1735 businesses, other than restaurants or other public food service
 1736 establishments or religious institutions with school or day care

1737 ~~services, and using groundwater as a source of supply,~~ the
1738 department, or a local county health department designated by
1739 the department, shall perform a sanitary survey of the facility.
1740 Upon receipt of satisfactory survey results according to
1741 department criteria, the department shall reduce the
1742 requirements of such owner or operator from monitoring and
1743 reporting on a quarterly basis to performing these functions on
1744 an annual basis. Any revised monitoring and reporting schedule
1745 approved by the department under this subsection shall apply
1746 until such time as a violation of applicable state or federal
1747 primary drinking water standards is determined by the system
1748 owner or operator, by the department, or by an agency designated
1749 by the department, after a random or routine sanitary survey.
1750 Certified operators are not required for transient noncommunity
1751 water systems of the type and size covered by this subsection.
1752 Any reports required of such system shall be limited to the
1753 minimum as required by federal law. When not contrary to the
1754 provisions of federal law, the department may, upon request and
1755 by rule, waive additional provisions of state drinking water
1756 regulations for such systems.

1757 Section 30. Paragraph (a) of subsection (3) and
1758 subsections (4), (5), (10), (11), (14), (15), and (18) of
1759 section 403.973, Florida Statutes, are amended to read:

1760 403.973 Expedited permitting; amendments to comprehensive
1761 plans.—

1762 (3) (a) The secretary shall direct the creation of regional
1763 permit action teams for the purpose of expediting review of
1764 permit applications and local comprehensive plan amendments

1765 submitted by:

1766 1. Businesses creating at least 50 jobs or a commercial or
 1767 industrial development project that will be occupied by
 1768 businesses that would individually or collectively create at
 1769 least 50 jobs; or

1770 2. Businesses creating at least 25 jobs if the project is
 1771 located in an enterprise zone, or in a county having a
 1772 population of fewer than 75,000 or in a county having a
 1773 population of fewer than 125,000 which is contiguous to a county
 1774 having a population of fewer than 75,000, as determined by the
 1775 most recent decennial census, residing in incorporated and
 1776 unincorporated areas of the county.

1777 (4) The regional teams shall be established through the
 1778 execution of a project-specific memoranda of agreement developed
 1779 and executed by the applicant and the secretary, with input
 1780 solicited from ~~the office and~~ the respective heads of the
 1781 Department of Community Affairs, the Department of
 1782 Transportation and its district offices, the Department of
 1783 Agriculture and Consumer Services, the Fish and Wildlife
 1784 Conservation Commission, appropriate regional planning councils,
 1785 appropriate water management districts, and voluntarily
 1786 participating municipalities and counties. The memoranda of
 1787 agreement should also accommodate participation in this
 1788 expedited process by other local governments and federal
 1789 agencies as circumstances warrant.

1790 (5) In order to facilitate local government's option to
 1791 participate in this expedited review process, the secretary
 1792 shall, in cooperation with local governments and participating

1793 state agencies, create a standard form memorandum of agreement.
 1794 The standard form of the memorandum of agreement shall be used
 1795 only if the local government participates in the expedited
 1796 review process. In the absence of local government
 1797 participation, only the project-specific memorandum of agreement
 1798 executed pursuant to subsection (4) applies. A local government
 1799 shall hold a duly noticed public workshop to review and explain
 1800 to the public the expedited permitting process and the terms and
 1801 conditions of the standard form memorandum of agreement.

1802 (10) The memoranda of agreement may provide for the waiver
 1803 or modification of procedural rules prescribing forms, fees,
 1804 procedures, or time limits for the review or processing of
 1805 permit applications under the jurisdiction of those agencies
 1806 that are members of the regional permit action team ~~party to the~~
 1807 ~~memoranda of agreement.~~ Notwithstanding any other provision of
 1808 law to the contrary, a memorandum of agreement must to the
 1809 extent feasible provide for proceedings and hearings otherwise
 1810 held separately ~~by the parties to the memorandum of agreement~~ to
 1811 be combined into one proceeding or held jointly and at one
 1812 location. Such waivers or modifications shall not be available
 1813 for permit applications governed by federally delegated or
 1814 approved permitting programs, the requirements of which would
 1815 prohibit, or be inconsistent with, such a waiver or
 1816 modification.

