

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Sands offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 199.1055, Florida Statutes, is amended
6 to read:

7 199.1055 Contaminated site rehabilitation tax credit.--

8 (1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--

9 (a) A credit in the amount of 50 ~~35~~ percent of the costs
10 of voluntary cleanup activity that is integral to site
11 rehabilitation at the following sites is available against any
12 tax due for a taxable year under s. 199.032, less any credit
13 allowed by former s. 220.68 for that year:

14 1. A drycleaning-solvent-contaminated site eligible for
15 state-funded site rehabilitation under s. 376.3078(3);

16 2. A drycleaning-solvent-contaminated site at which
17 cleanup is undertaken by the real property owner pursuant to s.
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18 376.3078(11), if the real property owner is not also, and has
19 never been, the owner or operator of the drycleaning facility
20 where the contamination exists; or

21 3. A brownfield site in a designated brownfield area under
22 s. 376.80.

23 (b) A tax credit applicant, or multiple tax credit
24 applicants working jointly to clean up a single site, may not be
25 granted more than \$500,000 ~~\$250,000~~ per year in tax credits for
26 each site voluntarily rehabilitated. Multiple tax credit
27 applicants shall be granted tax credits in the same proportion
28 as their contribution to payment of cleanup costs. Subject to
29 the same conditions and limitations as provided in this section,
30 a municipality, county, or other tax credit applicant which
31 voluntarily rehabilitates a site may receive not more than
32 \$500,000 ~~\$250,000~~ per year in tax credits which it can
33 subsequently transfer subject to the provisions in paragraph
34 (g).

35 (c) If the credit granted under this section is not fully
36 used in any one year because of insufficient tax liability on
37 the part of the tax credit applicant, the unused amount may be
38 carried forward for a period not to exceed 5 years. Five years
39 after the date a credit is granted under this section, such
40 credit expires and may not be used. However, if during the 5-
41 year period the credit is transferred, in whole or in part,
42 pursuant to paragraph (g), each transferee has 5 years after the
43 date of transfer to use its credit.

44 (d) A taxpayer that receives a credit under s. 220.1845 is
45 ineligible to receive credit under this section in a given tax
46 year.

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47 (e) A tax credit applicant that receives state-funded site
48 rehabilitation pursuant to s. 376.3078(3) for rehabilitation of
49 a drycleaning-solvent-contaminated site is ineligible to receive
50 credit under this section for costs incurred by the tax credit
51 applicant in conjunction with the rehabilitation of that site
52 during the same time period that state-administered site
53 rehabilitation was underway.

54 (f) The total amount of the tax credits which may be
55 granted under this section and s. 220.1845 is \$5 ~~\$2~~ million
56 annually.

57 (g)1. Tax credits that may be available under this section
58 to an entity eligible under s. 376.30781 may be transferred
59 after a merger or acquisition to the surviving or acquiring
60 entity and used in the same manner with the same limitations.

61 2. The entity or its surviving or acquiring entity as
62 described in subparagraph 1., may transfer any unused credit in
63 whole or in units of no less than 25 percent of the remaining
64 credit. The entity acquiring such credit may use it in the same
65 manner and with the same limitation as described in this
66 section. Such transferred credits may not be transferred again
67 although they may succeed to a surviving or acquiring entity
68 subject to the same conditions and limitations as described in
69 this section.

70 3. In the event the credit provided for under this section
71 is reduced either as a result of a determination by the
72 Department of Environmental Protection or an examination or
73 audit by the Department of Revenue, such tax deficiency shall be
74 recovered from the first entity, or the surviving or acquiring
75 entity, to have claimed such credit up to the amount of credit
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76 taken. Any subsequent deficiencies shall be assessed against any
77 entity acquiring and claiming such credit, or in the case of
78 multiple succeeding entities in the order of credit succession.

79 (h) In order to encourage completion of site
80 rehabilitation at contaminated sites being voluntarily cleaned
81 up and eligible for a tax credit under this section, the tax
82 credit applicant may claim an additional 25 ~~10~~ percent of the
83 total cleanup costs, not to exceed \$500,000 ~~\$50,000~~, in the
84 final year of cleanup as evidenced by the Department of
85 Environmental Protection issuing a "No Further Action" order for
86 that site.

87 (i) In order to encourage the construction of housing that
88 meets the definition of affordable provided in s. 420.0004(3),
89 an applicant for the tax credit may claim an additional 25
90 percent of the total site-rehabilitation costs that are eligible
91 for tax credits under this section, not to exceed \$500,000. In
92 order to receive this additional tax credit, the applicant must
93 provide a certification letter from the Florida Housing Finance
94 Corporation, the local housing authority, or other governmental
95 agency that is a party to the use agreement, indicating that the
96 construction on the brownfield site is complete, the brownfield
97 site has received a certificate of occupancy, and the brownfield
98 site has a properly recorded instrument that limits the use of
99 the property to housing that meets the definition of affordable
100 provided in s. 420.0004(3).

101 (2) FILING REQUIREMENTS.--Any taxpayer that wishes to
102 obtain credit under this section must submit with its return a
103 tax credit certificate approving partial tax credits issued by
104 the Department of Environmental Protection under s. 376.30781.
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105 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
106 FORFEITURE.--

107 (a) The Department of Revenue may adopt rules to prescribe
108 any necessary forms required to claim a tax credit under this
109 section and to provide the administrative guidelines and
110 procedures required to administer this section.

111 (b) In addition to its existing audit and investigation
112 authority relating to chapters 199 and 220, the Department of
113 Revenue may perform any additional financial and technical
114 audits and investigations, including examining the accounts,
115 books, or records of the tax credit applicant, which are
116 necessary to verify the site rehabilitation costs included in a
117 tax credit return and to ensure compliance with this section.
118 The Department of Environmental Protection shall provide
119 technical assistance, when requested by the Department of
120 Revenue, on any technical audits performed under this section.

121 (c) It is grounds for forfeiture of previously claimed and
122 received tax credits if the Department of Revenue determines, as
123 a result of either an audit or information received from the
124 Department of Environmental Protection, that a taxpayer received
125 tax credits under this section to which the taxpayer was not
126 entitled. In the case of fraud, the taxpayer shall be prohibited
127 from claiming any future tax credits under this section or s.
128 220.1845.

129 1. The taxpayer is responsible for returning forfeited tax
130 credits to the Department of Revenue, and such funds shall be
131 paid into the General Revenue Fund of the state.

132 2. The taxpayer shall file with the Department of Revenue
133 an amended tax return or such other report as the Department of
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134 Revenue prescribes by rule and shall pay any required tax within
135 60 days after the taxpayer receives notification from the
136 Department of Environmental Protection pursuant to s. 376.30781
137 that previously approved tax credits have been revoked or
138 modified, if uncontested, or within 60 days after a final order
139 is issued following proceedings involving a contested revocation
140 or modification order.

141 3. A notice of deficiency may be issued by the Department
142 of Revenue at any time within 5 years after the date the
143 taxpayer receives notification from the Department of
144 Environmental Protection pursuant to s. 376.30781 that
145 previously approved tax credits have been revoked or modified.
146 If a taxpayer fails to notify the Department of Revenue of any
147 change in its tax credit claimed, a notice of deficiency may be
148 issued at any time. In either case, the amount of any proposed
149 assessment set forth in such notice of deficiency shall be
150 limited to the amount of any deficiency resulting under this
151 section from the recomputation of the taxpayer's tax for the
152 taxable year.

153 4. Any taxpayer that fails to report and timely pay any
154 tax due as a result of the forfeiture of its tax credit is in
155 violation of this section and is subject to applicable penalty
156 and interest.

157 Section 2. Section 220.1845, Florida Statutes, is amended
158 to read:

159 220.1845 Contaminated site rehabilitation tax credit.--

160 (1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--

161 (a) A credit in the amount of 50 ~~35~~ percent of the costs
162 of voluntary cleanup activity that is integral to site
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163 rehabilitation at the following sites is available against any
164 tax due for a taxable year under this chapter:

165 1. A drycleaning-solvent-contaminated site eligible for
166 state-funded site rehabilitation under s. 376.3078(3);

167 2. A drycleaning-solvent-contaminated site at which
168 cleanup is undertaken by the real property owner pursuant to s.
169 376.3078(11), if the real property owner is not also, and has
170 never been, the owner or operator of the drycleaning facility
171 where the contamination exists; or

172 3. A brownfield site in a designated brownfield area under
173 s. 376.80.

174 (b) A tax credit applicant, or multiple tax credit
175 applicants working jointly to clean up a single site, may not be
176 granted more than \$500,000 ~~\$250,000~~ per year in tax credits for
177 each site voluntarily rehabilitated. Multiple tax credit
178 applicants shall be granted tax credits in the same proportion
179 as their contribution to payment of cleanup costs. Subject to
180 the same conditions and limitations as provided in this section,
181 a municipality, county, or other tax credit applicant which
182 voluntarily rehabilitates a site may receive not more than
183 \$500,000 ~~\$250,000~~ per year in tax credits which it can
184 subsequently transfer subject to the provisions in paragraph
185 (h).

186 (c) If the credit granted under this section is not fully
187 used in any one year because of insufficient tax liability on
188 the part of the corporation, the unused amount may be carried
189 forward for a period not to exceed 5 years. The carryover credit
190 may be used in a subsequent year when the tax imposed by this
191 chapter for that year exceeds the credit for which the

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192 corporation is eligible in that year under this section after
193 applying the other credits and unused carryovers in the order
194 provided by s. 220.02(8). Five years after the date a credit is
195 granted under this section, such credit expires and may not be
196 used. However, if during the 5-year period the credit is
197 transferred, in whole or in part, pursuant to paragraph (h),
198 each transferee has 5 years after the date of transfer to use
199 its credit.

200 (d) A taxpayer that files a consolidated return in this
201 state as a member of an affiliated group under s. 220.131(1) may
202 be allowed the credit on a consolidated return basis up to the
203 amount of tax imposed upon the consolidated group.

204 (e) A taxpayer that receives credit under s. 199.1055 is
205 ineligible to receive credit under this section in a given tax
206 year.

207 (f) A tax credit applicant that receives state-funded site
208 rehabilitation under s. 376.3078(3) for rehabilitation of a
209 drycleaning-solvent-contaminated site is ineligible to receive
210 credit under this section for costs incurred by the tax credit
211 applicant in conjunction with the rehabilitation of that site
212 during the same time period that state-administered site
213 rehabilitation was underway.

214 (g) The total amount of the tax credits which may be
215 granted under this section and s. 199.1055 is \$5 ~~\$2~~ million
216 annually.

217 (h)1. Tax credits that may be available under this section
218 to an entity eligible under s. 376.30781 may be transferred
219 after a merger or acquisition to the surviving or acquiring

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220 entity and used in the same manner and with the same
221 limitations.

222 2. The entity or its surviving or acquiring entity as
223 described in subparagraph 1., may transfer any unused credit in
224 whole or in units of no less than 25 percent of the remaining
225 credit. The entity acquiring such credit may use it in the same
226 manner and with the same limitation as described in this
227 section. Such transferred credits may not be transferred again
228 although they may succeed to a surviving or acquiring entity
229 subject to the same conditions and limitations as described in
230 this section.

231 3. In the event the credit provided for under this section
232 is reduced either as a result of a determination by the
233 Department of Environmental Protection or an examination or
234 audit by the Department of Revenue, such tax deficiency shall be
235 recovered from the first entity, or the surviving or acquiring
236 entity, to have claimed such credit up to the amount of credit
237 taken. Any subsequent deficiencies shall be assessed against any
238 entity acquiring and claiming such credit, or in the case of
239 multiple succeeding entities in the order of credit succession.

240 (i) In order to encourage completion of site
241 rehabilitation at contaminated sites being voluntarily cleaned
242 up and eligible for a tax credit under this section, the tax
243 credit applicant may claim an additional 25 ~~10~~ percent of the
244 total cleanup costs, not to exceed \$500,000 ~~\$50,000~~, in the
245 final year of cleanup as evidenced by the Department of
246 Environmental Protection issuing a "No Further Action" order for
247 that site.

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248 (j) In order to encourage the construction of housing that
249 meets the definition of affordable provided in s. 420.0004(3),
250 an applicant for the tax credit may claim an additional 25
251 percent of the total site-rehabilitation costs that are eligible
252 for tax credits under this section, not to exceed \$500,000. In
253 order to receive this additional tax credit, the applicant must
254 provide a certification letter from the Florida Housing Finance
255 Corporation, the local housing authority, or other governmental
256 agency that is a party to the use agreement, indicating that the
257 construction on the brownfield site is complete, the brownfield
258 site has received a certificate of occupancy, and the brownfield
259 site has a properly recorded instrument that limits the use of
260 the property to housing that meets the definition of affordable
261 provided in s. 420.0004(3).

