

1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 s. 125.022, F.S.; prohibiting a county from requiring
4 an applicant to obtain a permit or approval from any
5 state or federal agency as a condition of processing a
6 development permit under certain conditions;
7 authorizing a county to attach certain disclaimers to
8 the issuance of a development permit; amending s.
9 161.041, F.S.; providing requirements for application
10 for permits under the Beach and Shore Preservation
11 Act; prohibiting the Department of Environmental
12 Protection from issuing specified guidelines unless
13 adopted by rule; requiring the department to cite
14 certain provisions in a request for additional
15 information; providing legislative intent with respect
16 to permitting for periodic maintenance of certain
17 beach nourishment and inlet management projects;
18 directing the department to amend specified rules
19 relating to permitting for such projects; providing
20 conditions under which the department is authorized to
21 issue such permits in advance of the issuance of
22 incidental take authorizations as provided under the
23 Endangered Species Act; amending s. 166.033, F.S.;
24 prohibiting a municipality from requiring an applicant
25 to obtain a permit or approval from any state or
26 federal agency as a condition of processing a
27 development permit under certain conditions;
28 authorizing a municipality to attach certain

29 | disclaimers to the issuance of a development permit;
30 | amending s. 218.075, F.S.; providing for the reduction
31 | or waiver of permit processing fees relating to
32 | projects that serve a public purpose for certain
33 | entities created by special act, local ordinance, or
34 | interlocal agreement; amending s. 258.397, F.S.;
35 | providing an exemption from a showing of extreme
36 | hardship relating to the sale, transfer, or lease of
37 | sovereignty submerged lands in the Biscayne Bay
38 | Aquatic Preserve for certain municipal applicants;
39 | providing for additional dredging and filling
40 | activities in the preserve; amending s. 373.026, F.S.;
41 | requiring the department to expand its use of
42 | Internet-based self-certification services for
43 | exemptions and permits issued by the department and
44 | water management districts; amending s. 373.306, F.S.;
45 | exempting underground injection control wells from
46 | part III of chapter 373, F.S., relating to regulation
47 | of wells; amending s. 373.4141, F.S.; reducing the
48 | time within which a permit must be approved, denied,
49 | or subject to notice of proposed agency action;
50 | prohibiting a state agency or an agency of the state
51 | from requiring additional permits or approval from a
52 | local, state, or federal agency without explicit
53 | authority; amending s. 373.4144, F.S.; providing
54 | legislative intent with respect to the coordination of
55 | regulatory duties among specified state and federal
56 | agencies; encouraging expanded use of the state

57 | programmatic general permit or regional general
58 | permits; providing for a voluntary state programmatic
59 | general permit for certain dredge and fill activities;
60 | amending s. 373.441, F.S.; requiring that certain
61 | counties or municipalities apply by a specified date
62 | to the department or water management district for
63 | authority to require certain permits; providing that
64 | following such delegation, the department or district
65 | may not regulate activities that are subject to the
66 | delegation; clarifying the authority of local
67 | governments to adopt pollution control programs under
68 | certain conditions; providing applicability with
69 | respect to solid mineral mining; amending s. 376.3071,
70 | F.S.; exempting program deductibles, copayments, and
71 | certain assessment report requirements from
72 | expenditures under the low-scored site initiative;
73 | amending s. 376.30715, F.S.; providing that the
74 | transfer of a contaminated site from an owner to a
75 | child of the owner or corporate entity does not
76 | disqualify the site from the innocent victim petroleum
77 | storage system restoration financial assistance
78 | program; authorizing certain applicants to reapply for
79 | financial assistance; amending s. 380.0657, F.S.;
80 | authorizing expedited permitting for certain inland
81 | multimodal facilities that individually or
82 | collectively will create a minimum number of jobs;
83 | amending s. 381.0065, F.S.; limiting applicability of
84 | the onsite sewage treatment and disposal system

85 | evaluation and assessment program; amending s.
86 | 403.061, F.S.; requiring the department to establish
87 | reasonable zones of mixing for discharges into
88 | specified waters; providing that exceedance of certain
89 | groundwater standards does not create liability for
90 | site cleanup; providing that exceedance of soil
91 | cleanup target levels is not a basis for enforcement
92 | or cleanup; amending s. 403.087, F.S.; revising
93 | conditions under which the department is authorized to
94 | revoke permits for sources of air and water pollution;
95 | amending s. 403.1838, F.S.; revising the definition of
96 | the term "financially disadvantaged small community"
97 | for the purposes of the Small Community Sewer
98 | Construction Assistance Act; amending s. 403.7045,
99 | F.S.; providing conditions under which sludge from an
100 | industrial waste treatment works is not solid waste;
101 | amending s. 403.707, F.S.; exempting the disposal of
102 | solid waste monitored by certain groundwater
103 | monitoring plans from specific authorization;
104 | specifying a permit term for solid waste management
105 | facilities designed with leachate control systems that
106 | meet department requirements; requiring permit fees to
107 | be adjusted; providing applicability; specifying a
108 | permit term for solid waste management facilities that
109 | do not have leachate control systems meeting
110 | department requirements under certain conditions;
111 | authorizing the department to adopt rules; providing
112 | that the department is not required to submit the

113 rules to the Environmental Regulation Commission for
114 approval; requiring permit fee caps to be prorated;
115 amending s. 403.709, F.S.; creating a solid waste
116 landfill closure account within the Solid Waste
117 Management Trust Fund to fund the closing and long-
118 term care of solid waste facilities under certain
119 circumstances; requiring the department to deposit
120 certain funds into the solid waste landfill closure
121 account; amending s. 403.7125, F.S.; requiring the
122 department to require by rule that owners or operators
123 of solid waste management facilities receiving waste
124 after October 9, 1993, provide financial assurance for
125 the cost of completing certain corrective actions;
126 amending s. 403.814, F.S.; providing for issuance of
127 general permits for the construction, alteration, and
128 maintenance of certain surface water management
129 systems without the action of the department or a
130 water management district; specifying conditions for
131 the general permits; amending s. 403.853, F.S.;
132 providing for the department, or a local county health
133 department designated by the department, to perform
134 sanitary surveys for certain transient noncommunity
135 water systems; amending s. 403.973, F.S.; authorizing
136 expedited permitting for certain commercial or
137 industrial development projects that individually or
138 collectively will create a minimum number of jobs;
139 providing for a project-specific memorandum of
140 agreement to apply to a project subject to expedited

141 | permitting; clarifying the authority of the department
 142 | to enter final orders for the issuance of certain
 143 | licenses; revising criteria for the review of certain
 144 | sites; amending s. 526.203, F.S.; revising the
 145 | definitions of the terms "blended gasoline" and
 146 | "unblended gasoline"; defining the term "renewable
 147 | fuel"; authorizing the sale of unblended fuels for
 148 | certain uses; providing an effective date.