1817 (11) The ~~standard form for~~ memoranda of agreement shall
 1818 include guidelines to be used in working with state, regional,
 1819 and local permitting authorities. Guidelines may include, but
 1820 are not limited to, the following:

1821 (a) A central contact point for filing permit applications
1822 and local comprehensive plan amendments and for obtaining
1823 information on permit and local comprehensive plan amendment
1824 requirements;

1825 (b) Identification of the individual or individuals within
1826 each respective agency who will be responsible for processing
1827 the expedited permit application or local comprehensive plan
1828 amendment for that agency;

1829 (c) A mandatory preapplication review process to reduce
1830 permitting conflicts by providing guidance to applicants
1831 regarding the permits needed from each agency and governmental
1832 entity, site planning and development, site suitability and
1833 limitations, facility design, and steps the applicant can take
1834 to ensure expeditious permit application and local comprehensive
1835 plan amendment review. As a part of this process, the first
1836 interagency meeting to discuss a project shall be held within 14
1837 days after the secretary's determination that the project is
1838 eligible for expedited review. Subsequent interagency meetings
1839 may be scheduled to accommodate the needs of participating local
1840 governments that are unable to meet public notice requirements
1841 for executing a memorandum of agreement within this timeframe.
1842 This accommodation may not exceed 45 days from the secretary's
1843 determination that the project is eligible for expedited review;

1844 (d) The preparation of a single coordinated project
1845 description form and checklist and an agreement by state and
1846 regional agencies to reduce the burden on an applicant to
1847 provide duplicate information to multiple agencies;

1848 (e) Establishment of a process for the adoption and review

1849 of any comprehensive plan amendment needed by any certified
1850 project within 90 days after the submission of an application
1851 for a comprehensive plan amendment. However, the memorandum of
1852 agreement may not prevent affected persons as defined in s.
1853 163.3184 from appealing or participating in this expedited plan
1854 amendment process and any review or appeals of decisions made
1855 under this paragraph; and

1856 (f) Additional incentives for an applicant who proposes a
1857 project that provides a net ecosystem benefit.

1858 (14) (a) Challenges to state agency action in the expedited
1859 permitting process for projects processed under this section are
1860 subject to the summary hearing provisions of s. 120.574, except
1861 that the administrative law judge's decision, as provided in s.
1862 120.574(2)(f), shall be in the form of a recommended order and
1863 shall not constitute the final action of the state agency. In
1864 those proceedings where the action of only one agency of the
1865 state other than the Department of Environmental Protection is
1866 challenged, the agency of the state shall issue the final order
1867 within 45 working days after receipt of the administrative law
1868 judge's recommended order, and the recommended order shall
1869 inform the parties of their right to file exceptions or
1870 responses to the recommended order in accordance with the
1871 uniform rules of procedure pursuant to s. 120.54. In those
1872 proceedings where the actions of more than one agency of the
1873 state are challenged, the Governor shall issue the final order
1874 within 45 working days after receipt of the administrative law
1875 judge's recommended order, and the recommended order shall
1876 inform the parties of their right to file exceptions or

1877 responses to the recommended order in accordance with the
1878 uniform rules of procedure pursuant to s. 120.54. For This
1879 ~~paragraph does not apply to~~ the issuance of department licenses
1880 required under any federally delegated or approved permit
1881 program. In such instances, the department, and not the
1882 Governor, shall enter the final order. The participating
1883 agencies of the state may opt at the preliminary hearing
1884 conference to allow the administrative law judge's decision to
1885 constitute the final agency action. If a participating local
1886 government agrees to participate in the summary hearing
1887 provisions of s. 120.574 for purposes of review of local
1888 government comprehensive plan amendments, s. 163.3184(9) and
1889 (10) apply.

1890 (b) Projects identified in paragraph (3)(f) or challenges
1891 to state agency action in the expedited permitting process for
1892 establishment of a state-of-the-art biomedical research
1893 institution and campus in this state by the grantee under s.
1894 288.955 are subject to the same requirements as challenges
1895 brought under paragraph (a), except that, notwithstanding s.
1896 120.574, summary proceedings must be conducted within 30 days
1897 after a party files the motion for summary hearing, regardless
1898 of whether the parties agree to the summary proceeding.

