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1
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 conditions under which the
10 department is authorized to issue such permits in
11 advance of the issuance of incidental take
12 authorizations as provided under the Endangered
13 Species Act; amending s. 166.033, F.S.; prohibiting a
14 municipality from requiring an applicant to obtain a
15 permit or approval from any state or federal agency as
16 a condition of processing a development permit under
17 certain conditions; authorizing a municipality to
18 attach certain disclaimers to the issuance of a
19 development permit; amending s. 218.075, F.S.;
20 providing for the reduction or waiver of permit
21 processing fees relating to projects that serve a
22 public purpose for certain entities created by special
23 act, local ordinance, or interlocal agreement;
24 amending s. 373.026, F.S.; requiring the department to
25 expand its use of Internet-based self-certification
26 services for exemptions and permits issued by the
27 department and water management districts; amending s.
28 373.326, F.S.; exempting certain underground injection

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29 control wells from permitting requirements under part
30 III of chapter 373, F.S., relating to regulation of
31 wells; providing a requirement for the construction of
32 such wells; amending s. 373.4141, F.S.; reducing the
33 time within which a permit must be approved, denied,
34 or subject to notice of proposed agency action;
35 prohibiting a state agency or an agency of the state
36 from requiring additional permits or approval from a
37 local, state, or federal agency without explicit
38 authority; amending s. 373.4144, F.S.; providing
39 legislative intent with respect to the coordination of
40 regulatory duties among specified state and federal
41 agencies; encouraging expanded use of the state
42 programmatic general permit or regional general
43 permits; providing for a voluntary state programmatic
44 general permit for certain dredge and fill activities;
45 amending s. 376.3071, F.S.; increasing the priority
46 ranking score for participation in the low-scored site
47 initiative; exempting program deductibles, copayments,
48 and certain assessment report requirements from
49 expenditures under the low-scored site initiative;
50 amending s. 376.30715, F.S.; providing that the
51 transfer of a contaminated site from an owner to a
52 child of the owner or corporate entity does not
53 disqualify the site from the innocent victim petroleum
54 storage system restoration financial assistance
55 program; authorizing certain applicants to reapply for
56 financial assistance; amending s. 380.0657, F.S.;

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57 authorizing expedited permitting for certain
58 intermodal logistics centers; amending s. 403.061,
59 F.S.; authorizing zones of discharges to groundwater
60 for specified installations; providing for
61 modification of such zones of discharge; providing
62 that exceedance of certain groundwater standards does
63 not create liability for site cleanup; providing that
64 exceedance of soil cleanup target levels is not a
65 basis for enforcement or cleanup; amending s. 403.087,
66 F.S.; revising conditions under which the department
67 is authorized to revoke permits for sources of air and
68 water pollution; amending s. 403.1838, F.S.; revising
69 the definition of the term "financially disadvantaged
70 small community" for the purposes of the Small
71 Community Sewer Construction Assistance Act; amending
72 s. 403.7045, F.S.; providing conditions under which
73 sludge from an industrial waste treatment works is not
74 solid waste; amending s. 403.706, F.S.; reducing the
75 amount of recycled materials certain counties are
76 required to apply toward state recycling goals;
77 providing that certain renewable energy byproducts
78 count toward state recycling goals; amending s.
79 403.707, F.S.; providing for waste-to-energy
80 facilities to maximize acceptance and processing of
81 nonhazardous solid and liquid waste; exempting the
82 disposal of solid waste monitored by certain
83 groundwater monitoring plans from specific
84 authorization; specifying a permit term for solid

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85 waste management facilities designed with leachate
86 control systems that meet department requirements;
87 requiring permit fees to be adjusted; providing
88 applicability; specifying a permit term for solid
89 waste management facilities that do not have leachate
90 control systems meeting department requirements under
91 certain conditions; authorizing the department to
92 adopt rules; providing that the department is not
93 required to submit the rules to the Environmental
94 Regulation Commission for approval; requiring permit
95 fee caps to be prorated; amending s. 403.7125, F.S.;
96 requiring the department to require by rule that
97 owners or operators of solid waste management
98 facilities receiving waste after October 9, 1993,
99 provide financial assurance for the cost of completing
100 certain corrective actions; amending s. 403.814, F.S.;
101 providing for issuance of general permits for the
102 construction, alteration, and maintenance of certain
103 surface water management systems without the action of
104 the department or a water management district;
105 specifying conditions for the general permits;
106 amending s. 403.853, F.S.; providing for the
107 department, or a local county health department
108 designated by the department, to perform sanitary
109 surveys for certain transient noncommunity water
110 systems; amending s. 403.973, F.S.; authorizing
111 expedited permitting for certain commercial or
112 industrial development projects that individually or