149 |
 150 | Be It Enacted by the Legislature of the State of Florida:

151 |
 152 | Section 1. Section 125.022, Florida Statutes, is amended
 153 | to read:

154 | 125.022 Development permits.—When a county denies an
 155 | application for a development permit, the county shall give
 156 | written notice to the applicant. The notice must include a
 157 | citation to the applicable portions of an ordinance, rule,
 158 | statute, or other legal authority for the denial of the permit.
 159 | As used in this section, the term "development permit" has the
 160 | same meaning as in s. 163.3164. A county may not require as a
 161 | condition of processing a development permit that an applicant
 162 | obtain a permit or approval from any state or federal agency
 163 | unless the agency has issued a notice of intent to deny the
 164 | federal or state permit before the county action on the local
 165 | development permit. Issuance of a development permit by a county
 166 | does not in any way create any rights on the part of the
 167 | applicant to obtain a permit from a state or federal agency and
 168 | does not create any liability on the part of the county for

169 issuance of the permit if the applicant fails to fulfill its
170 legal obligations to obtain requisite approvals or fulfill the
171 obligations imposed by a state or federal agency. A county may
172 attach such a disclaimer to the issuance of a development
173 permit, and may include a permit condition that all other
174 applicable state or federal permits be obtained before
175 commencement of the development. This section does not prohibit
176 a county from providing information to an applicant regarding
177 what other state or federal permits may apply.

178 Section 2. Subsections (5), (6), and (7) are added to
179 section 161.041, Florida Statutes, to read:

180 161.041 Permits required.—

181 (5) Application for permits shall be made to the
182 department upon such terms and conditions as set forth by rule.

183 (a) If the department requests additional information as
184 part of the permit process, the department must cite applicable
185 statutory and rule provisions that justify each item listed in
186 the request for additional information.

187 (b) The department may not issue guidelines that are
188 enforceable as standards for beach management, inlet management,
189 and other erosion control projects without adopting such
190 guidelines by rule.

191 (6) The Legislature intends to simplify the permitting
192 process for the periodic maintenance of previously permitted and
193 constructed beach nourishment and inlet management projects
194 under the joint coastal permit process. A detailed review of a
195 previously permitted project is not required if there have been
196 no substantial changes in the scope of the project and past

197 performance of the project indicates that it has performed
 198 according to design expectations. The department shall amend
 199 chapters 62B-41 and 62B-49 of the Florida Administrative Code to
 200 streamline the permitting process for periodic beach maintenance
 201 projects and inlet sand bypassing activities.

202 (7) Notwithstanding any other provision of law, the
 203 department may issue a permit pursuant to this part in advance
 204 of the issuance of an incidental take authorization as provided
 205 under the Endangered Species Act and its implementing
 206 regulations if the permit and authorization include a condition
 207 requiring that authorized activities not begin until the
 208 incidental take authorization is issued.

209 Section 3. Section 166.033, Florida Statutes, is amended
 210 to read:

211 166.033 Development permits.—When a municipality denies an
 212 application for a development permit, the municipality shall
 213 give written notice to the applicant. The notice must include a
 214 citation to the applicable portions of an ordinance, rule,
 215 statute, or other legal authority for the denial of the permit.
 216 As used in this section, the term "development permit" has the
 217 same meaning as in s. 163.3164. A municipality may not require
 218 as a condition of processing a development permit that an
 219 applicant obtain a permit or approval from any state or federal
 220 agency unless the agency has issued a notice of intent to deny
 221 the federal or state permit before the municipal action on the
 222 local development permit. Issuance of a development permit by a
 223 municipality does not in any way create any right on the part of
 224 an applicant to obtain a permit from a state or federal agency

225 and does not create any liability on the part of the
 226 municipality for issuance of the permit if the applicant fails
 227 to fulfill its legal obligations to obtain requisite approvals
 228 or fulfill the obligations imposed by a state or federal agency.
 229 A municipality may attach such a disclaimer to the issuance of
 230 development permits and may include a permit condition that all
 231 other applicable state or federal permits be obtained before
 232 commencement of the development. This section does not prohibit
 233 a municipality from providing information to an applicant
 234 regarding what other state or federal permits may apply.

235 Section 4. Section 218.075, Florida Statutes, is amended
 236 to read:

237 218.075 Reduction or waiver of permit processing fees.—
 238 Notwithstanding any other provision of law, the Department of
 239 Environmental Protection and the water management districts
 240 shall reduce or waive permit processing fees for counties with a
 241 population of 50,000 or less on April 1, 1994, until such
 242 counties exceed a population of 75,000 and municipalities with a
 243 population of 25,000 or less, or for an entity created by
 244 special act, local ordinance, or interlocal agreement of such
 245 counties or municipalities, or for any county or municipality
 246 not included within a metropolitan statistical area. Fee
 247 reductions or waivers shall be approved on the basis of fiscal
 248 hardship or environmental need for a particular project or
 249 activity. The governing body must certify that the cost of the
 250 permit processing fee is a fiscal hardship due to one of the
 251 following factors:

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

253 average for the current fiscal year;

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

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

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

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

266
 267 The permit applicant must be the governing body of a county or
 268 municipality or a third party under contract with a county or
 269 municipality or an entity created by special act, local
 270 ordinance, or interlocal agreement and the project for which the
 271 fee reduction or waiver is sought must serve a public purpose.
 272 If a permit processing fee is reduced, the total fee shall not
 273 exceed \$100.