262 (2) FILING REQUIREMENTS.--Any corporation that wishes to
263 obtain credit under this section must submit with its return a
264 tax credit certificate approving partial tax credits issued by
265 the Department of Environmental Protection under s. 376.30781.

266 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
267 FORFEITURE.--

268 (a) The Department of Revenue may adopt rules to prescribe
269 any necessary forms required to claim a tax credit under this
270 section and to provide the administrative guidelines and
271 procedures required to administer this section.

272 (b) In addition to its existing audit and investigation
273 authority relating to chapter 199 and this chapter, the
274 Department of Revenue may perform any additional financial and
275 technical audits and investigations, including examining the
276 accounts, books, or records of the tax credit applicant, which
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277 are necessary to verify the site rehabilitation costs included
278 in a tax credit return and to ensure compliance with this
279 section. The Department of Environmental Protection shall
280 provide technical assistance, when requested by the Department
281 of Revenue, on any technical audits performed pursuant to this
282 section.

283 (c) It is grounds for forfeiture of previously claimed and
284 received tax credits if the Department of Revenue determines, as
285 a result of either an audit or information received from the
286 Department of Environmental Protection, that a taxpayer received
287 tax credits pursuant to this section to which the taxpayer was
288 not entitled. In the case of fraud, the taxpayer shall be
289 prohibited from claiming any future tax credits under this
290 section or s. 199.1055.

291 1. The taxpayer is responsible for returning forfeited tax
292 credits to the Department of Revenue, and such funds shall be
293 paid into the General Revenue Fund of the state.

294 2. The taxpayer shall file with the Department of Revenue
295 an amended tax return or such other report as the Department of
296 Revenue prescribes by rule and shall pay any required tax within
297 60 days after the taxpayer receives notification from the
298 Department of Environmental Protection pursuant to s. 376.30781
299 that previously approved tax credits have been revoked or
300 modified, if uncontested, or within 60 days after a final order
301 is issued following proceedings involving a contested revocation
302 or modification order.

303 3. A notice of deficiency may be issued by the Department
304 of Revenue at any time within 5 years after the date the
305 taxpayer receives notification from the Department of
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306 Environmental Protection pursuant to s. 376.30781 that
307 previously approved tax credits have been revoked or modified.
308 If a taxpayer fails to notify the Department of Revenue of any
309 change in its tax credit claimed, a notice of deficiency may be
310 issued at any time. In either case, the amount of any proposed
311 assessment set forth in such notice of deficiency shall be
312 limited to the amount of any deficiency resulting under this
313 section from the recomputation of the taxpayer's tax for the
314 taxable year.

315 4. Any taxpayer that fails to report and timely pay any
316 tax due as a result of the forfeiture of its tax credit is in
317 violation of this section and is subject to applicable penalty
318 and interest.

319 Section 3. Section 376.30781, Florida Statutes, is amended
320 to read:

321 376.30781 Partial tax credits for rehabilitation of
322 drycleaning-solvent-contaminated sites and brownfield sites in
323 designated brownfield areas; application process; rulemaking
324 authority; revocation authority.--

325 (1) The Legislature finds that:

326 (a) To facilitate property transactions and economic
327 growth and development, it is in the interest of the state to
328 encourage the cleanup, at the earliest possible time, of
329 drycleaning-solvent-contaminated sites and brownfield sites in
330 designated brownfield areas.

331 (b) It is the intent of the Legislature to encourage the
332 voluntary cleanup of drycleaning-solvent-contaminated sites and
333 brownfield sites in designated brownfield areas by providing a

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334 partial tax credit for the restoration of such property in
335 specified circumstances.

336 (2) Notwithstanding the requirements of subsection (5),
337 tax credits allowed pursuant to ss. 199.1055 and 220.1845 are
338 available for any site rehabilitation conducted during the
339 calendar year in which the applicable voluntary cleanup
340 agreement or brownfield site rehabilitation agreement is
341 executed, even if the site rehabilitation is conducted prior to
342 the execution of that agreement or the designation of the
343 brownfield area.

344 (3)-(2)(a) A credit in the amount of 50 ~~35~~ percent of the
345 costs of voluntary cleanup activity that is integral to site
346 rehabilitation at the following sites is allowed pursuant to ss.
347 199.1055 and 220.1845:

348 1. A drycleaning-solvent-contaminated site eligible for
349 state-funded site rehabilitation under s. 376.3078(3);

350 2. A drycleaning-solvent-contaminated site at which
351 cleanup is undertaken by the real property owner pursuant to s.
352 376.3078(11), if the real property owner is not also, and has
353 never been, the owner or operator of the drycleaning facility
354 where the contamination exists; or

355 3. A brownfield site in a designated brownfield area under
356 s. 376.80.

357 (b) A tax credit applicant, or multiple tax credit
358 applicants working jointly to clean up a single site, may not be
359 granted more than \$500,000 ~~\$250,000~~ per year in tax credits for
360 each site voluntarily rehabilitated. Multiple tax credit
361 applicants shall be granted tax credits in the same proportion
362 as their contribution to payment of cleanup costs. Tax credits

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363 are available only for site rehabilitation conducted during the
364 calendar year for which the tax credit application is submitted.

365 (c) In order to encourage completion of site
366 rehabilitation at contaminated sites that are being voluntarily
367 cleaned up and that are eligible for a tax credit under this
368 section, the tax credit applicant may claim an additional 25 ~~10~~
369 percent of the total cleanup costs, not to exceed \$500,000
370 ~~\$50,000~~, in the final year of cleanup as evidenced by the
371 Department of Environmental Protection issuing a "No Further
372 Action" order for that site.

373 (d) In order to encourage the construction of housing that
374 meets the definition of affordable provided in s. 420.0004(3),
375 an applicant for the tax credit may claim an additional 25
376 percent of the total site-rehabilitation costs that are eligible
377 for tax credits under this section, not to exceed \$500,000. In
378 order to receive this additional tax credit, the applicant must
379 provide a certification letter from the Florida Housing Finance
380 Corporation, the local housing authority, or other governmental
381 agency that is a party to the use agreement, indicating that the
382 construction on the brownfield site is complete, the brownfield
383 site has received a certificate of occupancy, and the brownfield
384 site has a properly recorded instrument that limits the use of
385 the property to housing that meets the definition of affordable
386 provided in s. 420.0004(3). Notwithstanding the limitation that
387 only one application shall be submitted each year for each site,
388 an application for the additional credit provided for in this
389 paragraph shall be submitted as soon as all requirements to
390 obtain this additional tax credit have been met.

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391 (e) Notwithstanding the restrictions in this section that
392 limit tax credit eligibility to costs that are integral to site
393 rehabilitation, to encourage the redevelopment of properties in
394 designated brownfield areas that are hindered by the presence of
395 solid waste, as defined in s. 403.703, a tax credit applicant
396 may also claim costs to address the solid waste, but only those
397 costs to remove, transport, and dispose of solid waste in
398 accordance with department rules. These costs are eligible for a
399 tax credit provided the applicant submits an affidavit stating
400 that, after consultation with appropriate local government
401 officials and the department, to the best of the applicant's
402 knowledge, the site was never operated as a landfill or dump
403 site for monetary compensation, and submits all other
404 documentation and certifications required by this section. In
405 this section, where reference is made to "site rehabilitation,"
406 the department shall instead consider whether the costs claimed
407 are for removal, transportation, and disposal of solid waste.
408 Tax credit applications claiming costs pursuant to this
409 paragraph shall not be subject to the calendar-year limitation
410 and January 15 annual application deadline, and the department
411 shall accept a one-time application filed subsequent to the
412 completion by the tax credit applicant of the applicable
413 requirements listed in this paragraph.

414 (4)-(3) The Department of Environmental Protection shall be
415 responsible for allocating the tax credits provided for in ss.
416 199.1055 and 220.1845, not to exceed a total of \$5 ~~\$2~~ million in
417 tax credits annually.

418 (5)-(4) To claim the credit for site rehabilitation
419 conducted during the current calendar year, each tax credit

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420 applicant must apply to the Department of Environmental
421 Protection for an allocation of the \$5 ~~\$2~~ million annual credit
422 by January 15 of the following year on a form developed by the
423 Department of Environmental Protection in cooperation with the
424 Department of Revenue. The form shall include an affidavit from
425 each tax credit applicant certifying that all information
426 contained in the application, including all records of costs
427 incurred and claimed in the tax credit application, are true and
428 correct. If the application is submitted pursuant to
429 subparagraph (3) ~~(2)~~(a)2., the form must include an affidavit
430 signed by the real property owner stating that it is not, and
431 has never been, the owner or operator of the drycleaning
432 facility where the contamination exists. Approval of partial tax
433 credits must be accomplished on a first-come, first-served basis
434 based upon the date complete applications are received by the
435 Division of Waste Management. A tax credit applicant shall
436 submit only one complete application per site for each calendar
437 year's site rehabilitation costs. Incomplete placeholder
438 applications shall not be accepted and will not secure a place
439 in the first-come, first-served application line. To be eligible
440 for a tax credit, the tax credit applicant must:

441 (a) Have entered into a voluntary cleanup agreement with
442 the Department of Environmental Protection for a drycleaning-
443 solvent-contaminated site or a Brownfield Site Rehabilitation
444 Agreement, as applicable; and

445 (b) Have paid all deductibles pursuant to s.
446 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program
447 sites.

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448 ~~(6)~~(5) To obtain the tax credit certificate, a tax credit
449 applicant must annually file an application for certification,
450 which must be received by the Division of Waste Management of
451 the Department of Environmental Protection by January 15 of the
452 year following the calendar year for which site rehabilitation
453 costs are being claimed in a tax credit application. The tax
454 credit applicant must provide all pertinent information
455 requested on the tax credit application form, including, at a
456 minimum, the name and address of the tax credit applicant and
457 the address and tracking identification number of the eligible
458 site. Along with the tax credit application form, the tax credit
459 applicant must submit the following:

460 (a) A nonrefundable review fee of \$250 made payable to the
461 Water Quality Assurance Trust Fund to cover the administrative
462 costs associated with the department's review of the tax credit
463 application;

464 (b) Copies of contracts and documentation of contract
465 negotiations, accounts, invoices, sales tickets, or other
466 payment records from purchases, sales, leases, or other
467 transactions involving actual costs incurred for that tax year
468 related to site rehabilitation, as that term is defined in ss.
469 376.301 and 376.79;

470 (c) Proof that the documentation submitted pursuant to
471 paragraph (b) has been reviewed and verified by an independent
472 certified public accountant in accordance with standards
473 established by the American Institute of Certified Public
474 Accountants. Specifically, the certified public accountant must
475 attest to the accuracy and validity of the costs incurred and
476 paid by conducting an independent review of the data presented

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477 by the tax credit applicant. Accuracy and validity of costs
478 incurred and paid would be determined once the level of effort
479 was certified by an appropriate professional registered in this
480 state in each contributing technical discipline. The certified
481 public accountant's report would also attest that the costs
482 included in the application form are not duplicated within the
483 application. A copy of the accountant's report shall be
484 submitted to the Department of Environmental Protection with the
485 tax credit application; and

486 (d) A certification form stating that site rehabilitation
487 activities associated with the documentation submitted pursuant
488 to paragraph (b) have been conducted under the observation of,
489 and related technical documents have been signed and sealed by,
490 an appropriate professional registered in this state in each
491 contributing technical discipline. The certification form shall
492 be signed and sealed by the appropriate registered professionals
493 stating that the costs incurred were integral, necessary, and
494 required for site rehabilitation, as that term is defined in ss.
495 376.301 and 376.79.

496 (7)~~(6)~~ The certified public accountant and appropriate
497 registered professionals submitting forms as part of a tax
498 credit application must verify such forms. Verification must be
499 accomplished as provided in s. 92.525(1)(b) and subject to the
500 provisions of s. 92.525(3).

501 (8)~~(7)~~ The Department of Environmental Protection shall
502 review the tax credit application and any supplemental
503 documentation that the tax credit applicant may submit prior to
504 the annual application deadline in order to have the application
505 considered complete, for the purpose of verifying that the tax

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506 credit applicant has met the qualifying criteria in subsections
507 ~~(3)-(2)~~ and ~~(5)-(4)~~ and has submitted all required documentation
508 listed in subsection ~~(6)-(5)~~. Upon verification that the tax
509 credit applicant has met these requirements, the department
510 shall issue a written decision granting eligibility for partial
511 tax credits (a tax credit certificate) in the amount of 50 ~~35~~
512 percent of the total costs claimed, subject to the \$500,000
513 ~~\$250,000~~ limitation, for the calendar year for which the tax
514 credit application is submitted based on the report of the
515 certified public accountant and the certifications from the
516 appropriate registered technical professionals.