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collectively will create a minimum number of jobs;
providing for a project-specific memorandum of
agreement to apply to a project subject to expedited
permitting; clarifying the authority of the department
to enter final orders for the issuance of certain
licenses; revising criteria for the review of certain
sites; amending s. 526.203, F.S.; revising the
definitions of the terms "blended gasoline" and
"unblended gasoline"; defining the term "alternative
fuel"; authorizing the sale of unblended gasoline for
certain uses; providing that holders of valid permits
or other authorizations are not required to make
payments to authorizing agencies for use of certain
extensions granted under chapter 2011-139, Laws of
Florida; providing retroactive applicability and
effect; providing a 2-year permit extension; providing
an effective date.

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

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

125.022 Development permits.—When a county denies an
application for a development permit, the county shall give
written notice to the applicant. The notice must include a
citation to the applicable portions of an ordinance, rule,
statute, or other legal authority for the denial of the permit.
As used in this section, the term "development permit" has the

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141 same meaning as in s. 163.3164. For any development permit
142 application filed with the county after July 1, 2012, a county
143 may not require as a condition of processing or issuing a
144 development permit that an applicant obtain a permit or approval
145 from any state or federal agency unless the agency has issued a
146 final agency action that denies the federal or state permit
147 before the county action on the local development permit.
148 Issuance of a development permit by a county does not in any way
149 create any rights on the part of the applicant to obtain a
150 permit from a state or federal agency and does not create any
151 liability on the part of the county for issuance of the permit
152 if the applicant fails to obtain requisite approvals or fulfill
153 the obligations imposed by a state or federal agency or
154 undertakes actions that result in a violation of state or
155 federal law. A county may attach such a disclaimer to the
156 issuance of a development permit and may include a permit
157 condition that all other applicable state or federal permits be
158 obtained before commencement of the development. This section
159 does not prohibit a county from providing information to an
160 applicant regarding what other state or federal permits may
161 apply.

162 Section 2. Subsection (5) is added to section 161.041,
163 Florida Statutes, to read:

164 161.041 Permits required.—

165 (5) Notwithstanding any other provision of law, the
166 department may issue a permit pursuant to this part in advance
167 of the issuance of an incidental take authorization as provided
168 under the Endangered Species Act and its implementing

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169 regulations if the permit and authorization include a condition
170 requiring that authorized activities not begin until the
171 incidental take authorization is issued.

172 Section 3. Section 166.033, Florida Statutes, is amended
173 to read:

174 166.033 Development permits.—When a municipality denies an
175 application for a development permit, the municipality shall
176 give written notice to the applicant. The notice must include a
177 citation to the applicable portions of an ordinance, rule,
178 statute, or other legal authority for the denial of the permit.
179 As used in this section, the term "development permit" has the
180 same meaning as in s. 163.3164. For any development permit
181 application filed with the municipality after July 1, 2012, a
182 municipality may not require as a condition of processing or
183 issuing a development permit that an applicant obtain a permit
184 or approval from any state or federal agency unless the agency
185 has issued a final agency action that denies the federal or
186 state permit before the municipal action on the local
187 development permit. Issuance of a development permit by a
188 municipality does not in any way create any right on the part of
189 an applicant to obtain a permit from a state or federal agency
190 and does not create any liability on the part of the
191 municipality for issuance of the permit if the applicant fails
192 to obtain requisite approvals or fulfill the obligations imposed
193 by a state or federal agency or undertakes actions that result
194 in a violation of state or federal law. A municipality may
195 attach such a disclaimer to the issuance of development permits
196 and may include a permit condition that all other applicable

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state or federal permits be obtained before commencement of the development. This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

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

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

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

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

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

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emergency;

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

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

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

Section 5. Subsection (10) is added to section 373.026, Florida Statutes, to read:

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

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

263 Section 6. Subsection (3) is added to section 373.326,
264 Florida Statutes, to read:

265 373.326 Exemptions.—

266 (3) A permit may not be required under this part for any
267 well authorized pursuant to ss. 403.061 and 403.087 under the
268 State Underground Injection Control Program identified in
269 chapter 62-528, Florida Administrative Code, as Class I, Class
270 II, Class III, Class IV, or Class V Groups 2-9. However, such
271 wells must be constructed by persons who have obtained a license
272 pursuant to s. 373.323 as otherwise required by law.

273 Section 7. Subsection (2) of section 373.4141, Florida
274 Statutes, is amended, and subsection (4) is added to that
275 section, to read:

276 373.4141 Permits; processing.—

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

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processing the permit application.