274 Section 5. Paragraphs (a) and (b) of subsection (3) of
 275 section 258.397, Florida Statutes, are amended to read:

276 258.397 Biscayne Bay Aquatic Preserve.—

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

281 (a) ~~No further~~ Sale, transfer, or lease of sovereignty
 282 submerged lands in the preserve may not ~~shall~~ be approved or
 283 consummated by the board of trustees, except upon a showing of
 284 extreme hardship on the part of the applicant and a
 285 determination by the board of trustees that such sale, transfer,
 286 or lease is in the public interest. A municipal applicant
 287 proposing a project under paragraph (b) is exempt from showing
 288 extreme hardship.

289 (b) ~~No further~~ Dredging or filling of submerged lands of
 290 the preserve may not ~~shall~~ be approved or tolerated by the board
 291 of trustees except:

292 1. Such minimum dredging and spoiling as may be authorized
 293 for public navigation projects or for such minimum dredging and
 294 spoiling as may be constituted as a public necessity or for
 295 preservation of the bay according to the expressed intent of
 296 this section.

297 2. Such other alteration of physical conditions, including
 298 the placement of riprap, as may be necessary to enhance the
 299 quality and utility of the preserve.

300 3. Such minimum dredging and filling as may be authorized
 301 for the creation and maintenance of marinas, piers, and docks
 302 and their attendant navigation channels and access roads. Such
 303 projects may ~~only~~ be authorized only upon a specific finding by
 304 the board of trustees that there is assurance that the project
 305 will be constructed and operated in a manner that will not
 306 adversely affect the water quality and utility of the preserve.
 307 This subparagraph does ~~shall~~ not authorize the connection of
 308 upland canals to the waters of the preserve.

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

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

317
 318 Any dredging or filling under this subsection or improvements
 319 under subsection (5) may ~~shall~~ be approved only after public
 320 notice as provided by s. 253.115.

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

323 373.026 General powers and duties of the department.—The
 324 department, or its successor agency, shall be responsible for
 325 the administration of this chapter at the state level. However,
 326 it is the policy of the state that, to the greatest extent
 327 possible, the department may enter into interagency or
 328 interlocal agreements with any other state agency, any water
 329 management district, or any local government conducting programs
 330 related to or materially affecting the water resources of the
 331 state. All such agreements shall be subject to the provisions of
 332 s. 373.046. In addition to its other powers and duties, the
 333 department shall, to the greatest extent possible:

334 (10) Expand the use of Internet-based self-certification
 335 services for appropriate exemptions and general permits issued
 336 by the department and the water management districts, if such

337 expansion is economically feasible. In addition to expanding the
338 use of Internet-based self-certification services for
339 appropriate exemptions and general permits, the department and
340 water management districts shall identify and develop general
341 permits for appropriate activities currently requiring
342 individual review which could be expedited through the use of
343 applicable professional certification.

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

346 373.306 Scope.—

347 (1) A ~~No~~ person may not ~~shall~~ construct, repair, abandon,
348 or cause to be constructed, repaired, or abandoned, any water
349 well contrary to the ~~provisions of~~ this part and applicable
350 rules and regulations.

351 (2) This part does ~~shall~~ not apply to:

352 (a) Equipment used temporarily for dewatering purposes.

353 (b) ~~or to~~ The process used in dewatering.

354 (c) Wells authorized pursuant to ss. 403.061 and 403.087
355 under the State Underground Injection Control Program identified
356 in Rule 62-528.110, Florida Administrative Code.

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

360 373.4141 Permits; processing.—

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

365 processing the permit application.

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

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

374 373.4144 Federal environmental permitting.—

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

376 (a) Facilitate coordination and a more efficient process
377 of implementing regulatory duties and functions between the
378 Department of Environmental Protection, the water management
379 districts, the United States Army Corps of Engineers, the United
380 States Fish and Wildlife Service, the National Marine Fisheries
381 Service, the United States Environmental Protection Agency, the
382 Fish and Wildlife Conservation Commission, and other relevant
383 federal and state agencies.

384 (b) Authorize the Department of Environmental Protection
385 to obtain issuance by the United States Army Corps of Engineers,
386 pursuant to state and federal law and as set forth in this
387 section, of an expanded state programmatic general permit, or a
388 series of regional general permits, for categories of activities
389 in waters of the United States governed by the Clean Water Act
390 and in navigable waters under the Rivers and Harbors Act of 1899
391 which are similar in nature, which will cause only minimal
392 adverse environmental effects when performed separately, and

393 which will have only minimal cumulative adverse effects on the
394 environment.

395 (c) Use the mechanism of such a state general permit or
396 such regional general permits to eliminate overlapping federal
397 regulations and state rules that seek to protect the same
398 resource and to avoid duplication of permitting between the
399 United States Army Corps of Engineers and the department for
400 minor work located in waters of the United States, including
401 navigable waters, thus eliminating, in appropriate cases, the
402 need for a separate individual approval from the United States
403 Army Corps of Engineers while ensuring the most stringent
404 protection of wetland resources.

405 (d) Direct the department not to seek issuance of or take
406 any action pursuant to any such permit or permits unless such
407 conditions are at least as protective of the environment and
408 natural resources as existing state law under this part and
409 federal law under the Clean Water Act and the Rivers and Harbors
410 Act of 1899. ~~The department is directed to develop, on or before~~
411 ~~October 1, 2005, a mechanism or plan to consolidate, to the~~
412 ~~maximum extent practicable, the federal and state wetland~~
413 ~~permitting programs. It is the intent of the Legislature that~~
414 ~~all dredge and fill activities impacting 10 acres or less of~~
415 ~~wetlands or waters, including navigable waters, be processed by~~
416 ~~the state as part of the environmental resource permitting~~
417 ~~program implemented by the department and the water management~~
418 ~~districts. The resulting mechanism or plan shall analyze and~~
419 ~~propose the development of an expanded state programmatic~~
420 ~~general permit program in conjunction with the United States~~

421 ~~Army Corps of Engineers pursuant to s. 404 of the Clean Water~~
422 ~~Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,~~
423 ~~and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,~~
424 ~~or in combination with an expanded state programmatic general~~
425 ~~permit, the mechanism or plan may propose the creation of a~~
426 ~~series of regional general permits issued by the United States~~
427 ~~Army Corps of Engineers pursuant to the referenced statutes. All~~
428 ~~of the regional general permits must be administered by the~~
429 ~~department or the water management districts or their designees.~~