517 ~~(9)-(8)~~ On or before March 1, the Department of
518 Environmental Protection shall inform each eligible tax credit
519 applicant of the amount of its partial tax credit and provide
520 each eligible tax credit applicant with a tax credit certificate
521 that must be submitted with its tax return to the Department of
522 Revenue to claim the tax credit or be transferred pursuant to s.
523 199.1055(1)(g) or s. 220.1845(1)(h). Credits will not result in
524 the payment of refunds if total credits exceed the amount of tax
525 owed.

526 ~~(10)-(9)~~ If a tax credit applicant does not receive a tax
527 credit allocation due to an exhaustion of the \$5 ~~\$2~~ million
528 annual tax credit authorization, such application will then be
529 included in the same first-come, first-served order in the next
530 year's annual tax credit allocation, if any, based on the prior
531 year application.

532 ~~(11)-(10)~~ The Department of Environmental Protection may
533 adopt rules to prescribe the necessary forms required to claim

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534 tax credits under this section and to provide the administrative
535 guidelines and procedures required to administer this section.

536 (12)~~(11)~~ The Department of Environmental Protection may
537 revoke or modify any written decision granting eligibility for
538 partial tax credits under this section if it is discovered that
539 the tax credit applicant submitted any false statement,
540 representation, or certification in any application, record,
541 report, plan, or other document filed in an attempt to receive
542 partial tax credits under this section. The Department of
543 Environmental Protection shall immediately notify the Department
544 of Revenue of any revoked or modified orders affecting
545 previously granted partial tax credits. Additionally, the tax
546 credit applicant must notify the Department of Revenue of any
547 change in its tax credit claimed.

548 (13)~~(12)~~ A tax credit applicant who receives state-funded
549 site rehabilitation under s. 376.3078(3) for rehabilitation of a
550 drycleaning-solvent-contaminated site is ineligible to receive a
551 tax credit under s. 199.1055 or s. 220.1845 for costs incurred
552 by the tax credit applicant in conjunction with the
553 rehabilitation of that site during the same time period that
554 state-administered site rehabilitation was underway.

555 Section 4. Subsections (15) and (16) of section 196.012,
556 Florida Statutes, are amended to read:

557 196.012 Definitions.--For the purpose of this chapter, the
558 following terms are defined as follows, except where the context
559 clearly indicates otherwise:

560 (15) "New business" means:

561 (a)1. A business establishing 10 or more jobs to employ 10
562 or more full-time employees in this state, which manufactures,
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563 processes, compounds, fabricates, or produces for sale items of
564 tangible personal property at a fixed location and which
565 comprises an industrial or manufacturing plant;

566 2. A business establishing 25 or more jobs to employ 25 or
567 more full-time employees in this state, the sales factor of
568 which, as defined by s. 220.15(5), for the facility with respect
569 to which it requests an economic development ad valorem tax
570 exemption is less than 0.50 for each year the exemption is
571 claimed; or

572 3. An office space in this state owned and used by a
573 corporation newly domiciled in this state; provided such office
574 space houses 50 or more full-time employees of such corporation;
575 provided that such business or office first begins operation on
576 a site clearly separate from any other commercial or industrial
577 operation owned by the same business.

578 (b) Any business located in an enterprise zone or
579 brownfield area that first begins operation on a site clearly
580 separate from any other commercial or industrial operation owned
581 by the same business.

582 (c) A business that is situated on property annexed into a
583 municipality and that, at the time of the annexation, is
584 receiving an economic development ad valorem tax exemption from
585 the county under s. 196.1995.

586 (16) "Expansion of an existing business" means:

587 (a)1. A business establishing 10 or more jobs to employ 10
588 or more full-time employees in this state, which manufactures,
589 processes, compounds, fabricates, or produces for sale items of
590 tangible personal property at a fixed location and which
591 comprises an industrial or manufacturing plant; or

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592 2. A business establishing 25 or more jobs to employ 25 or
593 more full-time employees in this state, the sales factor of
594 which, as defined by s. 220.15(5), for the facility with respect
595 to which it requests an economic development ad valorem tax
596 exemption is less than 0.50 for each year the exemption is
597 claimed; provided that such business increases operations on a
598 site colocated with a commercial or industrial operation owned
599 by the same business, resulting in a net increase in employment
600 of not less than 10 percent or an increase in productive output
601 of not less than 10 percent.

602 (b) Any business located in an enterprise zone or
603 brownfield area that increases operations on a site colocated
604 with a commercial or industrial operation owned by the same
605 business.

606 Section 5. Section 196.1995, Florida Statutes, is amended
607 to read:

608 196.1995 Economic development ad valorem tax exemption.--

609 (1) The board of county commissioners of any county or the
610 governing authority of any municipality shall call a referendum
611 within its total jurisdiction to determine whether its
612 respective jurisdiction may grant economic development ad
613 valorem tax exemptions under s. 3, Art. VII of the State
614 Constitution if:

615 (a) The board of county commissioners of the county or the
616 governing authority of the municipality votes to hold such
617 referendum; or

618 (b) The board of county commissioners of the county or the
619 governing authority of the municipality receives a petition
620 signed by 10 percent of the registered electors of its

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621 | respective jurisdiction, which petition calls for the holding of
622 | such referendum.

623 | (2) The ballot question in such referendum shall be in
624 | substantially the following form:

625 |
626 | Shall the board of county commissioners of this county (or the
627 | governing authority of this municipality, or both) be authorized
628 | to grant, pursuant to s. 3, Art. VII of the State Constitution,
629 | property tax exemptions to new businesses and expansions of
630 | existing businesses?

631 | ___ Yes--For authority to grant exemptions.

632 | ___ No--Against authority to grant exemptions.

633 |
634 | (3) The board of county commissioners or the governing
635 | authority of the municipality that ~~which~~ calls a referendum
636 | within its total jurisdiction to determine whether its
637 | respective jurisdiction may grant economic development ad
638 | valorem tax exemptions may vote to limit the effect of the
639 | referendum to authority to grant economic development tax
640 | exemptions for new businesses and expansions of existing
641 | businesses located in an enterprise zone or a brownfield area,
642 | as defined in s. 376.79(4). ~~If in the event that~~ an area
643 | nominated to be an enterprise zone pursuant to s. 290.0055 has
644 | not yet been designated pursuant to s. 290.0065, the board of
645 | county commissioners or the governing authority of the
646 | municipality may call such referendum prior to such designation;
647 | however, the authority to grant economic development ad valorem
648 | tax exemptions does ~~will~~ not apply until such area is designated
649 | pursuant to s. 290.0065. The ballot question in such referendum

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650 shall be in substantially the following form and shall be used
651 in lieu of the ballot question prescribed in subsection (2):

652
653 Shall the board of county commissioners of this county (or the
654 governing authority of this municipality, or both) be authorized
655 to grant, pursuant to s. 3, Art. VII of the State Constitution,
656 property tax exemptions for new businesses and expansions of
657 existing businesses which are located in an enterprise zone or a
658 brownfield area?

659
660 Yes--For authority to grant exemptions.

661 No--Against authority to grant exemptions.

662
663 (4) A referendum pursuant to this section may be called
664 only once in any 12-month period.

665 (5) Upon a majority vote in favor of such authority, the
666 board of county commissioners or the governing authority of the
667 municipality, at its discretion, by ordinance may exempt from ad
668 valorem taxation up to 100 percent of the assessed value of all
669 improvements to real property made by or for the use of a new
670 business and of all tangible personal property of such new
671 business, or up to 100 percent of the assessed value of all
672 added improvements to real property made to facilitate the
673 expansion of an existing business and of the net increase in all
674 tangible personal property acquired to facilitate such expansion
675 of an existing business, provided that the improvements to real
676 property are made or the tangible personal property is added or
677 increased on or after the day the ordinance is adopted. However,
678 if the authority to grant exemptions is approved in a referendum

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679 in which the ballot question contained in subsection (3) appears
680 on the ballot, the authority of the board of county
681 commissioners or the governing authority of the municipality to
682 grant exemptions is limited solely to new businesses and
683 expansions of existing businesses that ~~which~~ are located in an
684 enterprise zone or brownfield area. Property acquired to replace
685 existing property shall not be considered to facilitate a
686 business expansion. The exemption applies only to taxes levied
687 by the respective unit of government granting the exemption.
688 The exemption does not apply, however, to taxes levied for the
689 payment of bonds or to taxes authorized by a vote of the
690 electors pursuant to s. 9(b) or s. 12, Art. VII of the State
691 Constitution. Any such exemption shall remain in effect for up
692 to 10 years with respect to any particular facility, regardless
693 of any change in the authority of the county or municipality to
694 grant such exemptions. The exemption shall not be prolonged or
695 extended by granting exemptions from additional taxes or by
696 virtue of any reorganization or sale of the business receiving
697 the exemption.

698 (6) With respect to a new business as defined by s.
699 196.012(15)(c), the municipality annexing the property on which
700 the business is situated may grant an economic development ad
701 valorem tax exemption under this section to that business for a
702 period that will expire upon the expiration of the exemption
703 granted by the county. If the county renews the exemption under
704 subsection (7), the municipality may also extend its exemption.
705 A municipal economic development ad valorem tax exemption
706 granted under this subsection may not extend beyond the duration
707 of the county exemption.

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708 (7) The authority to grant exemptions under this section
709 will expire 10 years after the date such authority was approved
710 in an election, but such authority may be renewed for another
711 10-year period in a referendum called and held pursuant to this
712 section.

713 (8) Any person, firm, or corporation which desires an
714 economic development ad valorem tax exemption shall, in the year
715 the exemption is desired to take effect, file a written
716 application on a form prescribed by the department with the
717 board of county commissioners or the governing authority of the
718 municipality, or both. The application shall request the
719 adoption of an ordinance granting the applicant an exemption
720 pursuant to this section and shall include the following
721 information:

722 (a) The name and location of the new business or the
723 expansion of an existing business;

724 (b) A description of the improvements to real property for
725 which an exemption is requested and the date of commencement of
726 construction of such improvements;

727 (c) A description of the tangible personal property for
728 which an exemption is requested and the dates when such property
729 was or is to be purchased;

730 (d) Proof, to the satisfaction of the board of county
731 commissioners or the governing authority of the municipality,
732 that the applicant is a new business or an expansion of an
733 existing business, as defined in s. 196.012(15) or (16); and

734 (e) Other information deemed necessary by the department.

735 (9) Before it takes action on the application, the board
736 of county commissioners or the governing authority of the
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737 municipality shall deliver a copy of the application to the
738 property appraiser of the county. After careful consideration,
739 the property appraiser shall report the following information to
740 the board of county commissioners or the governing authority of
741 the municipality:

742 (a) The total revenue available to the county or
743 municipality for the current fiscal year from ad valorem tax
744 sources, or an estimate of such revenue if the actual total
745 revenue available cannot be determined;

746 (b) Any revenue lost to the county or municipality for the
747 current fiscal year by virtue of exemptions previously granted
748 under this section, or an estimate of such revenue if the actual
749 revenue lost cannot be determined;

750 (c) An estimate of the revenue which would be lost to the
751 county or municipality during the current fiscal year if the
752 exemption applied for were granted had the property for which
753 the exemption is requested otherwise been subject to taxation;
754 and

755 (d) A determination as to whether the property for which
756 an exemption is requested is to be incorporated into a new
757 business or the expansion of an existing business, as defined in
758 s. 196.012(15) or (16), or into neither, which determination the
759 property appraiser shall also affix to the face of the
760 application. Upon the request of the property appraiser, the
761 department shall provide to him or her such information as it
762 may have available to assist in making such determination.

763 (10) An ordinance granting an exemption under this section
764 shall be adopted in the same manner as any other ordinance of
765 the county or municipality and shall include the following:

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766 (a) The name and address of the new business or expansion
767 of an existing business to which the exemption is granted;

768 (b) The total amount of revenue available to the county or
769 municipality from ad valorem tax sources for the current fiscal
770 year, the total amount of revenue lost to the county or
771 municipality for the current fiscal year by virtue of economic
772 development ad valorem tax exemptions currently in effect, and
773 the estimated revenue loss to the county or municipality for the
774 current fiscal year attributable to the exemption of the
775 business named in the ordinance;

776 (c) The period of time for which the exemption will remain
777 in effect and the expiration date of the exemption; and

778 (d) A finding that the business named in the ordinance
779 meets the requirements of s. 196.012(15) or (16).