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

Section 8. Section 373.4144, Florida Statutes, is amended to read:

373.4144 Federal environmental permitting.—

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

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

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

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309 which will have only minimal cumulative adverse effects on the
310 environment.

311 (c) Use the mechanism of such a state general permit or
312 such regional general permits to eliminate overlapping federal
313 regulations and state rules that seek to protect the same
314 resource and to avoid duplication of permitting between the
315 United States Army Corps of Engineers and the department for
316 minor work located in waters of the United States, including
317 navigable waters, thus eliminating, in appropriate cases, the
318 need for a separate individual approval from the United States
319 Army Corps of Engineers while ensuring the most stringent
320 protection of wetland resources.

321 (d) Direct the department not to seek issuance of or take
322 any action pursuant to any such permit or permits unless such
323 conditions are at least as protective of the environment and
324 natural resources as existing state law under this part and
325 federal law under the Clean Water Act and the Rivers and Harbors
326 Act of 1899. The department is directed to develop, on or before
327 October 1, 2005, a mechanism or plan to consolidate, to the
328 maximum extent practicable, the federal and state wetland
329 permitting programs. It is the intent of the Legislature that
330 all dredge and fill activities impacting 10 acres or less of
331 wetlands or waters, including navigable waters, be processed by
332 the state as part of the environmental resource permitting
333 program implemented by the department and the water management
334 districts. The resulting mechanism or plan shall analyze and
335 propose the development of an expanded state programmatic
336 general permit program in conjunction with the United States

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

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

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

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365 general permits for construction activities in wetlands or
366 surface waters or complete assumption of federal permitting
367 programs regulating the discharge of dredged or fill material
368 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,
369 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers
370 and Harbors Act of 1899, so long as the assumption encompasses
371 all dredge and fill activities in, on, or over jurisdictional
372 wetlands or waters, including navigable waters, within the
373 state.

374 Section 9. Subsection (11) of section 376.3071, Florida
375 Statutes, is amended to read:

376 376.3071 Inland Protection Trust Fund; creation; purposes;
377 funding.—

378 (11) SITE CLEANUP.—

379 (a) Voluntary cleanup.—~~Nothing in~~ This section shall does
380 not be deemed to prohibit a person from conducting site
381 rehabilitation either through his or her own personnel or
382 through responsible response action contractors or
383 subcontractors when such person is not seeking site
384 rehabilitation funding from the fund. Such voluntary cleanups
385 must meet all applicable environmental standards.

386 (b) Low-scored site initiative.—Notwithstanding s.
387 376.30711, any site with a priority ranking score of 29 ~~10~~
388 points or less may voluntarily participate in the low-scored
389 site initiative, whether or not the site is eligible for state
390 restoration funding.

391 1. To participate in the low-scored site initiative, the
392 responsible party or property owner must affirmatively

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393 demonstrate that the following conditions are met:

394 a. Upon reassessment pursuant to department rule, the site
395 retains a priority ranking score of 29 ~~40~~ points or less.

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

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

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

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

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

413 2. Upon affirmative demonstration of the conditions under
414 subparagraph 1., the department shall issue a determination of
415 "No Further Action." Such determination acknowledges that
416 minimal contamination exists onsite and that such contamination
417 is not a threat to human health or the environment. If no
418 contamination is detected, the department may issue a site
419 rehabilitation completion order.

420 3. Sites that are eligible for state restoration funding

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may receive payment of preapproved costs for the low-scored site initiative as follows:

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

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

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

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

Section 10. Section 376.30715, Florida Statutes, is amended to read:

376.30715 Innocent victim petroleum storage system restoration.—A contaminated site acquired by the current owner prior to July 1, 1990, which has ceased operating as a petroleum storage or retail business prior to January 1, 1985, is eligible

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449 for financial assistance pursuant to s. 376.305(6),
450 notwithstanding s. 376.305(6)(a). For purposes of this section,
451 the term "acquired" means the acquisition of title to the
452 property; however, a subsequent transfer of the property to a
453 spouse or child of the owner, a surviving spouse or child of the
454 owner in trust or free of trust, ~~or~~ a revocable trust created
455 for the benefit of the settlor, or a corporate entity created by
456 the owner to hold title to the site does not disqualify the site
457 from financial assistance pursuant to s. 376.305(6) and
458 applicants previously denied coverage may reapply. Eligible
459 sites shall be ranked in accordance with s. 376.3071(5).