1899 (15) The office, working with the agencies providing
1900 cooperative assistance and input regarding the memoranda of
1901 agreement, shall review sites proposed for the location of
1902 facilities that the office has certified to be eligible for the
1903 Innovation Incentive Program under s. 288.1089. Within 20 days
1904 after the request for the review by the office, the agencies

1905 shall provide to the office a statement as to each site's
 1906 necessary permits under local, state, and federal law and an
 1907 identification of significant permitting issues, which if
 1908 unresolved, may result in the denial of an agency permit or
 1909 approval or any significant delay caused by the permitting
 1910 process.

1911 (18) The office, working with the Rural Economic
 1912 Development Initiative ~~and the agencies participating in the~~
 1913 ~~memoranda of agreement~~, shall provide technical assistance in
 1914 preparing permit applications and local comprehensive plan
 1915 amendments for counties having a population of fewer than 75,000
 1916 residents, or counties having fewer than 125,000 residents which
 1917 are contiguous to counties having fewer than 75,000 residents.
 1918 Additional assistance may include, but not be limited to,
 1919 guidance in land development regulations and permitting
 1920 processes, working cooperatively with state, regional, and local
 1921 entities to identify areas within these counties which may be
 1922 suitable or adaptable for preclearance review of specified types
 1923 of land uses and other activities requiring permits.

1924 Section 31. Subsection (5) is added to section 526.203,
 1925 Florida Statutes, to read:

1926 526.203 Renewable fuel standard.—

1927 (5) SALE OF UNBLENDED FUELS.—This section does not
 1928 prohibit the sale of unblended fuels for the uses exempted under
 1929 subsection (3).

1930 Section 32. The installation of fuel tank upgrades to
 1931 secondary containment systems shall be completed by the
 1932 deadlines specified in rule 62-761.510, Florida Administrative

1933 Code, Table UST. However, notwithstanding any agreements to the
 1934 contrary, any fuel service station that changed ownership
 1935 interest through a bona fide sale of the property between
 1936 January 1, 2009, and December 31, 2009, is not required to
 1937 complete the upgrades described in rule 62-761.510, Florida
 1938 Administrative Code, Table UST, until December 31, 2012.

1939 Section 33. The amendments to s. 373.4137, Florida
 1940 Statutes, made by this act do not apply within the territory of
 1941 the Northwest Florida Water Management District until July 2,
 1942 2016.

1943 Section 34. Paragraph (d) of subsection (1) of section
 1944 20.23, Florida Statutes, is amended to read:

1945 20.23 Department of Transportation.—There is created a
 1946 Department of Transportation which shall be a decentralized
 1947 agency.

1948 (1)

1949 (d) The secretary may appoint up to three assistant
 1950 secretaries who shall be directly responsible to the secretary
 1951 and who shall perform such duties as are assigned by the
 1952 secretary. The secretary shall designate to an assistant
 1953 secretary the duties related to enhancing economic prosperity,
 1954 including, but not limited to, the responsibility of liaison
 1955 with the head of economic development in the Executive Office of
 1956 the Governor. Such assistant secretary shall be directly
 1957 responsible for providing the Executive Office of the Governor
 1958 with investment opportunities and transportation projects that
 1959 expand the state's role as a global hub for trade and investment
 1960 and enhance the supply chain system in the state to process,

1961 assemble, and ship goods to markets throughout the eastern
 1962 United States, Canada, the Caribbean, and Latin America. The
 1963 secretary may delegate to any assistant secretary the authority
 1964 to act in the absence of the secretary.

1965 Section 35. Subsection (3) of section 311.09, Florida
 1966 Statutes, is amended to read:

1967 311.09 Florida Seaport Transportation and Economic
 1968 Development Council.—

1969 (3) The council shall prepare a 5-year Florida Seaport
 1970 Mission Plan defining the goals and objectives of the council
 1971 concerning the development of port facilities and an intermodal
 1972 transportation system consistent with the goals of the Florida
 1973 Transportation Plan developed pursuant to s. 339.155. The
 1974 Florida Seaport Mission Plan shall include specific
 1975 recommendations for the construction of transportation
 1976 facilities connecting any port to another transportation mode
 1977 and for the efficient, cost-effective development of
 1978 transportation facilities or port facilities for the purpose of
 1979 enhancing ~~international~~ trade, promoting cargo flow, increasing
 1980 cruise passenger movements, increasing port revenues, and
 1981 providing economic benefits to the state. The council shall
 1982 develop a priority list of projects based on these
 1983 recommendations annually and submit the list to the Department
 1984 of Transportation. The council shall update the 5-year Florida
 1985 Seaport Mission Plan annually and shall submit the plan no later
 1986 than February 1 of each year to the President of the Senate; the
 1987 Speaker of the House of Representatives; the Office of Tourism,
 1988 Trade, and Economic Development; the Department of