780 Section 6. Subsection (2) of section 288.9015, Florida
781 Statutes, is amended to read:

782 288.9015 Enterprise Florida, Inc.; purpose; duties.--

783 (2) It shall be the responsibility of Enterprise Florida,
784 Inc., to aggressively market Florida's rural communities,
785 distressed urban communities, brownfields, and enterprise zones
786 as locations for potential new investment, to aggressively
787 assist in the retention and expansion of existing businesses in
788 these communities, and to aggressively assist these communities
789 in the identification and development of new economic
790 development opportunities for job creation, fully marketing
791 state incentive programs such as the Qualified Target Industry
792 Tax Refund Program under s. 288.106 and the Quick Action Closing
793 Fund under s. 288.1088 in economically distressed areas.

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794 Section 7. Section 376.80, Florida Statutes, is amended to
795 read:

796 376.80 Brownfield program administration process.--

797 (1) A local government with jurisdiction over the
798 brownfield area must notify the department of its decision to
799 designate a brownfield area for rehabilitation for the purposes
800 of ss. 376.77-376.85. The notification must include a
801 resolution, by the local government body, to which is attached a
802 map adequate to clearly delineate exactly which parcels are to
803 be included in the brownfield area or alternatively a less-
804 detailed map accompanied by a detailed legal description of the
805 brownfield area. If a property owner within the area proposed
806 for designation by the local government requests in writing to
807 have his or her property removed from the proposed designation,
808 the local government shall grant the request. For
809 municipalities, the governing body shall adopt the resolution in
810 accordance with the procedures outlined in s. 166.041, except
811 that the notice for the public hearings on the proposed
812 resolution must be in the form established in s. 166.041(3)(c)2.
813 For counties, the governing body shall adopt the resolution in
814 accordance with the procedures outlined in s. 125.66, except
815 that the notice for the public hearings on the proposed
816 resolution shall be in the form established in s. 125.66(4)(b)2.

817 (2)(a) If a local government proposes to designate a
818 brownfield area that is outside community redevelopment areas,
819 enterprise zones, empowerment zones, closed military bases, or
820 designated brownfield pilot project areas, the local government
821 must conduct at least one public hearing in the area to be
822 designated to provide an opportunity for public input on the

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823 size of the area, the objectives for rehabilitation, job
824 opportunities and economic developments anticipated,
825 neighborhood residents' considerations, and other relevant local
826 concerns. Notice of the public hearing must be made in a
827 newspaper of general circulation in the area and the notice must
828 be at least 16 square inches in size, must be in ethnic
829 newspapers or local community bulletins, must be posted in the
830 affected area, and must be announced at a scheduled meeting of
831 the local governing body before the actual public hearing. In
832 determining the areas to be designated, the local government
833 must consider:

- 834 1. Whether the brownfield area warrants economic
835 development and has a reasonable potential for such activities;
- 836 2. Whether the proposed area to be designated represents a
837 reasonably focused approach and is not overly large in
838 geographic coverage;
- 839 3. Whether the area has potential to interest the private
840 sector in participating in rehabilitation; and
- 841 4. Whether the area contains sites or parts of sites
842 suitable for limited recreational open space, cultural, or
843 historical preservation purposes.

844 (b) A local government shall designate a brownfield area
845 under the provisions of this act provided that:

- 846 1. A person who owns or controls a potential brownfield
847 site is requesting the designation and has agreed to
848 rehabilitate and redevelop the brownfield site;
- 849 2. The rehabilitation and redevelopment of the proposed
850 brownfield site will result in economic productivity of the
851 area, along with the creation of at least 5 ~~10~~ new permanent
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852 | jobs at the brownfield site, ~~whether full time or part time,~~
853 | which are full-time equivalent positions not associated with the
854 | implementation of the brownfield site rehabilitation agreement
855 | and which are not associated with redevelopment project
856 | demolition or construction activities pursuant to the
857 | redevelopment agreement required under paragraph (5)(i).
858 | However, the job-creation requirement shall not apply to the
859 | rehabilitation and redevelopment of a brownfield site that will
860 | provide affordable housing as defined in s. 420.0004(3) or the
861 | creation of recreational areas, conservation areas, or parks;

862 | 3. The redevelopment of the proposed brownfield site is
863 | consistent with the local comprehensive plan and is a
864 | permittable use under the applicable local land development
865 | regulations;

866 | 4. Notice of the proposed rehabilitation of the brownfield
867 | area has been provided to neighbors and nearby residents of the
868 | proposed area to be designated, and the person proposing the
869 | area for designation has afforded to those receiving notice the
870 | opportunity for comments and suggestions about rehabilitation.
871 | Notice pursuant to this subsection must be made in a newspaper
872 | of general circulation in the area, at least 16 square inches in
873 | size, and the notice must be posted in the affected area; and

874 | 5. The person proposing the area for designation has
875 | provided reasonable assurance that he or she has sufficient
876 | financial resources to implement and complete the rehabilitation
877 | agreement and redevelopment plan.

878 | (c) The designation of a brownfield area and the
879 | identification of a person responsible for brownfield site
880 | rehabilitation simply entitles the identified person to

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881 negotiate a brownfield site rehabilitation agreement with the
882 department or approved local pollution control program.

883 (3) When there is a person responsible for brownfield site
884 rehabilitation, the local government must notify the department
885 of the identity of that person. If the agency or person who will
886 be responsible for the coordination changes during the approval
887 process specified in subsections (4), (5), and (6), the
888 department or the affected approved local pollution control
889 program must notify the affected local government when the
890 change occurs.

891 (4) Local governments or persons responsible for
892 rehabilitation and redevelopment of brownfield areas must
893 establish an advisory committee or use an existing advisory
894 committee that has formally expressed its intent to address
895 redevelopment of the specific brownfield area for the purpose of
896 improving public participation and receiving public comments on
897 rehabilitation and redevelopment of the brownfield area, future
898 land use, local employment opportunities, community safety, and
899 environmental justice. Such advisory committee should include
900 residents within or adjacent to the brownfield area, businesses
901 operating within the brownfield area, and others deemed
902 appropriate. The person responsible for brownfield site
903 rehabilitation must notify the advisory committee of the intent
904 to rehabilitate and redevelop the site before executing the
905 brownfield site rehabilitation agreement, and provide the
906 committee with a copy of the draft plan for site rehabilitation
907 which addresses elements required by subsection (5). This
908 includes disclosing potential reuse of the property as well as
909 site rehabilitation activities, if any, to be performed. The
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910 advisory committee shall review the proposed redevelopment
911 agreement required pursuant to paragraph (5)(i) and provide
912 comments, if appropriate, to the board of the local government
913 with jurisdiction over the brownfield area. The advisory
914 committee must receive a copy of the executed brownfield site
915 rehabilitation agreement. When the person responsible for
916 brownfield site rehabilitation submits a site assessment report
917 or the technical document containing the proposed course of
918 action following site assessment to the department or the local
919 pollution control program for review, the person responsible for
920 brownfield site rehabilitation must hold a meeting or attend a
921 regularly scheduled meeting to inform the advisory committee of
922 the findings and recommendations in the site assessment report
923 or the technical document containing the proposed course of
924 action following site assessment.

925 (5) The person responsible for brownfield site
926 rehabilitation must enter into a brownfield site rehabilitation
927 agreement with the department or an approved local pollution
928 control program if actual contamination exists at the brownfield
929 site. The brownfield site rehabilitation agreement must include:

930 (a) A brownfield site rehabilitation schedule, including
931 milestones for completion of site rehabilitation tasks and
932 submittal of technical reports and rehabilitation plans as
933 agreed upon by the parties to the agreement;

934 (b) A commitment to conduct site rehabilitation activities
935 under the observation of professional engineers or geologists
936 who are registered in accordance with the requirements of
937 chapter 471 or chapter 492, respectively. Submittals provided by
938 the person responsible for brownfield site rehabilitation must

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939 be signed and sealed by a professional engineer registered under
940 chapter 471, or a professional geologist registered under
941 chapter 492, certifying that the submittal and associated work
942 comply with the law and rules of the department and those
943 governing the profession. In addition, upon completion of the
944 approved remedial action, the department shall require a
945 professional engineer registered under chapter 471 or a
946 professional geologist registered under chapter 492 to certify
947 that the corrective action was, to the best of his or her
948 knowledge, completed in substantial conformance with the plans
949 and specifications approved by the department;

950 (c) A commitment to conduct site rehabilitation in
951 accordance with department quality assurance rules;

952 (d) A commitment to conduct site rehabilitation consistent
953 with state, federal, and local laws and consistent with the
954 brownfield site contamination cleanup criteria in s. 376.81,
955 including any applicable requirements for risk-based corrective
956 action;

957 (e) Timeframes for the department's review of technical
958 reports and plans submitted in accordance with the agreement.
959 The department shall make every effort to adhere to established
960 agency goals for reasonable timeframes for review of such
961 documents;

962 (f) A commitment to secure site access for the department
963 or approved local pollution control program to all brownfield
964 sites within the eligible brownfield area for activities
965 associated with site rehabilitation;

966 (g) Other provisions that the person responsible for
967 brownfield site rehabilitation and the department agree upon,
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968 that are consistent with ss. 376.77-376.85, and that will
969 improve or enhance the brownfield site rehabilitation process;

970 (h) A commitment to consider appropriate pollution
971 prevention measures and to implement those that the person
972 responsible for brownfield site rehabilitation determines are
973 reasonable and cost-effective, taking into account the ultimate
974 use or uses of the brownfield site. Such measures may include
975 improved inventory or production controls and procedures for
976 preventing loss, spills, and leaks of hazardous waste and
977 materials, and include goals for the reduction of releases of
978 toxic materials; and

979 (i) Certification that an agreement exists between the
980 person responsible for brownfield site rehabilitation and the
981 local government with jurisdiction over the brownfield area.
982 Such agreement shall contain terms for the redevelopment of the
983 brownfield area.

984 (6) Any contractor performing site rehabilitation program
985 tasks must demonstrate to the department that the contractor:

986 (a) Meets all certification and license requirements
987 imposed by law; and

988 (b) Has obtained the necessary approvals for conducting
989 sample collection and analyses pursuant to department rules.

990 (7) The contractor who is performing the majority of the
991 site rehabilitation program tasks pursuant to a brownfield site
992 rehabilitation agreement or supervising the performance of such
993 tasks by licensed subcontractors in accordance with the
994 provisions of s. 489.113(9) must certify to the department that
995 the contractor:

996 (a) Complies with applicable OSHA regulations.

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997 (b) Maintains workers' compensation insurance for all
998 employees as required by the Florida Workers' Compensation Law.

999 (c) Maintains comprehensive general liability coverage
1000 with limits of not less than \$1 million per occurrence and \$2
1001 million general aggregate for bodily injury and property damage
1002 and comprehensive automobile liability coverage with limits of
1003 not less than \$2 million combined single limit. The contractor
1004 shall also maintain pollution liability coverage with limits of
1005 not less than \$3 million aggregate for personal injury or death,
1006 \$1 million per occurrence for personal injury or death, and \$1
1007 million per occurrence for property damage. The contractor's
1008 certificate of insurance shall name the state as an additional
1009 insured party.

1010 (d) Maintains professional liability insurance of at least
1011 \$1 million per claim and \$1 million annual aggregate.

1012 (8) Any professional engineer or geologist providing
1013 professional services relating to site rehabilitation program
1014 tasks must carry professional liability insurance with a
1015 coverage limit of at least \$1 million.

1016 (9) During the cleanup process, if the department or local
1017 program fails to complete review of a technical document within
1018 the timeframe specified in the brownfield site rehabilitation
1019 agreement, the person responsible for brownfield site
1020 rehabilitation may proceed to the next site rehabilitation task.
1021 However, the person responsible for brownfield site
1022 rehabilitation does so at its own risk and may be required by
1023 the department or local program to complete additional work on a
1024 previous task. Exceptions to this subsection include requests
1025 for "no further action," "monitoring only proposals," and

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1026 feasibility studies, which must be approved prior to
1027 implementation.