460 Section 11. Subsection (1) of section 380.0657, Florida
461 Statutes, is amended to read:

462 380.0657 Expedited permitting process for economic
463 development projects.—

464 (1) The Department of Environmental Protection and, as
465 appropriate, the water management districts created under
466 chapter 373 shall adopt programs to expedite the processing of
467 wetland resource and environmental resource permits for economic
468 development projects that have been identified by a municipality
469 or county as meeting the definition of target industry
470 businesses under s. 288.106, or any intermodal logistics center
471 receiving or sending cargo to or from Florida ports, with the
472 exception of those projects requiring approval by the Board of
473 Trustees of the Internal Improvement Trust Fund.

474 Section 12. Subsection (11) of section 403.061, Florida
475 Statutes, is amended to read:

476 403.061 Department; powers and duties.—The department

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477 shall have the power and the duty to control and prohibit
478 pollution of air and water in accordance with the law and rules
479 adopted and promulgated by it and, for this purpose, to:

480 (11) Establish ambient air quality and water quality
481 standards for the state as a whole or for any part thereof, and
482 also standards for the abatement of excessive and unnecessary
483 noise. The department is authorized to establish reasonable
484 zones of mixing for discharges into waters. For existing
485 installations as defined by rule 62-520.200(10), Florida
486 Administrative Code, effective July 12, 2009, zones of discharge
487 to groundwater are authorized horizontally to a facility's or
488 owner's property boundary and extending vertically to the base
489 of a specifically designated aquifer or aquifers. Such zones of
490 discharge may be modified in accordance with procedures
491 specified in department rules. Exceedance of primary and
492 secondary groundwater standards that occur within a zone of
493 discharge does not create liability pursuant to this chapter or
494 chapter 376 for site cleanup, and the exceedance of soil cleanup
495 target levels is not a basis for enforcement or site cleanup.

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

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

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

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505 3. The discharge does not cause a measurable increase in
506 the degree of noncompliance with the standard at the boundary of
507 the mixing zone; and

508 4. The discharge otherwise complies with the mixing zone
509 provisions specified in department rules.

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

512 1. Sources that have received permits from the department
513 prior to April 1, 1982, or the date of designation, whichever is
514 later;

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

517 3. Discharges of water necessary for water management
518 purposes which have been approved by the governing board of a
519 water management district and, if required by law, by the
520 secretary; and

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

525 (c) The department, by rule, shall establish water quality
526 criteria for wetlands which criteria give appropriate
527 recognition to the water quality of such wetlands in their
528 natural state.

529
530 ~~Nothing in~~ This act may not ~~shall~~ be construed to invalidate any
531 existing department rule relating to mixing zones. The
532 department shall cooperate with the Department of Highway Safety

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and Motor Vehicles in the development of regulations required by
s. 316.272(1).

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

Section 13. Subsection (7) of section 403.087, Florida
Statutes, is amended to read:

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

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

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

(b) ~~Has~~ Violated law, department orders, rules, ~~or~~
~~regulations~~, or ~~permit~~ conditions which directly relate to the
permit;

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

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

Section 14. Subsection (2) of section 403.1838, Florida
Statutes, is amended to read:

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403.1838 Small Community Sewer Construction Assistance
Act.—

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

Section 15. Paragraph (f) of subsection (1) of section 403.7045, Florida Statutes, is amended to read:

403.7045 Application of act and integration with other acts.—

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

(f) Industrial byproducts, if:

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

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

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589 3. The industrial byproducts are not hazardous wastes as
590 defined under s. 403.703 and rules adopted under this section.
591

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

595 Section 16. Paragraph (a) of subsection (4) of section
596 403.706, Florida Statutes, is amended to read:

597 403.706 Local government solid waste responsibilities.—

598 (4)(a) In order to promote the production of renewable
599 energy from solid waste, each megawatt-hour produced by a
600 renewable energy facility using solid waste as a fuel shall
601 count as 1 ton of recycled material and shall be applied toward
602 meeting the recycling goals set forth in this section. If a
603 county creating renewable energy from solid waste implements and
604 maintains a program to recycle at least 50 percent of municipal
605 solid waste by a means other than creating renewable energy,
606 that county shall count 1.25 ~~2~~ tons of recycled material for
607 each megawatt-hour produced. If waste originates from a county
608 other than the county in which the renewable energy facility
609 resides, the originating county shall receive such recycling
610 credit. ~~Any county that has a debt service payment related to~~
611 ~~its waste-to-energy facility shall receive 1 ton of recycled~~
612 ~~materials credit for each ton of solid waste processed at the~~
613 ~~facility.~~ Any byproduct resulting from the creation of renewable
614 energy that is recycled shall count towards the county recycling
615 goals in accordance with the methods and criteria developed
616 pursuant to paragraph (2)(h) does not count as waste.