430 (2) In order to effectuate efficient wetland permitting
431 and avoid duplication, the department and water management
432 districts are authorized to implement a voluntary state
433 programmatic general permit for all dredge and fill activities
434 impacting 3 acres or less of wetlands or other surface waters,
435 including navigable waters, subject to agreement with the United
436 States Army Corps of Engineers, if the general permit is at
437 least as protective of the environment and natural resources as
438 existing state law under this part and federal law under the
439 Clean Water Act and the Rivers and Harbors Act of 1899. The
440 ~~department is directed to file with the Speaker of the House of~~
441 ~~Representatives and the President of the Senate a report~~
442 ~~proposing any required federal and state statutory changes that~~
443 ~~would be necessary to accomplish the directives listed in this~~
444 ~~section and to coordinate with the Florida Congressional~~
445 ~~Delegation on any necessary changes to federal law to implement~~
446 ~~the directives.~~

447 (3) ~~Nothing in This section~~ may not ~~shall~~ be construed to
448 preclude the department from pursuing a series of regional

449 general permits for construction activities in wetlands or
450 surface waters or complete assumption of federal permitting
451 programs regulating the discharge of dredged or fill material
452 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,
453 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers
454 and Harbors Act of 1899, so long as the assumption encompasses
455 all dredge and fill activities in, on, or over jurisdictional
456 wetlands or waters, including navigable waters, within the
457 state.

458 Section 10. Present subsections (3), (4), and (5) of
459 section 373.441, Florida Statutes, are renumbered as subsections
460 (7), (8), and (9), respectively, and new subsections (3), (4),
461 (5), and (6) are added to that section to read:

462 373.441 Role of counties, municipalities, and local
463 pollution control programs in permit processing; delegation.—

464 (3) A county or municipality having a population of
465 400,000 or more that implements a local pollution control
466 program regulating all or a portion of the wetlands or surface
467 waters throughout its geographic boundary must apply for
468 delegation of state environmental resource permitting authority
469 on or before January 1, 2014. If such a county or municipality
470 fails to receive delegation of all or a portion of state
471 environmental resource permitting authority within 2 years after
472 submitting its application for delegation or by January 1, 2016,
473 at the latest, it may not require permits that in part or in
474 full are substantially similar to the requirements needed to
475 obtain an environmental resource permit. A county or
476 municipality that has received delegation before January 1,

477 2014, does not need to reapply.

478 (4) The department is responsible for all delegations of
479 state environmental resource permitting authority to local
480 governments. The department must grant or deny an application
481 for delegation submitted by a county or municipality that meets
482 the criteria in subsection (3) within 2 years after the receipt
483 of the application. If an application for delegation is denied,
484 any available legal challenge to such denial shall toll the
485 preemption deadline until resolution of the legal challenge.
486 Upon delegation to a qualified local government, the department
487 and water management district may not regulate the activities
488 subject to the delegation within that jurisdiction.

489 (5) This section does not prohibit or limit a local
490 government that meets the criteria in subsection (3) from
491 regulating wetlands or surface waters after January 1, 2014, if
492 the local government receives delegation of all or a portion of
493 state environmental resource permitting authority within 2 years
494 after submitting its application for delegation.

495 (6) Notwithstanding subsections (3), (4), and (5), this
496 section does not apply to environmental resource permitting or
497 reclamation applications for solid mineral mining and does not
498 prohibit the application of local government regulations to any
499 new solid mineral mine or any proposed addition to, change to,
500 or expansion of an existing solid mineral mine.

501 Section 11. Paragraph (b) of subsection (11) of section
502 376.3071, Florida Statutes, is amended to read:

503 376.3071 Inland Protection Trust Fund; creation; purposes;
504 funding.—

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505 (11)

506 (b) Low-scored site initiative.—Notwithstanding s.
507 376.30711, any site with a priority ranking score of 10 points
508 or less may voluntarily participate in the low-scored site
509 initiative, whether or not the site is eligible for state
510 restoration funding.

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

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

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

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

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

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

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

533 2. Upon affirmative demonstration of the conditions under
534 subparagraph 1., the department shall issue a determination of
535 "No Further Action." Such determination acknowledges that
536 minimal contamination exists onsite and that such contamination
537 is not a threat to human health or the environment. If no
538 contamination is detected, the department may issue a site
539 rehabilitation completion order.

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

543 a. A responsible party or property owner may submit an
544 assessment plan designed to affirmatively demonstrate that the
545 site meets the conditions under subparagraph 1. Notwithstanding
546 the priority ranking score of the site, the department may
547 preapprove the cost of the assessment pursuant to s. 376.30711,
548 including 6 months of groundwater monitoring, not to exceed
549 \$30,000 for each site. The department may not pay the costs
550 associated with the establishment of institutional or
551 engineering controls.

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

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

560 d. Program deductibles, copayments, and the limited

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561 contamination assessment report requirements under paragraph
562 (13) (c) do not apply to expenditures under this paragraph.

563 Section 12. Section 376.30715, Florida Statutes, is
564 amended to read:

565 376.30715 Innocent victim petroleum storage system
566 restoration.—A contaminated site acquired by the current owner
567 prior to July 1, 1990, which has ceased operating as a petroleum
568 storage or retail business prior to January 1, 1985, is eligible
569 for financial assistance pursuant to s. 376.305(6),
570 notwithstanding s. 376.305(6) (a). For purposes of this section,
571 the term "acquired" means the acquisition of title to the
572 property; however, a subsequent transfer of the property to a
573 spouse or child of the owner, a surviving spouse or child of the
574 owner in trust or free of trust, ~~or~~ a revocable trust created
575 for the benefit of the settlor, or a corporate entity created by
576 the owner to hold title to the site does not disqualify the site
577 from financial assistance pursuant to s. 376.305(6) and
578 applicants previously denied coverage may reapply. Eligible
579 sites shall be ranked in accordance with s. 376.3071(5).