1028 (10) If the person responsible for brownfield site
1029 rehabilitation fails to comply with the brownfield site
1030 rehabilitation agreement, the department shall allow 90 days for
1031 the person responsible for brownfield site rehabilitation to
1032 return to compliance with the provision at issue or to negotiate
1033 a modification to the brownfield site rehabilitation agreement
1034 with the department for good cause shown. If an imminent hazard
1035 exists, the 90-day grace period shall not apply. If the project
1036 is not returned to compliance with the brownfield site
1037 rehabilitation agreement and a modification cannot be
1038 negotiated, the immunity provisions of s. 376.82 are revoked.

1039 (11) The department is specifically authorized and
1040 encouraged to enter into delegation agreements with local
1041 pollution control programs approved under s. 403.182 to
1042 administer the brownfield program within their jurisdictions,
1043 thereby maximizing the integration of this process with the
1044 other local development processes needed to facilitate
1045 redevelopment of a brownfield area. When determining whether a
1046 delegation pursuant to this subsection of all or part of the
1047 brownfields program to a local pollution control program is
1048 appropriate, the department shall consider the following. The
1049 local pollution control program must:

1050 (a) Have and maintain the administrative organization,
1051 staff, and financial and other resources to effectively and
1052 efficiently implement and enforce the statutory requirements of
1053 the delegated brownfields program; and

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1054 (b) Provide for the enforcement of the requirements of the
1055 delegated brownfields program, and for notice and a right to
1056 challenge governmental action, by appropriate administrative and
1057 judicial process, which shall be specified in the delegation.
1058

1059 The local pollution control program shall not be delegated
1060 authority to take action on or to make decisions regarding any
1061 brownfield site on land owned by the local government. Any
1062 delegation agreement entered into pursuant to this subsection
1063 shall contain such terms and conditions necessary to ensure the
1064 effective and efficient administration and enforcement of the
1065 statutory requirements of the brownfields program as established
1066 by the act and the relevant rules and other criteria of the
1067 department.

1068 (12) Local governments are encouraged to use the full
1069 range of economic and tax incentives available to facilitate and
1070 promote the rehabilitation of brownfield areas, to help
1071 eliminate the public health and environmental hazards, and to
1072 promote the creation of jobs and economic development in these
1073 previously run-down, blighted, and underutilized areas.

1074 Section 8. Subsection (1) of section 376.86, Florida
1075 Statutes, is amended to read:

1076 376.86 Brownfield Areas Loan Guarantee Program.--

1077 (1) The Brownfield Areas Loan Guarantee Council is created
1078 to review and approve or deny by a majority vote of its
1079 membership, the situations and circumstances for participation
1080 in partnerships by agreements with local governments, financial
1081 institutions, and others associated with the redevelopment of
1082 brownfield areas pursuant to the Brownfields Redevelopment Act
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1083 for a limited state guaranty of up to 5 years of loan guarantees
1084 or loan loss reserves issued pursuant to law. The limited state
1085 loan guaranty applies only to 50 ~~40~~ percent of the primary
1086 lenders loans for redevelopment projects in brownfield areas. If
1087 the redevelopment project is for affordable housing, as defined
1088 in s. 420.0004(3), in a brownfield area, the limited state loan
1089 guaranty applies to 75 percent of the primary lender's loan. A
1090 limited state guaranty of private loans or a loan loss reserve
1091 is authorized for lenders licensed to operate in the state upon
1092 a determination by the council that such an arrangement would be
1093 in the public interest and the likelihood of the success of the
1094 loan is great.

1095 Section 9. Sections 376.87 and 376.875, Florida Statutes,
1096 are repealed.

1097 Section 10. Paragraph (f) of subsection (2) of section
1098 14.2015, Florida Statutes, is amended to read:

1099 14.2015 Office of Tourism, Trade, and Economic
1100 Development; creation; powers and duties.--

1101 (2) The purpose of the Office of Tourism, Trade, and
1102 Economic Development is to assist the Governor in working with
1103 the Legislature, state agencies, business leaders, and economic
1104 development professionals to formulate and implement coherent
1105 and consistent policies and strategies designed to provide
1106 economic opportunities for all Floridians. To accomplish such
1107 purposes, the Office of Tourism, Trade, and Economic Development
1108 shall:

1109 (f)1. Administer the Florida Enterprise Zone Act under ss.
1110 290.001-290.016, the community contribution tax credit program
1111 under ss. 220.183 and 624.5105, the tax refund program for
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1112 qualified target industry businesses under s. 288.106, the tax-
1113 refund program for qualified defense contractors under s.
1114 288.1045, contracts for transportation projects under s.
1115 288.063, the sports franchise facility program under s.
1116 288.1162, the professional golf hall of fame facility program
1117 under s. 288.1168, the expedited permitting process under s.
1118 403.973, the Rural Community Development Revolving Loan Fund
1119 under s. 288.065, the Regional Rural Development Grants Program
1120 under s. 288.018, the Certified Capital Company Act under s.
1121 288.99, the Florida State Rural Development Council, the Rural
1122 Economic Development Initiative, and other programs that are
1123 specifically assigned to the office by law, by the
1124 appropriations process, or by the Governor. Notwithstanding any
1125 other provisions of law, the office may expend interest earned
1126 from the investment of program funds deposited in the Grants and
1127 Donations Trust Fund ~~and the Brownfield Property Ownership~~
1128 ~~Clearance Assistance Revolving Loan Trust Fund~~ to contract for
1129 the administration of the programs, or portions of the programs,
1130 enumerated in this paragraph or assigned to the office by law,
1131 by the appropriations process, or by the Governor. Such
1132 expenditures shall be subject to review under chapter 216.

1133 2. The office may enter into contracts in connection with
1134 the fulfillment of its duties concerning the Florida First
1135 Business Bond Pool under chapter 159, tax incentives under
1136 chapters 212 and 220, tax incentives under the Certified Capital
1137 Company Act in chapter 288, foreign offices under chapter 288,
1138 the Enterprise Zone program under chapter 290, the Seaport
1139 Employment Training program under chapter 311, the Florida
1140 Professional Sports Team License Plates under chapter 320,

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1141 Spaceport Florida under chapter 331, Expedited Permitting under
1142 chapter 403, and in carrying out other functions that are
1143 specifically assigned to the office by law, by the
1144 appropriations process, or by the Governor.

1145 Section 11. Subsection (4) of section 403.413, Florida
1146 Statutes, is amended to read:

1147 403.413 Florida Litter Law.--

1148 (4) DUMPING LITTER PROHIBITED.--Unless otherwise
1149 authorized by law or permit, it is unlawful for any person to
1150 dump litter in any manner or amount:

1151 (a) In or on any public highway, road, street, alley, or
1152 thoroughfare, including any portion of the right-of-way thereof,
1153 or any other public lands, except in containers or areas
1154 lawfully provided therefor. When any litter is thrown or
1155 discarded from a motor vehicle, the operator or owner of the
1156 motor vehicle, or both, shall be deemed in violation of this
1157 section;

1158 (b) In or on any freshwater lake, river, canal, or stream
1159 or tidal or coastal water of the state, including canals. When
1160 any litter is thrown or discarded from a boat, the operator or
1161 owner of the boat, or both, shall be deemed in violation of this
1162 section; or

1163 (c) In or on any private property, unless prior consent of
1164 the owner has been given and unless the dumping of such litter
1165 by such person will not cause a public nuisance or otherwise be
1166 in violation of any other state or local law, rule, or
1167 regulation.

1168 Section 12. Section 403.4131, Florida Statutes, is amended
1169 to read:

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1170 403.4131 Litter control; Wildflower Advisory Council "Keep
1171 Florida Beautiful, Incorporated"; placement of signs. --

1172 ~~(1) It is the intent of the Legislature that a coordinated~~
1173 ~~effort of interested businesses, environmental and civic~~
1174 ~~organizations, and state and local agencies of government be~~
1175 ~~developed to plan for and assist in implementing solutions to~~
1176 ~~the litter and solid waste problems in this state and that the~~
1177 ~~state provide financial assistance for the establishment of a~~
1178 ~~nonprofit organization with the name of "Keep Florida Beautiful,~~
1179 ~~Incorporated," which shall be registered, incorporated, and~~
1180 ~~operated in compliance with chapter 617. This nonprofit~~
1181 ~~organization shall coordinate the statewide campaign and operate~~
1182 ~~as the grassroots arm of the state's effort and shall serve as~~
1183 ~~an umbrella organization for volunteer based community programs.~~
1184 ~~The organization shall be dedicated to helping Florida and its~~
1185 ~~local communities solve solid waste problems, to developing and~~
1186 ~~implementing a sustained litter prevention campaign, and to act~~
1187 ~~as a working public private partnership in helping to implement~~
1188 ~~the state's Solid Waste Management Act. As part of this effort,~~
1189 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~
1190 ~~Environmental Education Foundation, shall strive to educate~~
1191 ~~citizens, visitors, and businesses about the important~~
1192 ~~relationship between the state's environment and economy. Keep~~
1193 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~
1194 ~~identify economic incentives to improve environmental~~
1195 ~~initiatives in the area of solid waste management. The~~
1196 ~~membership of the board of directors of this nonprofit~~
1197 ~~organization may include representatives of the following~~
1198 ~~organizations: the Florida League of Cities, the Florida~~
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1199 ~~Association of Counties, the Governor's Office, the Florida~~
1200 ~~Chapter of the National Solid Waste Management Association, the~~
1201 ~~Florida Recyclers Association, the Center for Marine~~
1202 ~~Conservation, Chapter of the Sierra Club, the Associated~~
1203 ~~Industries of Florida, the Florida Soft Drink Association, the~~
1204 ~~Florida Petroleum Council, the Retail Grocers Association of~~
1205 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~
1206 ~~Association, the Florida Automobile Dealers Association, the~~
1207 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~
1208 ~~Association, and the Distilled Spirits Wholesalers.~~

1209 ~~(2) As a partner working with government, business, civic,~~
1210 ~~environmental, and other organizations, Keep Florida Beautiful,~~
1211 ~~Incorporated, shall strive to assist the state and its local~~
1212 ~~communities by contracting for the development of a highly~~
1213 ~~visible antilitter campaign that, at a minimum, includes:~~

1214 ~~(a) Coordinating with the Center for Marine Conservation~~
1215 ~~and the Center for Solid and Hazardous Waste Management to~~
1216 ~~identify components of the marine debris and litter stream and~~
1217 ~~groups that habitually litter.~~

1218 ~~(b) Designing appropriate advertising to promote the~~
1219 ~~proper management of solid waste, with emphasis on educating~~
1220 ~~groups that habitually litter.~~

1221 ~~(c) Fostering public awareness and striving to build an~~
1222 ~~environmental ethic in this state through the development of~~
1223 ~~educational programs that result in an understanding and in~~
1224 ~~action on the part of individuals and organizations about the~~
1225 ~~role they must play in preventing litter and protecting~~
1226 ~~Florida's environment.~~

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1227 ~~(d) Developing educational programs and materials that~~
1228 ~~promote the proper management of solid waste, including the~~
1229 ~~proper disposal of litter.~~

1230 ~~(e) Administering grants provided by the state. Grants~~
1231 ~~authorized under this section shall be subject to normal~~
1232 ~~department audit procedures and review.~~

1233 (1)~~(3)~~ The Department of Transportation shall establish an
1234 "adopt-a-highway" program to allow local organizations to be
1235 identified with specific highway cleanup and highway
1236 beautification projects authorized under s. 339.2405 ~~and shall~~
1237 ~~coordinate such efforts with Keep Florida Beautiful, Inc.~~ The
1238 department shall report to the Governor and the Legislature on
1239 the progress achieved and the savings incurred by the "adopt-a-
1240 highway" program. The department shall also monitor and report
1241 on compliance with provisions of the adopt-a-highway program to
1242 ensure that organizations that participate in the program comply
1243 with the goals identified by the department.

1244 (2)~~(4)~~ The Department of Transportation shall place signs
1245 discouraging litter at all off-ramps of the interstate highway
1246 system in the state. ~~The department shall place other highway~~
1247 ~~signs as necessary to discourage littering through use of the~~
1248 ~~antilitter program developed by Keep Florida Beautiful,~~
1249 ~~Incorporated.~~

1250 (3)~~(5)~~ Each county is encouraged to initiate a litter
1251 control and prevention program or to expand upon its existing
1252 program. The department shall establish a system of grants for
1253 municipalities and counties to implement litter control and
1254 prevention programs. In addition to the activities described in
1255 subsection (1), such grants shall at a minimum be used for
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1256 litter cleanup, grassroots educational programs involving litter
1257 removal and prevention, and the placement of litter and
1258 recycling receptacles. Counties are encouraged to form working
1259 public private partnerships as authorized under this section to
1260 implement litter control and prevention programs at the
1261 community level. The grants authorized pursuant to this section
1262 shall be incorporated as part of the recycling and education
1263 grants. Counties that have a population under 100,000 ~~75,000~~ are
1264 encouraged to develop a regional approach to administering and
1265 coordinating their litter control and prevention programs.