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617 Section 17. Subsections (1), (2), and (3) of section
618 403.707, Florida Statutes, are amended to read:

619 403.707 Permits.—

620 (1) A solid waste management facility may not be operated,
621 maintained, constructed, expanded, modified, or closed without
622 an appropriate and currently valid permit issued by the
623 department. The department may by rule exempt specified types of
624 facilities from the requirement for a permit under this part if
625 it determines that construction or operation of the facility is
626 not expected to create any significant threat to the environment
627 or public health. For purposes of this part, and only when
628 specified by department rule, a permit may include registrations
629 as well as other forms of licenses as defined in s. 120.52.

630 Solid waste construction permits issued under this section may
631 include any permit conditions necessary to achieve compliance
632 with the recycling requirements of this act. The department
633 shall pursue reasonable timeframes for closure and construction
634 requirements, considering pending federal requirements and
635 implementation costs to the permittee. The department shall
636 adopt a rule establishing performance standards for construction
637 and closure of solid waste management facilities. The standards
638 shall allow flexibility in design and consideration for site-
639 specific characteristics. For the purpose of permitting under
640 this chapter, the department shall allow waste-to-energy
641 facilities to maximize acceptance and processing of nonhazardous
642 solid and liquid waste.

643 (2) Except as provided in s. 403.722(6), a permit under
644 this section is not required for the following, ~~if the activity~~

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645 ~~does not create a public nuisance or any condition adversely~~
646 ~~affecting the environment or public health and does not violate~~
647 ~~other state or local laws, ordinances, rules, regulations, or~~
648 ~~orders:~~

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

659 (b) Storage in containers by persons of solid waste
660 resulting from their own activities on their property, leased or
661 rented property, or property subject to a homeowners' ~~homeowners~~
662 or maintenance association for which the person contributes
663 association assessments, if the solid waste in such containers
664 is collected at least once a week.

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

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

671 2. Addressed or authorized by, or exempted from the
672 requirement to obtain, a groundwater monitoring plan approved by

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673 the department. If a facility has a permit authorizing disposal
674 activity, new areas where solid waste is being disposed of which
675 are monitored by an existing or modified groundwater monitoring
676 plan are not required to be specifically authorized in a permit
677 or other certification.

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

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

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

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

699 (3) (a) All applicable provisions of ss. 403.087 and
700 403.088, relating to permits, apply to the control of solid

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waste management facilities.

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

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

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

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

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

b. The department has not notified the applicant that it is required to implement assessment or evaluation monitoring as a result of exceedances of applicable groundwater standards or criteria or, if applicable, the applicant is completing corrective actions in accordance with applicable department

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729 rules; and

730 c. The applicant is in compliance with the applicable
731 financial assurance requirements.

732 (d) The department may adopt rules to administer this
733 subsection. However, the department is not required to submit
734 such rules to the Environmental Regulation Commission for
735 approval. Notwithstanding the limitations of s. 403.087(6)(a),
736 permit fee caps for solid waste management facilities shall be
737 prorated to reflect the extended permit term authorized by this
738 subsection.

739 Section 18. Section 403.7125, Florida Statutes, is amended
740 to read:

741 403.7125 Financial assurance ~~for closure.~~

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

749 (2) The owner or operator of a landfill owned or operated
750 by a local or state government or the Federal Government shall
751 establish a fee, or a surcharge on existing fees or other
752 appropriate revenue-producing mechanism, to ensure the
753 availability of financial resources for the proper closure of
754 the landfill. However, the disposal of solid waste by persons on
755 their own property, as described in s. 403.707(2), is exempt
756 from this section.

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

760 (b) The revenue shall be deposited in an interest-bearing
761 escrow account to be held and administered by the owner or
762 operator. The owner or operator shall file with the department
763 an annual audit of the account. The audit shall be conducted by
764 an independent certified public accountant. Failure to collect
765 or report such revenue, except as allowed in subsection (3), is
766 a noncriminal violation punishable by a fine of not more than
767 \$5,000 for each offense. The owner or operator may make
768 expenditures from the account and its accumulated interest only
769 for the purpose of landfill closure and, if such expenditures do
770 not deplete the fund to the detriment of eventual closure, for
771 planning and construction of resource recovery or landfill
772 facilities. Any moneys remaining in the account after paying for
773 proper and complete closure, as determined by the department,
774 shall, if the owner or operator does not operate a landfill, be
775 deposited by the owner or operator into the general fund or the
776 appropriate solid waste fund of the local government of
777 jurisdiction.