1989 Transportation; and the Department of Community Affairs. The
 1990 council shall develop programs, based on an examination of
 1991 existing programs in Florida and other states, for the training
 1992 of minorities and secondary school students in job skills
 1993 associated with employment opportunities in the maritime
 1994 industry, and report on progress and recommendations for further
 1995 action to the President of the Senate and the Speaker of the
 1996 House of Representatives annually.

1997 Section 36. Section 311.14, Florida Statutes, is amended
 1998 to read:

1999 311.14 Seaport ~~freight-mobility~~ planning.-

2000 (1) The Florida Seaport Transportation and Economic
 2001 Development Council, in cooperation with the Office of the State
 2002 Public Transportation Administrator within the Department of
 2003 Transportation, shall develop freight-mobility and trade-
 2004 corridor plans to assist in making freight-mobility investments
 2005 that contribute to the economic growth of the state. Such plans
 2006 should enhance the integration and connectivity of the
 2007 transportation system across and between transportation modes
 2008 throughout Florida for people and freight.

2009 (2) The Office of the State Public Transportation
 2010 Administrator shall act to integrate freight-mobility and trade-
 2011 corridor plans into the Florida Transportation Plan developed
 2012 pursuant to s. 339.155 and into the plans and programs of
 2013 metropolitan planning organizations as provided in s. 339.175.
 2014 The office may also provide assistance in expediting the
 2015 transportation permitting process relating to the construction
 2016 of seaport freight-mobility projects located outside the

2017 physical borders of seaports. The Department of Transportation
2018 may contract, as provided in s. 334.044, with any port listed in
2019 s. 311.09(1) or any such other statutorily authorized seaport
2020 entity to act as an agent in the construction of seaport
2021 freight-mobility projects.

2022 (3) Each port shall develop a strategic plan with a 10-
2023 year horizon. Each plan must include the following:

2024 (a) An economic development component that identifies
2025 targeted business opportunities for increasing business and
2026 attracting new business for which a particular facility has a
2027 strategic advantage over its competitors, identifies financial
2028 resources and other inducements to encourage growth of existing
2029 business and acquisition of new business, and provides a
2030 projected schedule for attainment of the plan's goals.

2031 (b) An infrastructure development and improvement
2032 component that identifies all projected infrastructure
2033 improvements within the plan area which require improvement,
2034 expansion, or development in order for a port to attain a
2035 strategic advantage for competition with national and
2036 international competitors.

2037 (c) A component that identifies all intermodal
2038 transportation facilities, including sea, air, rail, or road
2039 facilities, which are available or have potential, with
2040 improvements, to be available for necessary national and
2041 international commercial linkages and provides a plan for the
2042 integration of port, airport, and railroad activities with
2043 existing and planned transportation infrastructure.

2044 (d) A component that identifies physical, environmental,

2045 and regulatory barriers to achievement of the plan's goals and
 2046 provides recommendations for overcoming those barriers.

2047 (e) An intergovernmental coordination component that
 2048 specifies modes and methods to coordinate plan goals and
 2049 missions with the missions of the Department of Transportation,
 2050 other state agencies, and affected local, general-purpose
 2051 governments.

2052
 2053 To the extent feasible, the port strategic plan must be
 2054 consistent with the local government comprehensive plans of the
 2055 units of local government in which the port is located. Upon
 2056 approval of a plan by the port's board, the plan shall be
 2057 submitted to the Florida Seaport Transportation and Economic
 2058 Development Council.

2059 (4) The Florida Seaport Transportation and Economic
 2060 Development Council shall review the strategic plans submitted
 2061 by each port and prioritize strategic needs for inclusion in the
 2062 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

2063 Section 37. Subsection (1) of section 339.155, Florida
 2064 Statutes, is amended to read:

2065 339.155 Transportation planning.—

2066 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
 2067 develop and annually update a statewide transportation plan, to
 2068 be known as the Florida Transportation Plan. The plan shall be
 2069 designed so as to be easily read and understood by the general
 2070 public. The plan shall consider the needs of the entire state
 2071 transportation system and examine the use of all modes of
 2072 transportation to effectively and efficiently meet such needs.