1266 ~~(6) The department may contract with Keep Florida
1267 Beautiful, Incorporated, to help carry out the provisions of
1268 this section. All contracts authorized under this section are
1269 subject to normal department audit procedures and review.~~

1270 ~~(7) In order to establish continuity for the statewide
1271 program, those local governments and community programs
1272 receiving grants for litter prevention and control must use the
1273 official State of Florida litter control or campaign symbol
1274 adopted by Keep Florida Beautiful, Incorporated, for use on
1275 various receptacles and program material.~~

1276 ~~(8) The Legislature establishes a litter reduction goal of
1277 50 percent reduction from the period January 1, 1994, to January
1278 1, 1997. The method of determination used to measure the
1279 reduction in litter is the survey conducted by the Center for
1280 Solid and Hazardous Waste Management. The center shall consider
1281 existing litter survey methodologies.~~

1282 ~~(9) The Department of Environmental Protection shall
1283 contract with the Center for Solid and Hazardous Waste
1284 Management for an ongoing annual litter survey, the first of~~
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1285 ~~which is to be conducted by January 1, 1994. The center shall~~
1286 ~~appoint a broad-based work group not to exceed seven members to~~
1287 ~~assist in the development and implementation of the survey.~~
1288 ~~Representatives from the university system, business,~~
1289 ~~government, and the environmental community shall be considered~~
1290 ~~by the center to serve on the work group. Final authority on~~
1291 ~~implementing and conducting the survey rests with the center.~~
1292 ~~The first survey is to be designed to serve as a baseline by~~
1293 ~~measuring the amount of current litter and marine debris, and is~~
1294 ~~to include a methodology for measuring the reduction in the~~
1295 ~~amount of litter and marine debris to determine the progress~~
1296 ~~toward the litter reduction goal established in subsection (8).~~
1297 ~~Annually thereafter, additional surveys are to be conducted and~~
1298 ~~must also include a methodology for measuring the reduction in~~
1299 ~~the amount of litter and for determining progress toward the~~
1300 ~~litter reduction goal established in subsection (8).~~

1301 (4)(10)(a) There is created within the Department of
1302 Agriculture and Consumer Services ~~within Keep Florida Beautiful,~~
1303 ~~Inc.,~~ the Wildflower Advisory Council, consisting of a maximum
1304 of ten ~~nine~~ members to direct and oversee the expenditure of the
1305 ~~Wildflower Account~~. The Wildflower Advisory Council shall
1306 include a representative from the University of Florida
1307 Institute of Food and Agricultural Sciences, the Florida
1308 Department of Transportation, the Department of Agriculture and
1309 Consumer Services, ~~and~~ the Florida Department of Environmental
1310 Protection, the Florida League of Cities, and the Florida
1311 Association of Counties. Other members of the committee may
1312 include representatives from the Florida Federation of Garden
1313 Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the

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1314 American Society of Landscape Architects, Inc., and a
1315 representative of the Master Gardener's Program.

1316 (b) The Wildflower Advisory Council shall advise the
1317 Department of Agriculture and Consumer Services and develop
1318 procedures of operation, research contracts, educational and
1319 marketing programs, and wildflower planting grants for Florida
1320 native wildflowers, plants, and grasses. The council shall also
1321 make recommendations to the department concerning ~~the final~~
1322 ~~determination of~~ what constitutes acceptable species of
1323 wildflowers and other plantings supported by these programs.

1324 Section 13. Section 403.41315, Florida Statutes, is
1325 amended to read:

1326 403.41315 Comprehensive illegal dumping, litter, and
1327 marine debris control and prevention.--

1328 (1) The Legislature finds that a comprehensive illegal
1329 dumping, litter, and marine debris control and prevention
1330 program is necessary to protect the beauty and the environment
1331 of Florida. The Legislature also recognizes that a comprehensive
1332 illegal dumping, litter, and marine debris control and
1333 prevention program will have a positive effect on the state's
1334 economy. The Legislature finds that the state's rapid population
1335 growth, the ever-increasing mobility of its population, and the
1336 large number of tourists contribute to the need for a
1337 comprehensive illegal dumping, litter, and marine debris control
1338 and prevention program. The Legislature further finds that the
1339 program must be coordinated and capable of having statewide
1340 identity and grassroots community support.

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1341 (2) The comprehensive illegal dumping, litter, and marine
1342 debris control and prevention program at a minimum must include
1343 the following:

1344 (a) A local ~~statewide~~ public awareness and educational
1345 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~
1346 to educate individuals, government, businesses, and other
1347 organizations concerning the role they must assume in preventing
1348 and controlling litter.

1349 (b) Enforcement provisions authorized under s. 403.413.

1350 (c) Enforcement officers whose responsibilities include
1351 grassroots education along with enforcing litter and illegal
1352 dumping violations.

1353 (d) Local illegal dumping, litter, and marine debris
1354 control and prevention programs operated at the county level
1355 with emphasis placed on grassroots educational programs designed
1356 to prevent and remove litter and marine debris.

1357 (e) A statewide adopt-a-highway program as authorized
1358 under s. 403.4131.

1359 (f) The highway beautification program authorized under s.
1360 339.2405.

1361 (g) A statewide Adopt-a-Shore program that includes beach,
1362 river, and lake shorelines and emphasizes litter and marine
1363 debris cleanup and prevention.

1364 (h) The prohibition of balloon releases as authorized
1365 under s. 372.995.

1366 (i) The placement of approved identifiable litter and
1367 recycling receptacles.

1368 (j) Other educational programs that are implemented at the
1369 grassroots level ~~coordinated through Keep Florida Beautiful,~~
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1370 ~~inc.~~, involving volunteers and community programs that clean up
1371 and prevent litter, including Youth Conservation Corps
1372 activities.

1373 Section 14. Section 403.4133, Florida Statutes, is amended
1374 to read:

1375 403.4133 Adopt-a-Shore Program.--

1376 (1) The Legislature finds that litter and illegal dumping
1377 present a threat to the state's wildlife, environment, and
1378 shorelines. The Legislature further finds that public awareness
1379 and education will assist in preventing litter from being
1380 illegally deposited along the state's shorelines.

1381 (2) The Adopt-a-Shore Program shall be created within the
1382 Department of Environmental Protection ~~nonprofit organization~~
1383 ~~referred to in s. 403.4131(1), named Keep Florida Beautiful,~~
1384 ~~Incorporated~~. The program shall be designed to educate the
1385 state's citizens and visitors about the importance of litter
1386 prevention and shall include approaches and techniques to remove
1387 litter from the state's shorelines.

1388 (3) For the purposes of this section, the term "shoreline"
1389 includes, but is not limited to, beaches, rivershores, and
1390 lakeshores.

1391 Section 15. Subsection (28) of section 320.08058, Florida
1392 Statutes, is amended to read:

1393 320.08058 Specialty license plates.--

1394 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

1395 (a) The department shall develop a Florida Wildflower
1396 license plate as provided in this section. The word "Florida"
1397 must appear at the top of the plate, and the words "State

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1398 Wildflower" and "coreopsis" must appear at the bottom of the
1399 plate.

1400 (b) The annual use fees shall be distributed to the
1401 Department of Agriculture and Consumer Services, to be used for
1402 the purposes set forth in ~~Wildflower Account established by Keep~~
1403 Florida Beautiful, Inc., created by s. 403.4131. The proceeds
1404 must be used to establish native Florida wildflower research
1405 programs, wildflower educational programs, and wildflower grant
1406 programs to municipal, county, and community-based groups in
1407 this state. A maximum of 10 percent of the proceeds from the
1408 sale of such plates may be used for administrative costs.

1409 Section 16. All unexpended proceeds of fees paid for
1410 Wildflower license plates which are held by Keep Florida
1411 Beautiful, Inc., must be transferred to the Department of
1412 Agriculture and Consumer Services promptly after the effective
1413 date of this act.

1414 Section 17. Section 403.703, Florida Statutes, is amended
1415 to read:

1416 (Substantial rewording of section. See
1417 s. 403.703, F.S., for present text.)

1418 403.703 Definitions.--As used in this part, the term:

1419 (1) "Ash residue" has the same meaning as in the
1420 department rule governing solid waste combustors which defines
1421 the term.

1422 (2) "Biological waste" means solid waste that causes or
1423 has the capability of causing disease or infection and includes,
1424 but is not limited to, biomedical waste, diseased or dead
1425 animals, and other wastes capable of transmitting pathogens to

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1426 humans or animals. The term does not include human remains that
1427 are disposed of by persons licensed under chapter 497.

1428 (3) "Biomedical waste" means any solid waste or liquid
1429 waste that may present a threat of infection to humans. The term
1430 includes, but is not limited to, nonliquid human tissue and body
1431 parts; laboratory and veterinary waste that contains human-
1432 disease-causing agents; discarded disposable sharps; human blood
1433 and human blood products and body fluids; and other materials
1434 that in the opinion of the Department of Health represent a
1435 significant risk of infection to persons outside the generating
1436 facility. The term does not include human remains that are
1437 disposed of by persons licensed under chapter 497.

1438 (4) "Clean debris" means any solid waste that is virtually
1439 inert, that is not a pollution threat to groundwater or surface
1440 waters, that is not a fire hazard, and that is likely to retain
1441 its physical and chemical structure under expected conditions of
1442 disposal or use. The term includes uncontaminated concrete,
1443 including embedded pipe or steel, brick, glass, ceramics, and
1444 other wastes designated by the department.

1445 (5) "Closure" means the cessation of operation of a solid
1446 waste management facility and the act of securing such facility
1447 so that it will pose no significant threat to human health or
1448 the environment and includes long-term monitoring and
1449 maintenance of a facility if required by department rule.

1450 (6) "Construction and demolition debris" means discarded
1451 materials generally considered to be not water-soluble and
1452 nonhazardous in nature, including, but not limited to, steel,
1453 glass, brick, concrete, asphalt roofing material, pipe, gypsum
1454 wallboard, and lumber, from the construction or destruction of a

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1455 structure as part of a construction or demolition project or
1456 from the renovation of a structure, and includes rocks, soils,
1457 tree remains, trees, and other vegetative matter that normally
1458 results from land clearing or land-development operations for a
1459 construction project, including such debris from construction of
1460 structures at a site remote from the construction or demolition
1461 project site. Mixing of construction and demolition debris with
1462 other types of solid waste will cause the resulting mixture to
1463 be classified as other than construction and demolition debris.

1464 The term also includes:

1465 (a) Clean cardboard, paper, plastic, wood, and metal
1466 scraps from a construction project.

1467 (b) Except as provided in s. 403.707(9)(j), yard trash and
1468 unpainted, nontreated wood scraps from sources other than
1469 construction or demolition projects.

1470 (c) Scrap from manufacturing facilities which is the type
1471 of material generally used in construction projects and which
1472 would meet the definition of construction and demolition debris
1473 if it were generated as part of a construction or demolition
1474 project. This includes debris from the construction of
1475 manufactured homes and scrap shingles, wallboard, siding
1476 concrete, and similar materials from industrial or commercial
1477 facilities.

1478 (d) De minimis amounts of other nonhazardous wastes that
1479 are generated at construction or destruction projects, provided
1480 such amounts are consistent with best management practices of
1481 the industry.

1482 (7) "County," or any like term, means a political
1483 subdivision of the state established pursuant to s. 1, Art. VIII
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1484 of the State Constitution and, when s. 403.706(19) applies,
1485 means a special district or other entity.

1486 (8) "Department" means the Department of Environmental
1487 Protection or any successor agency performing a like function.

1488 (9) "Disposal" means the discharge, deposit, injection,
1489 dumping, spilling, leaking, or placing of any solid waste or
1490 hazardous waste into or upon any land or water so that such
1491 solid waste or hazardous waste or any constituent thereof may
1492 enter other lands or be emitted into the air or discharged into
1493 any waters, including groundwaters, or otherwise enter the
1494 environment.

1495 (10) "Generation" means the act or process of producing
1496 solid or hazardous waste.

1497 (11) "Guarantor" means any person, other than the owner or
1498 operator, who provides evidence of financial responsibility for
1499 an owner or operator under this part.

1500 (12) "Hazardous substance" means any substance that is
1501 defined as a hazardous substance in the United States
1502 Comprehensive Environmental Response, Compensation, and
1503 Liability Act of 1980, 94 Stat. 2767.