778 (c) The revenue generated under this subsection and any
779 accumulated interest thereon may be applied to the payment of,
780 or pledged as security for, the payment of revenue bonds issued
781 in whole or in part for the purpose of complying with state and
782 federal landfill closure requirements. Such application or
783 pledge may be made directly in the proceedings authorizing such
784 bonds or in an agreement with an insurer of bonds to assure such

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insurer of additional security therefor.

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

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

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

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

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and federal landfill closure requirements.

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

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

Section 19. Subsection (12) is added to section 403.814, Florida Statutes, to read:

403.814 General permits; delegation.—

(12) A general permit is granted for the construction, alteration, and maintenance of a stormwater management system serving a total project area of up to 10 acres. When the stormwater management system is designed, operated, and maintained in accordance with applicable rules adopted pursuant to part IV of chapter 373, there is a rebuttable presumption that the discharge for such system will comply with state water quality standards. The construction of such a system may proceed without any further agency action by the department or water management district if, within 30 days after construction begins, an electronic self-certification is submitted to the department or water management district that certifies the proposed system was designed by a Florida registered

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professional to meet the following requirements:

(a) The total project area involves less than 10 acres and less than 2 acres of impervious surface;

(b) No activities will impact wetlands or other surface waters;

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

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

(e) The project is not part of a larger common plan, development, or sale; and

(f) The project does not:

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

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

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

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

Section 20. Subsection (6) of section 403.853, Florida Statutes, is amended to read:

403.853 Drinking water standards.—

(6) Upon the request of the owner or operator of a transient noncommunity water system using groundwater as a source of supply and serving religious institutions or

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869 businesses, other than restaurants or other public food service
870 establishments or religious institutions with school or day care
871 services, ~~and using groundwater as a source of supply~~, the
872 department, or a local county health department designated by
873 the department, shall perform a sanitary survey of the facility.
874 Upon receipt of satisfactory survey results according to
875 department criteria, the department shall reduce the
876 requirements of such owner or operator from monitoring and
877 reporting on a quarterly basis to performing these functions on
878 an annual basis. Any revised monitoring and reporting schedule
879 approved by the department under this subsection shall apply
880 until such time as a violation of applicable state or federal
881 primary drinking water standards is determined by the system
882 owner or operator, by the department, or by an agency designated
883 by the department, after a random or routine sanitary survey.
884 Certified operators are not required for transient noncommunity
885 water systems of the type and size covered by this subsection.
886 Any reports required of such system shall be limited to the
887 minimum as required by federal law. When not contrary to the
888 provisions of federal law, the department may, upon request and
889 by rule, waive additional provisions of state drinking water
890 regulations for such systems.

891 Section 21. Paragraph (a) of subsection (3) and
892 subsections (4), (5), (10), (11), (14), (15), and (18) of
893 section 403.973, Florida Statutes, are amended to read:

894 403.973 Expedited permitting; amendments to comprehensive
895 plans.—

896 (3)(a) The secretary shall direct the creation of regional

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897 permit action teams for the purpose of expediting review of
898 permit applications and local comprehensive plan amendments
899 submitted by:

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

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

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

924 (5) In order to facilitate local government's option to

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925 participate in this expedited review process, the secretary
926 shall, in cooperation with local governments and participating
927 state agencies, create a standard form memorandum of agreement.
928 The standard form of the memorandum of agreement shall be used
929 only if the local government participates in the expedited
930 review process. In the absence of local government
931 participation, only the project-specific memorandum of agreement
932 executed pursuant to subsection (4) applies. A local government
933 shall hold a duly noticed public workshop to review and explain
934 to the public the expedited permitting process and the terms and
935 conditions of the standard form memorandum of agreement.

936 (10) The memoranda of agreement may provide for the waiver
937 or modification of procedural rules prescribing forms, fees,
938 procedures, or time limits for the review or processing of
939 permit applications under the jurisdiction of those agencies
940 that are members of the regional permit action team ~~party to the~~
941 ~~memoranda of agreement~~. Notwithstanding any other provision of
942 law to the contrary, a memorandum of agreement must to the
943 extent feasible provide for proceedings and hearings otherwise
944 held separately ~~by the parties to the memorandum of agreement~~ to
945 be combined into one proceeding or held jointly and at one
946 location. Such waivers or modifications are not authorized ~~shall~~
947 ~~not be available~~ for permit applications governed by federally
948 delegated or approved permitting programs, the requirements of
949 which would prohibit, or be inconsistent with, such a waiver or
950 modification.