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

582 380.0657 Expedited permitting process for economic
583 development projects.—

584 (1) The Department of Environmental Protection and, as
585 appropriate, the water management districts created under
586 chapter 373 shall adopt programs to expedite the processing of
587 wetland resource and environmental resource permits for economic
588 development projects that have been identified by a municipality

589 or county as meeting the definition of target industry
 590 businesses under s. 288.106, or any inland multimodal facility
 591 receiving or sending cargo to or from Florida ports, with the
 592 exception of those projects requiring approval by the Board of
 593 Trustees of the Internal Improvement Trust Fund.

594 Section 14. Paragraph (j) is added to subsection (5) of
 595 section 381.0065, Florida Statutes, to read:

596 381.0065 Onsite sewage treatment and disposal systems;
 597 regulation.—

598 (5) EVALUATION AND ASSESSMENT.—

599 (j) This subsection only applies to owners of onsite
 600 sewage treatment and disposal systems in a county in which the
 601 board of county commissioners has adopted a resolution
 602 subjecting owners to the requirements of the program and
 603 submitted a copy of the resolution to the department.

604 Section 15. Subsection (11) of section 403.061, Florida
 605 Statutes, is amended to read:

606 403.061 Department; powers and duties.—The department
 607 shall have the power and the duty to control and prohibit
 608 pollution of air and water in accordance with the law and rules
 609 adopted and promulgated by it and, for this purpose, to:

610 (11) Establish ambient air quality and water quality
 611 standards for the state as a whole or for any part thereof, and
 612 also standards for the abatement of excessive and unnecessary
 613 noise. The department is authorized to establish reasonable
 614 zones of mixing for discharges into waters. For existing
 615 installations as defined by rule 62-520.200(10), Florida
 616 Administrative Code, effective July 12, 2009, zones of discharge

617 to groundwater are authorized to a facility's or owner's
 618 property boundary and extending to the base of a specifically
 619 designated aquifer or aquifers. Exceedance of primary and
 620 secondary groundwater standards that occur within a zone of
 621 discharge does not create liability pursuant to this chapter or
 622 chapter 376 for site cleanup, and the exceedance of soil cleanup
 623 target levels is not a basis for enforcement or site cleanup.

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

629 1. The standard would not be met in the water body in the
 630 absence of the discharge;

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

633 3. The discharge does not cause a measurable increase in
 634 the degree of noncompliance with the standard at the boundary of
 635 the mixing zone; and

636 4. The discharge otherwise complies with the mixing zone
 637 provisions specified in department rules.

638 (b) ~~No~~ Mixing zones ~~zone~~ for point source discharges are
 639 not shall be permitted in Outstanding Florida Waters except for:

640 1. Sources that have received permits from the department
 641 prior to April 1, 1982, or the date of designation, whichever is
 642 later;

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

645 3. Discharges of water necessary for water management
646 purposes which have been approved by the governing board of a
647 water management district and, if required by law, by the
648 secretary; and

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

653 (c) The department, by rule, shall establish water quality
654 criteria for wetlands which criteria give appropriate
655 recognition to the water quality of such wetlands in their
656 natural state.

657
658 ~~Nothing in~~ This act may not be ~~shall~~ be construed to invalidate
659 any existing department rule relating to mixing zones. The
660 department shall cooperate with the Department of Highway Safety
661 and Motor Vehicles in the development of regulations required by
662 s. 316.272(1).

663
664 The department shall implement such programs in conjunction with
665 its other powers and duties and shall place special emphasis on
666 reducing and eliminating contamination that presents a threat to
667 humans, animals or plants, or to the environment.

668 Section 16. Subsection (7) of section 403.087, Florida
669 Statutes, is amended to read:

670 403.087 Permits; general issuance; denial; revocation;
671 prohibition; penalty.—

672 (7) A permit issued pursuant to this section does ~~shall~~

673 not become a vested right in the permittee. The department may
 674 revoke any permit issued by it if it finds that the permitholder
 675 has:

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

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

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

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

686 Section 17. Subsection (2) of section 403.1838, Florida
 687 Statutes, is amended to read:

688 403.1838 Small Community Sewer Construction Assistance
 689 Act.—

690 (2) The department shall use funds specifically
 691 appropriated to award grants under this section to assist
 692 financially disadvantaged small communities with their needs for
 693 adequate sewer facilities. For purposes of this section, the
 694 term "financially disadvantaged small community" means a
 695 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer
 696 ~~less,~~ according to the latest decennial census and a per capita
 697 annual income less than the state per capita annual income as
 698 determined by the United States Department of Commerce.

699 Section 18. Paragraph (f) of subsection (1) of section
 700 403.7045, Florida Statutes, is amended to read:

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701 403.7045 Application of act and integration with other
702 acts.—

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

705 (f) Industrial byproducts, if:

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

708 2. The industrial byproducts are not discharged,
709 deposited, injected, dumped, spilled, leaked, or placed upon any
710 land or water so that such industrial byproducts, or any
711 constituent thereof, may enter other lands or be emitted into
712 the air or discharged into any waters, including groundwaters,
713 or otherwise enter the environment such that a threat of
714 contamination in excess of applicable department standards and
715 criteria or a significant threat to public health is caused.

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

718
719 Sludge from an industrial waste treatment works that meets the
720 exemption requirements of this paragraph is not solid waste as
721 defined in s. 403.703(32).

722 Section 19. Subsections (2) and (3) of section 403.707,
723 Florida Statutes, are amended to read:

724 403.707 Permits.—

725 (2) Except as provided in s. 403.722(6), a permit under
726 this section is not required for the following, ~~if the activity~~
727 ~~does not create a public nuisance or any condition adversely~~
728 ~~affecting the environment or public health and does not violate~~

729 ~~other state or local laws, ordinances, rules, regulations, or~~
 730 ~~orders:~~

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

741 (b) Storage in containers by persons of solid waste
 742 resulting from their own activities on their property, leased or
 743 rented property, or property subject to a homeowners' ~~homeowners~~
 744 or maintenance association for which the person contributes
 745 association assessments, if the solid waste in such containers
 746 is collected at least once a week.

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

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

753 2. Addressed or authorized by, or exempted from the
 754 requirement to obtain, a groundwater monitoring plan approved by
 755 the department. If a facility has a permit authorizing disposal
 756 activity, new areas where solid waste is being disposed of which

757 are monitored by an existing or modified groundwater monitoring
758 plan are not required to be specifically authorized in a permit
759 or other certification.