1504 (13) "Hazardous waste" means solid waste, or a combination
1505 of solid wastes, which, because of its quantity, concentration,
1506 or physical, chemical, or infectious characteristics, may cause,
1507 or significantly contribute to, an increase in mortality or an
1508 increase in serious irreversible or incapacitating reversible
1509 illness or may pose a substantial present or potential hazard to
1510 human health or the environment when improperly transported,
1511 disposed of, stored, treated, or otherwise managed. The term

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1512 does not include human remains that are disposed of by persons
1513 licensed under chapter 497.

1514 (14) "Hazardous waste facility" means any building, site,
1515 structure, or equipment at or by which hazardous waste is
1516 disposed of, stored, or treated.

1517 (15) "Hazardous waste management" means the systematic
1518 control of the collection, source separation, storage,
1519 transportation, processing, treatment, recovery, recycling, and
1520 disposal of hazardous wastes.

1521 (16) "Land disposal" means any placement of hazardous
1522 waste in or on the land and includes, but is not limited to,
1523 placement in a landfill, surface impoundment, waste pile,
1524 injection well, land treatment facility, salt bed formation,
1525 salt dome formation, or underground mine or cave, or placement
1526 in a concrete vault or bunker intended for disposal purposes.

1527 (17) "Landfill" means any solid waste land disposal area
1528 for which a permit, other than a general permit, is required by
1529 s. 403.707 and which receives solid waste for disposal in or
1530 upon land. The term does not include a landspreading site, an
1531 injection well, a surface impoundment, or a facility for the
1532 disposal of construction and demolition debris.

1533 (18) "Manifest" means the recordkeeping system used for
1534 identifying the concentration, quantity, composition, origin,
1535 routing, and destination of hazardous waste during its
1536 transportation from the point of generation to the point of
1537 disposal, storage, or treatment.

1538 (19) "Materials recovery facility" means a solid waste
1539 management facility that provides for the extraction from solid

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1540 waste of recyclable materials, materials suitable for use as a
1541 fuel or soil amendment, or any combination of such materials.

1542 (20) "Municipality," or any like term, means a
1543 municipality created pursuant to general or special law
1544 authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of
1545 the State Constitution and, when s. 403.706(19) applies, means a
1546 special district or other entity.

1547 (21) "Operation," with respect to any solid waste
1548 management facility, means the disposal, storage, or processing
1549 of solid waste at and by the facility.

1550 (22) "Person" means any and all persons, natural or
1551 artificial, including any individual, firm, or association; any
1552 municipal or private corporation organized or existing under the
1553 laws of this state or any other state; any county of this state;
1554 and any governmental agency of this state or the Federal
1555 Government.

1556 (23) "Processing" means any technique designed to change
1557 the physical, chemical, or biological character or composition
1558 of any solid waste so as to render it safe for transport;
1559 amenable to recovery, storage, or recycling; safe for disposal;
1560 or reduced in volume or concentration.

1561 (24) "Recovered materials" means metal, paper, glass,
1562 plastic, textile, or rubber materials that have known recycling
1563 potential, can be feasibly recycled, and have been diverted and
1564 source separated or have been removed from the solid waste
1565 stream for sale, use, or reuse as raw materials, whether or not
1566 the materials require subsequent processing or separation from
1567 each other, but the term does not include materials destined for

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1568 any use that constitutes disposal. Recovered materials as
1569 described in this subsection are not solid waste.

1570 (25) "Recovered materials processing facility" means a
1571 facility engaged solely in the storage, processing, resale, or
1572 reuse of recovered materials. Such a facility is not a solid
1573 waste management facility if it meets the conditions of s.
1574 403.7045(1)(e).

1575 (26) "Recyclable material" means those materials that are
1576 capable of being recycled and that would otherwise be processed
1577 or disposed of as solid waste.

1578 (27) "Recycling" means any process by which solid waste,
1579 or materials that would otherwise become solid waste, are
1580 collected, separated, or processed and reused or returned to use
1581 in the form of raw materials or products.

1582 (28) "Resource recovery" means the process of recovering
1583 materials or energy from solid waste, excluding those materials
1584 or solid waste under the control of the Nuclear Regulatory
1585 Commission.

1586 (29) "Resource recovery equipment" means equipment or
1587 machinery exclusively and integrally used in the actual process
1588 of recovering material or energy resources from solid waste.

1589 (30) "Sludge" includes the accumulated solids, residues,
1590 and precipitates generated as a result of waste treatment or
1591 processing, including wastewater treatment, water-supply
1592 treatment, or operation of an air pollution control facility,
1593 and mixed liquids and solids pumped from septic tanks, grease
1594 traps, privies, or similar waste disposal appurtenances.

1595 (31) "Solid waste" means sludge unregulated under the
1596 federal Clean Water Act or Clean Air Act, sludge from a waste
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1597 treatment works, water supply treatment plant, or air pollution
1598 control facility, or garbage, rubbish, refuse, special waste, or
1599 other discarded material, including solid, liquid, semisolid, or
1600 contained gaseous material resulting from domestic, industrial,
1601 commercial, mining, agricultural, or governmental operations.
1602 Recovered materials as defined in subsection (24) are not solid
1603 waste.

1604 (32) "Solid waste disposal facility" means any solid waste
1605 management facility that is the final resting place for solid
1606 waste, including landfills and incineration facilities that
1607 produce ash from the process of incinerating municipal solid
1608 waste.

1609 (33) "Solid waste management" means the process by which
1610 solid waste is collected, transported, stored, separated,
1611 processed, or disposed of in any other way according to an
1612 orderly, purposeful, and planned program, which includes
1613 closure.

1614 (34) "Solid waste management facility" means any solid
1615 waste disposal area, volume-reduction plant, transfer station,
1616 materials recovery facility, or other facility, the purpose of
1617 which is resource recovery or the disposal, recycling,
1618 processing, or storage of solid waste. The term does not include
1619 recovered materials processing facilities that meet the
1620 requirements of s. 403.7046, except the portion of such
1621 facilities, if any, which is used for the management of solid
1622 waste.

1623 (35) "Source separated" means that the recovered materials
1624 are separated from solid waste at the location where the
1625 recovered materials and solid waste are generated. The term does
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1626 not require that various types of recovered materials be
1627 separated from each other, and recognizes de minimis solid
1628 waste, in accordance with industry standards and practices, may
1629 be included in the recovered materials. Materials are not
1630 considered source-separated when two or more types of recovered
1631 materials are deposited in combination with each other in a
1632 commercial collection container located where the materials are
1633 generated and when such materials contain more than 10 percent
1634 solid waste by volume or weight. For purposes of this
1635 subsection, the term "various types of recovered materials"
1636 means metals, paper, glass, plastic, textiles, and rubber.

1637 (36) "Special wastes" means solid wastes that can require
1638 special handling and management, including, but not limited to,
1639 white goods, waste tires, used oil, lead-acid batteries,
1640 construction and demolition debris, ash residue, yard trash, and
1641 biological wastes.

1642 (37) "Storage" means the containment or holding of a
1643 hazardous waste, either on a temporary basis or for a period of
1644 years, in such a manner as not to constitute disposal of such
1645 hazardous waste.

1646 (38) "Transfer station" means a site the primary purpose
1647 of which is to store or hold solid waste for transport to a
1648 processing or disposal facility.

1649 (39) "Transport" means the movement of hazardous waste
1650 from the point of generation or point of entry into the state to
1651 any offsite intermediate points and to the point of offsite
1652 ultimate disposal, storage, treatment, or exit from the state.

1653 (40) "Treatment," when used in connection with hazardous
1654 waste, means any method, technique, or process, including

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1655 neutralization, which is designed to change the physical,
1656 chemical, or biological character or composition of any
1657 hazardous waste so as to neutralize it or render it
1658 nonhazardous, safe for transport, amenable to recovery, amenable
1659 to storage or disposal, or reduced in volume or concentration.
1660 The term includes any activity or processing that is designed to
1661 change the physical form or chemical composition of hazardous
1662 waste so as to render it nonhazardous.

1663 (41) "Volume reduction plant" includes incinerators,
1664 pulverizers, compactors, shredding and baling plants, composting
1665 plants, and other plants that accept and process solid waste for
1666 recycling or disposal.

1667 (42) "White goods" includes inoperative and discarded
1668 refrigerators, ranges, water heaters, freezers, and other
1669 similar domestic and commercial large appliances.

1670 (43) "Yard trash" means vegetative matter resulting from
1671 landscaping maintenance and land clearing operations and
1672 includes associated rocks and soils.

1673 Section 18. Subsection (69) of section 316.003, Florida
1674 Statutes, is amended to read:

1675 316.003 Definitions.--The following words and phrases,
1676 when used in this chapter, shall have the meanings respectively
1677 ascribed to them in this section, except where the context
1678 otherwise requires:

1679 (69) HAZARDOUS MATERIAL.--Any substance or material which
1680 has been determined by the secretary of the United States
1681 Department of Transportation to be capable of imposing an
1682 unreasonable risk to health, safety, and property. This term

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1683 includes hazardous waste as defined in s. 403.703(13) ~~s.~~
1684 ~~403.703(21)~~.

1685 Section 19. Paragraph (f) of subsection (2) of section
1686 377.709, Florida Statutes, is amended to read:

1687 377.709 Funding by electric utilities of local
1688 governmental solid waste facilities that generate electricity.--

1689 (2) DEFINITIONS.--As used in this section, the term:

1690 (f) "Solid waste facility" means a facility owned or
1691 operated by, or on behalf of, a local government for the purpose
1692 of disposing of solid waste, as that term is defined in s.
1693 403.703(31) ~~s. 403.703(13)~~, by any process that produces heat
1694 and incorporates, as a part of the facility, the means of
1695 converting heat to electrical energy in amounts greater than
1696 actually required for the operation of the facility.

1697 Section 20. Subsection (1) of section 487.048, Florida
1698 Statutes, is amended to read:

1699 487.048 Dealer's license; records.--

1700 (1) Each person holding or offering for sale, selling, or
1701 distributing restricted-use pesticides shall obtain a dealer's
1702 license from the department. Application for the license shall
1703 be made on a form prescribed by the department. The license must
1704 be obtained before entering into business or transferring
1705 ownership of a business. The department may require examination
1706 or other proof of competency of individuals to whom licenses are
1707 issued or of individuals employed by persons to whom licenses
1708 are issued. Demonstration of continued competency may be
1709 required for license renewal, as set by rule. The license shall
1710 be renewed annually as provided by rule. An annual license fee
1711 not exceeding \$250 shall be established by rule. However, a user
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1712 of a restricted-use pesticide may distribute unopened containers
1713 of a properly labeled pesticide to another user who is legally
1714 entitled to use that restricted-use pesticide without obtaining
1715 a pesticide dealer's license. The exclusive purpose of
1716 distribution of the restricted-use pesticide is to keep it from
1717 becoming a hazardous waste as defined in s. 403.703(13) ~~s.~~
1718 ~~403.703(21)~~.

1719 Section 21. Section 403.704, Florida Statutes, is amended
1720 to read:

1721 403.704 Powers and duties of the department.--The
1722 department shall have responsibility for the implementation and
1723 enforcement of the provisions of this act. In addition to other
1724 powers and duties, the department shall:

1725 (1) Develop and implement, in consultation with local
1726 governments, a state solid waste management program, as defined
1727 in s. 403.705, ~~and update the program at least every 3 years. In~~
1728 ~~developing rules to implement the state solid waste management~~
1729 ~~program, the department shall hold public hearings around the~~
1730 ~~state and shall give notice of such public hearings to all local~~
1731 ~~governments and regional planning agencies.~~

1732 (2) Provide technical assistance to counties,
1733 municipalities, and other persons, and cooperate with
1734 appropriate federal agencies and private organizations in
1735 carrying out the provisions of this act.

1736 (3) Promote the planning and application of recycling and
1737 resource recovery systems which preserve and enhance the quality
1738 of the air, water, and other natural resources of the state and
1739 assist in and encourage, where appropriate, the development of
1740 regional solid waste management facilities.

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1741 (4) Serve as the official state representative for all
1742 purposes of the federal Solid Waste Disposal Act, as amended by
1743 Pub. L. No. 91-512, or as subsequently amended.

1744 (5) Use private industry or the State University System
1745 through contractual arrangements for implementation of some or
1746 all of the requirements of the state solid waste management
1747 program and for such other activities as may be considered
1748 necessary, desirable, or convenient.

1749 (6) Encourage recycling and resource recovery as a source
1750 of energy and materials.