951 (11) The ~~standard form for~~ memoranda of agreement shall
952 include guidelines to be used in working with state, regional,

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953 and local permitting authorities. Guidelines may include, but
954 are not limited to, the following:

955 (a) A central contact point for filing permit applications
956 and local comprehensive plan amendments and for obtaining
957 information on permit and local comprehensive plan amendment
958 requirements.+

959 (b) Identification of the individual or individuals within
960 each respective agency who will be responsible for processing
961 the expedited permit application or local comprehensive plan
962 amendment for that agency.+

963 (c) A mandatory preapplication review process to reduce
964 permitting conflicts by providing guidance to applicants
965 regarding the permits needed from each agency and governmental
966 entity, site planning and development, site suitability and
967 limitations, facility design, and steps the applicant can take
968 to ensure expeditious permit application and local comprehensive
969 plan amendment review. As a part of this process, the first
970 interagency meeting to discuss a project shall be held within 14
971 days after the secretary's determination that the project is
972 eligible for expedited review. Subsequent interagency meetings
973 may be scheduled to accommodate the needs of participating local
974 governments that are unable to meet public notice requirements
975 for executing a memorandum of agreement within this timeframe.
976 This accommodation may not exceed 45 days from the secretary's
977 determination that the project is eligible for expedited
978 review.+

979 (d) The preparation of a single coordinated project
980 description form and checklist and an agreement by state and

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981 regional agencies to reduce the burden on an applicant to
982 provide duplicate information to multiple agencies.+

983 (e) Establishment of a process for the adoption and review
984 of any comprehensive plan amendment needed by any certified
985 project within 90 days after the submission of an application
986 for a comprehensive plan amendment. However, the memorandum of
987 agreement may not prevent affected persons as defined in s.
988 163.3184 from appealing or participating in this expedited plan
989 amendment process and any review or appeals of decisions made
990 under this paragraph.~~+~~and

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

993 (14) (a) Challenges to state agency action in the expedited
994 permitting process for projects processed under this section are
995 subject to the summary hearing provisions of s. 120.574, except
996 that the administrative law judge's decision, as provided in s.
997 120.574(2) (f), shall be in the form of a recommended order and
998 do not constitute the final action of the state agency. In those
999 proceedings where the action of only one agency of the state
1000 other than the Department of Environmental Protection is
1001 challenged, the agency of the state shall issue the final order
1002 within 45 working days after receipt of the administrative law
1003 judge's recommended order, and the recommended order shall
1004 inform the parties of their right to file exceptions or
1005 responses to the recommended order in accordance with the
1006 uniform rules of procedure pursuant to s. 120.54. In those
1007 proceedings where the actions of more than one agency of the
1008 state are challenged, the Governor shall issue the final order

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1009 within 45 working days after receipt of the administrative law
1010 judge's recommended order, and the recommended order shall
1011 inform the parties of their right to file exceptions or
1012 responses to the recommended order in accordance with the
1013 uniform rules of procedure pursuant to s. 120.54. For This
1014 ~~paragraph does not apply to~~ the issuance of department licenses
1015 required under any federally delegated or approved permit
1016 program. ~~In such instances,~~ the department, and not the
1017 Governor, shall enter the final order. The participating
1018 agencies of the state may opt at the preliminary hearing
1019 conference to allow the administrative law judge's decision to
1020 constitute the final agency action.

1021 (b) Projects identified in paragraph (3)(f) or challenges
1022 to state agency action in the expedited permitting process for
1023 establishment of a state-of-the-art biomedical research
1024 institution and campus in this state by the grantee under s.
1025 288.955 are subject to the same requirements as challenges
1026 brought under paragraph (a), except that, notwithstanding s.
1027 120.574, summary proceedings must be conducted within 30 days
1028 after a party files the motion for summary hearing, regardless
1029 of whether the parties agree to the summary proceeding.

1030 (15) The Department of Economic Opportunity, working with
1031 the agencies providing cooperative assistance and input
1032 regarding the memoranda of agreement, shall review sites
1033 proposed for the location of facilities that the Department of
1034 Economic Opportunity has certified to be eligible for the
1035 Innovation Incentive Program under s. 288.1089. Within 20 days
1036 after the request for the review by the Department of Economic

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1037 Opportunity, the agencies shall provide to the Department of
1038 Economic Opportunity a statement as to each site's necessary
1039 permits under local, state, and federal law and an
1040 identification of significant permitting issues, which if
1041 unresolved, may result in the denial of an agency permit or
1042 approval or any significant delay caused by the permitting
1043 process.