2073 The purpose of the Florida Transportation Plan is to establish
 2074 and define the state's long-range transportation goals and
 2075 objectives to be accomplished over a period of at least 20 years
 2076 within the context of the State Comprehensive Plan, and any
 2077 other statutory mandates and authorizations and based upon the
 2078 prevailing principles of:

2079 (a) Preserving the existing transportation
 2080 infrastructure.†

2081 (b) Enhancing Florida's economic competitiveness.† ~~and~~

2082 (c) Improving travel choices to ensure mobility.

2083 (d) Expanding the state's role as a hub for trade and
 2084 investment. ~~The Florida Transportation Plan shall consider the~~
 2085 ~~needs of the entire state transportation system and examine the~~
 2086 ~~use of all modes of transportation to effectively and~~
 2087 ~~efficiently meet such needs.~~

2088 Section 38. Subsection (2) of section 339.63, Florida
 2089 Statutes, is amended to read:

2090 339.63 System facilities designated; additions and
 2091 deletions.—

2092 (2) The Strategic Intermodal System and the Emerging
 2093 Strategic Intermodal System include four ~~three~~ different types
 2094 of facilities that each form one component of an interconnected
 2095 transportation system which types include:

2096 (a) Existing or planned hubs that are ports and terminals
 2097 including airports, seaports, spaceports, passenger terminals,
 2098 and rail terminals serving to move goods or people between
 2099 Florida regions or between Florida and other markets in the
 2100 United States and the rest of the world.†

2101 (b) Existing or planned corridors that are highways, rail
 2102 lines, waterways, and other exclusive-use facilities connecting
 2103 major markets within Florida or between Florida and other states
 2104 or nations. ~~and~~

2105 (c) Existing or planned intermodal connectors that are
 2106 highways, rail lines, waterways or local public transit systems
 2107 serving as connectors between the components listed in
 2108 paragraphs (a) and (b).

2109 (d) Existing or planned facilities that significantly
 2110 improve the state's competitive position to compete for the
 2111 movement of additional goods into and through this state.

2112 Section 39. Subsection (12) is added to section 373.406,
 2113 Florida Statutes, to read:

2114 373.406 Exemptions.—The following exemptions shall apply:

2115 (12) An overwater pier, dock, or a similar structure
 2116 located in a deepwater port listed in s. 311.09 is not
 2117 considered to be part of a stormwater management system for
 2118 which this chapter or chapter 403 requires stormwater from
 2119 impervious surfaces to be treated if:

2120 (a) The port has a stormwater pollution prevention plan
 2121 for industrial activities pursuant to the National Pollutant
 2122 Discharge Elimination System Program; and

2123 (b) The stormwater pollution prevention plan also provides
 2124 similar pollution prevention measures for other activities that
 2125 are not subject to the National Pollutant Discharge Elimination
 2126 System Program and that occur on the port's overwater piers,
 2127 docks, and similar structures.

2128 Section 40. Paragraph (a) of subsection (8) of section

2129 373.4133, Florida Statutes, is amended to read:

2130 373.4133 Port conceptual permits.—

2131 (8) Except as otherwise provided in this section, the
 2132 following procedures apply to the approval or denial of an
 2133 application for a port conceptual permit or a final permit or
 2134 authorization:

2135 (a) Applications for a port conceptual permit, including
 2136 any request for the conceptual approval of the use of
 2137 sovereignty submerged lands, shall be processed in accordance
 2138 with the provisions of ss. 373.427 and 120.60, with the
 2139 following exceptions:—

2140 1. An application for a port conceptual permit, and any
 2141 applications for subsequent construction contained in a port
 2142 conceptual permit, must be approved or denied within 60 days
 2143 after receipt of a completed application.

2144 2. The department may request additional information no
 2145 more than twice, unless the applicant waives this limitation in
 2146 writing. If the applicant does not provide a response to the
 2147 second request for additional information within 90 days or
 2148 another time period mutually agreed upon between the applicant
 2149 and department, the application shall be considered withdrawn.