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

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

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

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

781 (3) (a) All applicable provisions of ss. 403.087 and
782 403.088, relating to permits, apply to the control of solid
783 waste management facilities.

784 (b) A permit, including a general permit, issued to a

785 solid waste management facility that is designed with a leachate
786 control system meeting department requirements shall be issued
787 for a term of 20 years unless the applicant requests a shorter
788 permit term. Notwithstanding the limitations of s.
789 403.087(6)(a), existing permit fees for a qualifying solid waste
790 management facility shall be adjusted to reflect the permit term
791 authorized by this section. This paragraph applies to a
792 qualifying solid waste management facility that applies for an
793 operating or construction permit or renews an existing operating
794 or construction permit on or after October 1, 2012.

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

801 1. The applicant has conducted the regulated activity at
802 the same site for which the renewal is sought for at least 4
803 years and 6 months before the date that the permit application
804 is received by the department; and

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

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

809 b. The department has not notified the applicant that it
810 is required to implement assessment or evaluation monitoring as
811 a result of exceedances of applicable groundwater standards or
812 criteria or, if applicable, the applicant is completing

813 corrective actions in accordance with applicable department
814 rules; and

815 c. The applicant is in compliance with the applicable
816 financial assurance requirements.

817 (d) The department may adopt rules to administer this
818 subsection. However, the department is not required to submit
819 such rules to the Environmental Regulation Commission for
820 approval. Notwithstanding the limitations of s. 403.087(6)(a),
821 permit fee caps for solid waste management facilities shall be
822 prorated to reflect the extended permit term authorized by this
823 subsection.

824 Section 20. Subsection (5) is added to section 403.709,
825 Florida Statutes, to read:

826 403.709 Solid Waste Management Trust Fund; use of waste
827 tire fees.—There is created the Solid Waste Management Trust
828 Fund, to be administered by the department.

829 (5) A solid waste landfill closure account is created
830 within the Solid Waste Management Trust Fund to provide funding
831 for the closing and long-term care of solid waste management
832 facilities, if:

833 (a) The facility had or has a department permit to operate
834 the facility;

835 (b) The permittee provided proof of financial assurance
836 for closure in the form of an insurance certificate;

837 (c) The facility has been deemed to be abandoned or has
838 been ordered to close by the department; and

839 (d) Closure will be accomplished in substantial accordance
840 with a closure plan approved by the department.

841
842 The department has a reasonable expectation that the insurance
843 company issuing the closure insurance policy will provide or
844 reimburse most or all of the funds required to complete closing
845 and long-term care of the facility. If the insurance company
846 reimburses the department for the costs of closing or long-term
847 care of the facility, the department shall deposit the funds
848 into the solid waste landfill closure account.

849 Section 21. Section 403.7125, Florida Statutes, is amended
850 to read:

851 403.7125 Financial assurance ~~for closure.~~

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

859 (2) The owner or operator of a landfill owned or operated
860 by a local or state government or the Federal Government shall
861 establish a fee, or a surcharge on existing fees or other
862 appropriate revenue-producing mechanism, to ensure the
863 availability of financial resources for the proper closure of
864 the landfill. However, the disposal of solid waste by persons on
865 their own property, as described in s. 403.707(2), is exempt
866 from this section.

867 (a) The revenue-producing mechanism must produce revenue
868 at a rate sufficient to generate funds to meet state and federal

869 landfill closure requirements.

870 (b) The revenue shall be deposited in an interest-bearing
871 escrow account to be held and administered by the owner or
872 operator. The owner or operator shall file with the department
873 an annual audit of the account. The audit shall be conducted by
874 an independent certified public accountant. Failure to collect
875 or report such revenue, except as allowed in subsection (3), is
876 a noncriminal violation punishable by a fine of not more than
877 \$5,000 for each offense. The owner or operator may make
878 expenditures from the account and its accumulated interest only
879 for the purpose of landfill closure and, if such expenditures do
880 not deplete the fund to the detriment of eventual closure, for
881 planning and construction of resource recovery or landfill
882 facilities. Any moneys remaining in the account after paying for
883 proper and complete closure, as determined by the department,
884 shall, if the owner or operator does not operate a landfill, be
885 deposited by the owner or operator into the general fund or the
886 appropriate solid waste fund of the local government of
887 jurisdiction.

888 (c) The revenue generated under this subsection and any
889 accumulated interest thereon may be applied to the payment of,
890 or pledged as security for, the payment of revenue bonds issued
891 in whole or in part for the purpose of complying with state and
892 federal landfill closure requirements. Such application or
893 pledge may be made directly in the proceedings authorizing such
894 bonds or in an agreement with an insurer of bonds to assure such
895 insurer of additional security therefor.

896 (d) The provisions of s. 212.055 which relate to raising

897 | of revenues for landfill closure or long-term maintenance do not
898 | relieve a landfill owner or operator from the obligations of
899 | this section.

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

907 | (3) An owner or operator of a landfill owned or operated
908 | by a local or state government or by the Federal Government may
909 | provide financial assurance to the department in lieu of the
910 | requirements of subsection (2). An owner or operator of any
911 | other landfill, or any other solid waste management facility
912 | designated by department rule, shall provide financial assurance
913 | to the department for the closure of the facility. Such
914 | financial assurance may include surety bonds, certificates of
915 | deposit, securities, letters of credit, or other documents
916 | showing that the owner or operator has sufficient financial
917 | resources to cover, at a minimum, the costs of complying with
918 | applicable closure requirements. The owner or operator shall
919 | estimate such costs to the satisfaction of the department.

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

924 | (5) The department shall by rule require that the owner or

925 operator of a solid waste management facility that receives
926 waste after October 9, 1993, and that is required by department
927 rule to undertake corrective actions for violations of water
928 quality standards provide financial assurance for the cost of
929 completing such corrective actions. The same financial assurance
930 mechanisms that are available for closure costs shall be
931 available for costs associated with undertaking corrective
932 actions.

933 ~~(6)~~(5) The department shall adopt rules to implement this
934 section.