1044 (18) The Department of Economic Opportunity, working with
1045 the Rural Economic Development Initiative ~~and the agencies~~
1046 ~~participating in the memoranda of agreement~~, shall provide
1047 technical assistance in preparing permit applications and local
1048 comprehensive plan amendments for counties having a population
1049 of fewer than 75,000 residents, or counties having fewer than
1050 125,000 residents which are contiguous to counties having fewer
1051 than 75,000 residents. Additional assistance may include, but
1052 not be limited to, guidance in land development regulations and
1053 permitting processes, working cooperatively with state,
1054 regional, and local entities to identify areas within these
1055 counties which may be suitable or adaptable for preclearance
1056 review of specified types of land uses and other activities
1057 requiring permits.

1058 Section 22. Subsection (1) of section 526.203, Florida
1059 Statutes, is amended, and subsection (5) is added to that
1060 section, to read:

1061 526.203 Renewable fuel standard.—

1062 (1) DEFINITIONS.—As used in this act:

1063 (a) "Alternative fuel" means a fuel produced from biomass,
1064 as defined in s. 366.91, that is used to replace or reduce the

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1065 quantity of fossil fuel present in a petroleum fuel that meets
1066 the specifications as adopted by the department.

1067 (b)-(a) "Blender," "importer," "terminal supplier," and
1068 "wholesaler" are defined as provided in s. 206.01.

1069 (c)-(b) "Blended gasoline" means a mixture of 90 to 91
1070 percent gasoline and 9 to 10 percent fuel ethanol or other
1071 alternative fuel, by volume, that meets the specifications as
1072 adopted by the department. The fuel ethanol or other alternative
1073 fuel portion may be derived from any agricultural source.

1074 (d)-(e) "Fuel ethanol" means an anhydrous denatured alcohol
1075 produced by the conversion of carbohydrates that meets the
1076 specifications as adopted by the department.

1077 (e)-(d) "Unblended gasoline" means gasoline that has not
1078 been blended with fuel ethanol or other alternative fuel and
1079 that meets the specifications as adopted by the department.

1080 (5) SALE OF UNBLENDED GASOLINE.—This section does not
1081 prohibit the sale of unblended gasoline for the uses exempted
1082 under subsection (3).

1083 Section 23. The holder of a valid permit or other
1084 authorization is not required to make a payment to the
1085 authorizing agency for use of an extension granted under section
1086 73 or section 79 of chapter 2011-139, Laws of Florida, or
1087 section 24 of this act. This section applies retroactively and
1088 is effective as of June 2, 2011.

1089 Section 24. (1) Any building permit, and any permit
1090 issued by the Department of Environmental Protection or by a
1091 water management district pursuant to part IV of chapter 373,
1092 Florida Statutes, which has an expiration date from January 1,

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2012, through January 1, 2014, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This extension includes any local government-issued development order or building permit including certificates of levels of service. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to any existing permit extension. Extensions granted pursuant to this section; section 14 of chapter 2009-96, Laws of Florida, as reauthorized by section 47 of chapter 2010-147, Laws of Florida; section 46 of chapter 2010-147, Laws of Florida; or section 74 or section 79 of chapter 2011-139, Laws of Florida, shall not exceed 4 years in total. Further, specific development order extensions granted pursuant to s. 380.06(19)(c)2., Florida Statutes, cannot be further extended by this section.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2012, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic

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1121 or regional general permit issued by the Army Corps of
1122 Engineers.

1123 (b) A permit or other authorization held by an owner or
1124 operator determined to be in significant noncompliance with the
1125 conditions of the permit or authorization as established through
1126 the issuance of a warning letter or notice of violation, the
1127 initiation of formal enforcement, or other equivalent action by
1128 the authorizing agency.

1129 (c) A permit or other authorization, if granted an
1130 extension that would delay or prevent compliance with a court
1131 order.

1132 (5) Permits extended under this section shall continue to
1133 be governed by the rules in effect at the time the permit was
1134 issued, except if it is demonstrated that the rules in effect at
1135 the time the permit was issued would create an immediate threat
1136 to public safety or health. This provision applies to any
1137 modification of the plans, terms, and conditions of the permit
1138 which lessens the environmental impact, except that any such
1139 modification does not extend the time limit beyond 2 additional
1140 years.

1141 (6) This section does not impair the authority of a county
1142 or municipality to require the owner of a property that has
1143 notified the county or municipality of the owner's intent to
1144 receive the extension of time granted pursuant to this section
1145 to maintain and secure the property in a safe and sanitary
1146 condition in compliance with applicable laws and ordinances.

1147 Section 25. This act shall take effect July 1, 2012.