2150 ~~However,~~

2151 3. If the applicant believes that any request for
 2152 additional information is not authorized by law or agency rule,
 2153 the applicant may request an informal hearing pursuant to s.
 2154 120.57(2) before the Secretary of Environmental Protection to
 2155 determine whether the application is complete.

2156 4. If a third party petitions to challenge the issuance of

2157 a port conceptual permit by the department, the petitioner
 2158 initiating the action has the burden of ultimate persuasion and,
 2159 in the first instance, has the burden of going forward with the
 2160 evidence.

2161 Section 41. Subsection (3) of section 403.813, Florida
 2162 Statutes, is amended to read:

2163 403.813 Permits issued at district centers; exceptions.—

2164 (3) A permit is not required under this chapter, chapter
 2165 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 2166 chapter 25270, 1949, Laws of Florida, for maintenance dredging
 2167 conducted under this section by the seaports of Jacksonville,
 2168 Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,
 2169 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,
 2170 Pensacola, Key West, and Fernandina or by inland navigation
 2171 districts if the dredging to be performed is no more than is
 2172 necessary to restore previously dredged areas to original design
 2173 specifications or configurations, previously undisturbed natural
 2174 areas are not significantly impacted, and the work conducted
 2175 does not violate the protections for manatees under s.

2176 379.2431(2) (d). In addition:

2177 (a) A mixing zone for turbidity is granted within a 150-
 2178 meter radius from the point of dredging while dredging is
 2179 ongoing, except that the mixing zone may not extend into areas
 2180 supporting wetland communities, submerged aquatic vegetation, or
 2181 hardbottom communities.

2182 (b) The discharge of the return water from the site used
 2183 for the disposal of dredged material shall be allowed only if
 2184 such discharge does not result in a violation of water quality

2185 standards in the receiving waters. The return-water discharge
 2186 into receiving waters shall be granted a mixing zone for
 2187 turbidity within a 150-meter radius from the point of discharge
 2188 into the receiving waters during and immediately after the
 2189 dredging, except that the mixing zone may not extend into areas
 2190 supporting wetland communities, submerged aquatic vegetation, or
 2191 hardbottom communities. Ditches, pipes, and similar types of
 2192 linear conveyances may not be considered receiving waters for
 2193 the purposes of this paragraph.

2194 (c) The state may not exact a charge for material that
 2195 this subsection allows a public port or an inland navigation
 2196 district to remove. In addition, consent to use any sovereignty
 2197 submerged lands pursuant to this section is hereby granted.

2198 (d) The use of flocculants at the site used for disposal
 2199 of the dredged material is allowed if the use, including
 2200 supporting documentation, is coordinated in advance with the
 2201 department and the department has determined that the use is not
 2202 harmful to water resources.

2203 (e) The spoil material from maintenance dredging may be
 2204 deposited in a self-contained, upland disposal site. The site is
 2205 not required to be permitted if:

- 2206 1. The site exists as of January 1, 2011;
- 2207 2. A professional engineer certifies that the site has
 2208 been designed in accordance with generally accepted engineering
 2209 standards for such disposal sites;
- 2210 3. The site has adequate capacity to receive and retain
 2211 the dredged material; and
- 2212 4. The site has operating and maintenance procedures

2213 established that allow for discharge of return flow of water and
 2214 to prevent the escape of the spoil material into the waters of
 2215 the state.

2216 (f) The department must be notified at least 30 days
 2217 before the commencement of maintenance dredging. The notice
 2218 shall include, if applicable, the professional engineer
 2219 certification required by paragraph (e).

2220 (g)~~(e)~~ This subsection does not prohibit maintenance
 2221 dredging of areas where the loss of original design function and
 2222 constructed configuration has been caused by a storm event,
 2223 provided that the dredging is performed as soon as practical
 2224 after the storm event. Maintenance dredging that commences
 2225 within 3 years after the storm event shall be presumed to
 2226 satisfy this provision. If more than 3 years are needed to
 2227 commence the maintenance dredging after the storm event, a
 2228 request for a specific time extension to perform the maintenance
 2229 dredging shall be submitted to the department, prior to the end
 2230 of the 3-year period, accompanied by a statement, including
 2231 supporting documentation, demonstrating that contractors are not
 2232 available or that additional time is needed to obtain
 2233 authorization for the maintenance dredging from the United
 2234 States Army Corps of Engineers.

2235 Section 42. This act shall take effect July 1, 2011.