935 Section 22. Subsection (12) is added to section 403.814,
936 Florida Statutes, to read:

937 403.814 General permits; delegation.—

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

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

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

946 (c) No activities will impact wetlands or other surface
947 waters;

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

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

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

955 (g) The project does not:

956 1. Cause adverse water quantity or flooding impacts to
 957 receiving water and adjacent lands;

958 2. Cause adverse impacts to existing surface water storage
 959 and conveyance capabilities;

960 3. Cause a violation of state water quality standards; or

961 4. Cause an adverse impact to the maintenance of surface
 962 or ground water levels or surface water flows established
 963 pursuant to s. 373.042 or a work of the district established
 964 pursuant to s. 373.086; and

965 (h) The surface water management system design plans are
 966 signed and sealed by a Florida registered professional who
 967 attests that the system will perform and function as proposed
 968 and has been designed in accordance with appropriate, generally
 969 accepted performance standards and scientific principles.

970 Section 23. Subsection (6) of section 403.853, Florida
 971 Statutes, is amended to read:

972 403.853 Drinking water standards.—

973 (6) Upon the request of the owner or operator of a
 974 transient noncommunity water system using groundwater as a
 975 source of supply and serving religious institutions or
 976 businesses, other than restaurants or other public food service
 977 establishments or religious institutions with school or day care
 978 services, and using groundwater as a source of supply, the
 979 department, or a local county health department designated by
 980 the department, shall perform a sanitary survey of the facility.

981 Upon receipt of satisfactory survey results according to
 982 department criteria, the department shall reduce the
 983 requirements of such owner or operator from monitoring and
 984 reporting on a quarterly basis to performing these functions on
 985 an annual basis. Any revised monitoring and reporting schedule
 986 approved by the department under this subsection shall apply
 987 until such time as a violation of applicable state or federal
 988 primary drinking water standards is determined by the system
 989 owner or operator, by the department, or by an agency designated
 990 by the department, after a random or routine sanitary survey.
 991 Certified operators are not required for transient noncommunity
 992 water systems of the type and size covered by this subsection.
 993 Any reports required of such system shall be limited to the
 994 minimum as required by federal law. When not contrary to the
 995 provisions of federal law, the department may, upon request and
 996 by rule, waive additional provisions of state drinking water
 997 regulations for such systems.

998 Section 24. Paragraph (a) of subsection (3) and
 999 subsections (4), (5), (10), (11), (14), (15), and (18) of
 1000 section 403.973, Florida Statutes, are amended to read:

1001 403.973 Expedited permitting; amendments to comprehensive
 1002 plans.—

1003 (3) (a) The secretary shall direct the creation of regional
 1004 permit action teams for the purpose of expediting review of
 1005 permit applications and local comprehensive plan amendments
 1006 submitted by:

1007 1. Businesses creating at least 50 jobs or a commercial or
 1008 industrial development project that will be occupied by

1009 businesses that would individually or collectively create at
 1010 least 50 jobs; or

1011 2. Businesses creating at least 25 jobs if the project is
 1012 located in an enterprise zone, or in a county having a
 1013 population of fewer than 75,000 or in a county having a
 1014 population of fewer than 125,000 which is contiguous to a county
 1015 having a population of fewer than 75,000, as determined by the
 1016 most recent decennial census, residing in incorporated and
 1017 unincorporated areas of the county.

1018 (4) The regional teams shall be established through the
 1019 execution of a project-specific memoranda of agreement developed
 1020 and executed by the applicant and the secretary, with input
 1021 solicited from ~~the Department of Economic Opportunity~~ and the
 1022 respective heads of the Department of Transportation and its
 1023 district offices, the Department of Agriculture and Consumer
 1024 Services, the Fish and Wildlife Conservation Commission,
 1025 appropriate regional planning councils, appropriate water
 1026 management districts, and voluntarily participating
 1027 municipalities and counties. The memoranda of agreement should
 1028 also accommodate participation in this expedited process by
 1029 other local governments and federal agencies as circumstances
 1030 warrant.

1031 (5) In order to facilitate local government's option to
 1032 participate in this expedited review process, the secretary
 1033 shall, in cooperation with local governments and participating
 1034 state agencies, create a standard form memorandum of agreement.
 1035 The standard form of the memorandum of agreement shall be used
 1036 only if the local government participates in the expedited

1037 review process. In the absence of local government
 1038 participation, only the project-specific memorandum of agreement
 1039 executed pursuant to subsection (4) applies. A local government
 1040 shall hold a duly noticed public workshop to review and explain
 1041 to the public the expedited permitting process and the terms and
 1042 conditions of the standard form memorandum of agreement.

1043 (10) The memoranda of agreement may provide for the waiver
 1044 or modification of procedural rules prescribing forms, fees,
 1045 procedures, or time limits for the review or processing of
 1046 permit applications under the jurisdiction of those agencies
 1047 that are members of the regional permit action team ~~party to the~~
 1048 ~~memoranda of agreement.~~ Notwithstanding any other provision of
 1049 law to the contrary, a memorandum of agreement must to the
 1050 extent feasible provide for proceedings and hearings otherwise
 1051 held separately ~~by the parties to the memorandum of agreement~~ to
 1052 be combined into one proceeding or held jointly and at one
 1053 location. Such waivers or modifications are not authorized ~~shall~~
 1054 ~~not be available~~ for permit applications governed by federally
 1055 delegated or approved permitting programs, the requirements of
 1056 which would prohibit, or be inconsistent with, such a waiver or
 1057 modification.

1058 (11) The ~~standard form for~~ memoranda of agreement shall
 1059 include guidelines to be used in working with state, regional,
 1060 and local permitting authorities. Guidelines may include, but
 1061 are not limited to, the following:

1062 (a) A central contact point for filing permit applications
 1063 and local comprehensive plan amendments and for obtaining
 1064 information on permit and local comprehensive plan amendment

1065 requirements.†

1066 (b) Identification of the individual or individuals within
 1067 each respective agency who will be responsible for processing
 1068 the expedited permit application or local comprehensive plan
 1069 amendment for that agency.†

1070 (c) A mandatory preapplication review process to reduce
 1071 permitting conflicts by providing guidance to applicants
 1072 regarding the permits needed from each agency and governmental
 1073 entity, site planning and development, site suitability and
 1074 limitations, facility design, and steps the applicant can take
 1075 to ensure expeditious permit application and local comprehensive
 1076 plan amendment review. As a part of this process, the first
 1077 interagency meeting to discuss a project shall be held within 14
 1078 days after the secretary's determination that the project is
 1079 eligible for expedited review. Subsequent interagency meetings
 1080 may be scheduled to accommodate the needs of participating local
 1081 governments that are unable to meet public notice requirements
 1082 for executing a memorandum of agreement within this timeframe.
 1083 This accommodation may not exceed 45 days from the secretary's
 1084 determination that the project is eligible for expedited
 1085 review.†

1086 (d) The preparation of a single coordinated project
 1087 description form and checklist and an agreement by state and
 1088 regional agencies to reduce the burden on an applicant to
 1089 provide duplicate information to multiple agencies.†

1090 (e) Establishment of a process for the adoption and review
 1091 of any comprehensive plan amendment needed by any certified
 1092 project within 90 days after the submission of an application

1093 | for a comprehensive plan amendment. However, the memorandum of
 1094 | agreement may not prevent affected persons as defined in s.
 1095 | 163.3184 from appealing or participating in this expedited plan
 1096 | amendment process and any review or appeals of decisions made
 1097 | under this paragraph. ~~;~~ and

1098 | (f) Additional incentives for an applicant who proposes a
 1099 | project that provides a net ecosystem benefit.

1100 | (14) (a) Challenges to state agency action in the expedited
 1101 | permitting process for projects processed under this section are
 1102 | subject to the summary hearing provisions of s. 120.574, except
 1103 | that the administrative law judge's decision, as provided in s.
 1104 | 120.574(2) (f), shall be in the form of a recommended order and
 1105 | do not constitute the final action of the state agency. In those
 1106 | proceedings where the action of only one agency of the state
 1107 | other than the Department of Environmental Protection is
 1108 | challenged, the agency of the state shall issue the final order
 1109 | within 45 working days after receipt of the administrative law
 1110 | judge's recommended order, and the recommended order shall
 1111 | inform the parties of their right to file exceptions or
 1112 | responses to the recommended order in accordance with the
 1113 | uniform rules of procedure pursuant to s. 120.54. In those
 1114 | proceedings where the actions of more than one agency of the
 1115 | state are challenged, the Governor shall issue the final order
 1116 | within 45 working days after receipt of the administrative law
 1117 | judge's recommended order, and the recommended order shall
 1118 | inform the parties of their right to file exceptions or
 1119 | responses to the recommended order in accordance with the
 1120 | uniform rules of procedure pursuant to s. 120.54. For This

1121 ~~paragraph does not apply to~~ the issuance of department licenses
1122 required under any federally delegated or approved permit
1123 program. ~~In such instances,~~ the department, and not the
1124 Governor, shall enter the final order. The participating
1125 agencies of the state may opt at the preliminary hearing
1126 conference to allow the administrative law judge's decision to
1127 constitute the final agency action.

1128 (b) Projects identified in paragraph (3)(f) or challenges
1129 to state agency action in the expedited permitting process for
1130 establishment of a state-of-the-art biomedical research
1131 institution and campus in this state by the grantee under s.
1132 288.955 are subject to the same requirements as challenges
1133 brought under paragraph (a), except that, notwithstanding s.
1134 120.574, summary proceedings must be conducted within 30 days
1135 after a party files the motion for summary hearing, regardless
1136 of whether the parties agree to the summary proceeding.

1137 (15) The Department of Economic Opportunity, working with
1138 the agencies providing cooperative assistance and input
1139 regarding the memoranda of agreement, shall review sites
1140 proposed for the location of facilities that the Department of
1141 Economic Opportunity has certified to be eligible for the
1142 Innovation Incentive Program under s. 288.1089. Within 20 days
1143 after the request for the review by the Department of Economic
1144 Opportunity, the agencies shall provide to the Department of
1145 Economic Opportunity a statement as to each site's necessary
1146 permits under local, state, and federal law and an
1147 identification of significant permitting issues, which if
1148 unresolved, may result in the denial of an agency permit or

1149 approval or any significant delay caused by the permitting
 1150 process.

1151 (18) The Department of Economic Opportunity, working with
 1152 the Rural Economic Development Initiative ~~and the agencies~~
 1153 ~~participating in the memoranda of agreement~~, shall provide
 1154 technical assistance in preparing permit applications and local
 1155 comprehensive plan amendments for counties having a population
 1156 of fewer than 75,000 residents, or counties having fewer than
 1157 125,000 residents which are contiguous to counties having fewer
 1158 than 75,000 residents. Additional assistance may include, but
 1159 not be limited to, guidance in land development regulations and
 1160 permitting processes, working cooperatively with state,
 1161 regional, and local entities to identify areas within these
 1162 counties which may be suitable or adaptable for preclearance
 1163 review of specified types of land uses and other activities
 1164 requiring permits.

1165 Section 25. Subsection (1) of section 526.203, Florida
 1166 Statutes, is amended, and subsection (5) is added to that
 1167 section, to read:

1168 526.203 Renewable fuel standard.—

1169 (1) DEFINITIONS.—As used in this act:

1170 (a) "Blender," "importer," "terminal supplier," and
 1171 "wholesaler" are defined as provided in s. 206.01.

1172 (b) "Blended gasoline" means a mixture of 90 to 91 percent
 1173 gasoline and 9 to 10 percent fuel ethanol or other renewable
 1174 fuel, by volume, that meets the specifications as adopted by the
 1175 department. The fuel ethanol portion may be derived from any
 1176 agricultural source.

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1177 (c) "Fuel ethanol" means an anhydrous denatured alcohol
1178 produced by the conversion of carbohydrates that meets the
1179 specifications as adopted by the department.

1180 (d) "Renewable fuel" means a fuel produced from renewable
1181 biomass that is used to replace or reduce the quantity of fossil
1182 fuel present in a transportation fuel.

1183 (e) ~~(d)~~ "Unblended gasoline" means gasoline that has not
1184 been blended ~~with fuel ethanol~~ and that meets the specifications
1185 as adopted by the department.

1186 (5) SALE OF UNBLENDED FUELS.—This section does not
1187 prohibit the sale of unblended fuels for the uses exempted under
1188 subsection (3).

1189 Section 26. This act shall take effect July 1, 2012.