1751 (7) Assist in and encourage, as much as possible, the
1752 development within the state of industries and commercial
1753 enterprises which are based upon resource recovery, recycling,
1754 and reuse of solid waste.

1755 ~~(8) Charge reasonable fees for any services it performs~~
1756 ~~pursuant to this act, provided user fees shall apply uniformly~~
1757 ~~within each municipality or county to all users who are provided~~
1758 ~~with solid waste management services.~~

1759 ~~(9) Acquire, at its discretion, personal or real property~~
1760 ~~or any interest therein by gift, lease, or purchase for the~~
1761 ~~purpose of providing sites for solid waste management~~
1762 ~~facilities.~~

1763 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~
1764 ~~equip, furnish, and operate, at its discretion, such solid waste~~
1765 ~~management facilities as are called for by the state solid waste~~
1766 ~~management program.~~

1767 ~~(11) Receive funds or revenues from the sale of products,~~
1768 ~~materials, fuels, or energy in any form derived from processing~~
1769 ~~of solid waste by state owned or state operated facilities,~~

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1770 ~~which funds or revenues shall be deposited into the Solid Waste~~
1771 ~~Management Trust Fund.~~

1772 ~~(8)-(12)~~ Determine by rule the facilities, equipment,
1773 personnel, and number of monitoring wells to be provided at each
1774 ~~Class I~~ solid waste disposal area.

1775 ~~(13)~~ Encourage, but not require, as part of a Class II
1776 solid waste disposal area, a potable water supply; an employee
1777 shelter; handwashing and toilet facilities; equipment washout
1778 facilities; electric service for operations and repairs;
1779 equipment shelter for maintenance and storage of parts,
1780 equipment, and tools; scales for weighing solid waste received
1781 at the disposal area; a trained equipment operator in full-time
1782 attendance during operating hours; and communication facilities
1783 for use in emergencies. The department may require an attendant
1784 at a Class II solid waste disposal area during the hours of
1785 operation if the department affirmatively demonstrates that such
1786 a requirement is necessary to prevent unlawful fires,
1787 unauthorized dumping, or littering of nearby property.

1788 ~~(14)~~ Require a Class II solid waste disposal area to have
1789 at least one monitoring well which shall be placed adjacent to
1790 the site in the direction of groundwater flow unless otherwise
1791 exempted by the department. The department may require
1792 additional monitoring wells not farther than 1 mile from the
1793 site if it is affirmatively demonstrated by the department that
1794 a significant change in the initial quality of the water has
1795 occurred in the downstream monitoring well which adversely
1796 affects the beneficial uses of the water. These wells may be
1797 public or private water supply wells if they are suitable for
1798 use in determining background water quality levels.

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1799 (9)~~(15)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
1800 to implement and enforce the provisions of this act, including
1801 requirements for the classification, construction, operation,
1802 maintenance, and closure of solid waste management facilities
1803 and requirements for, and conditions on, solid waste disposal in
1804 this state, whether such solid waste is generated within this
1805 state or outside this state as long as such requirements and
1806 conditions are not based on the out-of-state origin of the waste
1807 and are consistent with applicable provisions of law. When
1808 classifying solid waste management facilities, the department
1809 shall consider the hydrogeology of the site for the facility,
1810 the types of wastes to be handled by the facility, and methods
1811 used to control the types of waste to be handled by the facility
1812 and shall seek to minimize the adverse effects of solid waste
1813 management on the environment. Whenever the department adopts
1814 any rule stricter or more stringent than one which has been set
1815 by the United States Environmental Protection Agency, the
1816 procedures set forth in s. 403.804(2) shall be followed. The
1817 department shall not, however, adopt hazardous waste rules for
1818 solid waste for which special studies were required prior to
1819 October 1, 1988, under s. 8002 of the Resource Conservation and
1820 Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies
1821 are completed by the United States Environmental Protection
1822 Agency and the information is available to the department for
1823 consideration in adopting its own rule.

1824 (10)~~(16)~~ Issue or modify permits on such conditions as are
1825 necessary to effect the intent and purposes of this act, and may
1826 deny or revoke permits.

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1827 ~~(17) Conduct research, using the State University System,~~
1828 ~~solid waste professionals from local governments, private~~
1829 ~~enterprise, and other organizations, on alternative,~~
1830 ~~economically feasible, cost-effective, and environmentally safe~~
1831 ~~solid waste management and landfill closure methods which~~
1832 ~~protect the health, safety, and welfare of the public and the~~
1833 ~~environment and which may assist in developing markets and~~
1834 ~~provide economic benefits to local governments, the state, and~~
1835 ~~its citizens, and solicit public participation during the~~
1836 ~~research process. The department shall incorporate such cost-~~
1837 ~~effective landfill closure methods in the appropriate department~~
1838 ~~rule as alternative closure requirements.~~

1839 (11)~~(18)~~ Develop and implement or contract for services to
1840 develop information on recovered materials markets and
1841 strategies for market development and expansion for use of these
1842 materials. Additionally, the department shall maintain a
1843 directory of recycling businesses operating in the state and
1844 shall serve as a coordinator to match recovered materials with
1845 markets. Such directory shall be made available to the public
1846 and to local governments to assist with their solid waste
1847 management activities.

1848 ~~(19) Authorize variances from solid waste closure rules~~
1849 ~~adopted pursuant to this part, provided such variances are~~
1850 ~~applied for and approved in accordance with s. 403.201 and will~~
1851 ~~not result in significant threats to human health or the~~
1852 ~~environment.~~

1853 (12)~~(20)~~ Establish accounts and deposit to the Solid Waste
1854 Management Trust Fund and control and administer moneys it may
1855 withdraw from the fund.

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1856 ~~(13)-(21)~~ Manage a program of grants, using funds from the
1857 Solid Waste Management Trust Fund and funds provided by the
1858 Legislature for solid waste management, for programs for
1859 recycling, composting, litter control, and special waste
1860 management and for programs which provide for the safe and
1861 proper management of solid waste.

1862 ~~(14)-(22)~~ Budget and receive appropriated funds and accept,
1863 receive, and administer grants or other funds or gifts from
1864 public or private agencies, including the state and the Federal
1865 Government, for the purpose of carrying out the provisions of
1866 this act.

1867 ~~(15)-(23)~~ Delegate its powers, enter into contracts, or
1868 take such other actions as may be necessary to implement this
1869 act.

1870 ~~(16)-(24)~~ Receive and administer funds appropriated for
1871 county hazardous waste management assessments.

1872 ~~(17)-(25)~~ Provide technical assistance to local governments
1873 and regional agencies to ensure consistency between county
1874 hazardous waste management assessments; coordinate the
1875 development of such assessments with the assistance of the
1876 appropriate regional planning councils; and review and make
1877 recommendations to the Legislature relative to the sufficiency
1878 of the assessments to meet state hazardous waste management
1879 needs.

1880 ~~(18)-(26)~~ Increase public education and public awareness of
1881 solid and hazardous waste issues by developing and promoting
1882 statewide programs of litter control, recycling, volume
1883 reduction, and proper methods of solid waste and hazardous waste
1884 management.

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1885 ~~(19)-(27)~~ Assist the hazardous waste storage, treatment, or
1886 disposal industry by providing to the industry any data produced
1887 on the types and quantities of hazardous waste generated.

1888 ~~(20)-(28)~~ Institute a hazardous waste emergency response
1889 program which would include emergency telecommunication
1890 capabilities and coordination with appropriate agencies.

1891 ~~(21)-(29)~~ Promulgate rules necessary to accept delegation
1892 of the hazardous waste management program from the Environmental
1893 Protection Agency under the Hazardous and Solid Waste Amendments
1894 of 1984, Pub. L. No. 98-616.

1895 ~~(22)-(30)~~ Adopt rules, if necessary, to address the
1896 incineration and disposal of biomedical waste and the management
1897 of biological waste within the state, whether such waste is
1898 generated within this state or outside this state, as long as
1899 such requirements and conditions are not based on the out-of-
1900 state origin of the waste and are consistent with applicable
1901 provisions of law.

1902 Section 22. Section 403.7043, Florida Statutes, is amended
1903 to read:

1904 403.7043 Compost standards and applications.--

1905 (1) In order to protect the state's land and water
1906 resources, compost produced, utilized, or disposed of by the
1907 composting process at solid waste management facilities in the
1908 state must meet criteria established by the department.

1909 (2) The department shall ~~Within 6 months after October 1,~~
1910 ~~1988, the department shall initiate rulemaking to establish and~~
1911 maintain rules addressing standards for the production of
1912 compost ~~and shall complete and promulgate these rules within 12~~

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1913 ~~months after initiating the process of rulemaking, including~~
1914 ~~rules establishing:~~

1915 (a) Requirements necessary to produce hygienically safe
1916 compost products for varying applications.

1917 (b) A classification scheme for compost based on~~+~~ the
1918 types of waste composted, ~~including at least one type containing~~
1919 ~~only yard trash~~; the maturity of the compost, ~~including at least~~
1920 ~~three degrees of decomposition for fresh, semimature, and~~
1921 ~~mature~~; and the levels of organic and inorganic constituents in
1922 the compost. This scheme shall address:

1923 1. Methods for measurement of the compost maturity.

1924 2. Particle sizes.

1925 3. Moisture content.

1926 4. Average levels of organic and inorganic constituents,
1927 including heavy metals, for such classes of compost as the
1928 department establishes, and the analytical methods to determine
1929 those levels.

1930 ~~(3) Within 6 months after October 1, 1988, the department~~
1931 ~~shall initiate rulemaking to prescribe the allowable uses and~~
1932 ~~application rates of compost and shall complete and promulgate~~
1933 ~~those rules within 12 months after initiating the process of~~
1934 ~~rulemaking, based on the following criteria:~~

1935 ~~(a) The total quantity of organic and inorganic~~
1936 ~~constituents, including heavy metals, allowed to be applied~~
1937 ~~through the addition of compost to the soil per acre per year.~~

1938 ~~(b) The allowable uses of compost based on maturity and~~
1939 ~~type of compost.~~

1940 ~~(4) If compost is produced which does not meet the~~
1941 ~~criteria prescribed by the department for agricultural and other~~
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1942 ~~use, the compost must be reprocessed or disposed of in a manner~~
1943 ~~approved by the department, unless a different application is~~
1944 ~~specifically permitted by the department.~~

1945 ~~(5) The provisions of s. 403.706 shall not prohibit any~~
1946 ~~county or municipality which has in place a memorandum of~~
1947 ~~understanding or other written agreement as of October 1, 1988,~~
1948 ~~from proceeding with plans to build a compost facility.~~

1949 Section 23. Subsections (1), (2), and (3) of section
1950 403.7045, Florida Statutes, are amended to read:

1951 403.7045 Application of act and integration with other
1952 acts.--

1953 (1) The following wastes or activities shall not be
1954 regulated pursuant to this act:

1955 (a) Byproduct material, source material, and special
1956 nuclear material, the generation, transportation, disposal,
1957 storage, or treatment of which is regulated under chapter 404 or
1958 under the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat.
1959 923, as amended;

1960 (b) Suspended solids and dissolved materials in domestic
1961 sewage effluent or irrigation return flows or other discharges
1962 which are point sources subject to permits pursuant to
1963 provisions of this chapter or pursuant to s. 402 of the Clean
1964 Water Act, Pub. L. No. 95-217;

1965 (c) Emissions to the air from a stationary installation or
1966 source regulated under provisions of this chapter or under the
1967 Clean Air Act, Pub. L. No. 95-95;

1968 (d) Drilling fluids, produced waters, and other wastes
1969 associated with the exploration for, or development and

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1970 production of, crude oil or natural gas which are regulated
1971 under chapter 377; or

1972 (e) Recovered materials or recovered materials processing
1973 facilities shall not be regulated pursuant to this act, except
1974 as provided in s. 403.7046, if:

1975 1. A majority of the recovered materials at the facility
1976 are demonstrated to be sold, used, or reused within 1 year.

1977 2. The recovered materials handled by the facility or the
1978 products or byproducts of operations that process recovered
1979 materials are not discharged, deposited, injected, dumped,
1980 spilled, leaked, or placed into or upon any land or water by the
1981 owner or operator of such facility so that such recovered
1982 materials, products or byproducts, or any constituent thereof
1983 may enter other lands or be emitted into the air or discharged
1984 into any waters, including groundwaters, or otherwise enter the
1985 environment such that a threat of contamination in excess of
1986 applicable department standards and criteria is caused.

1987 3. The recovered materials handled by the facility are not
1988 hazardous wastes as defined under s. 403.703, and rules
1989 promulgated pursuant thereto.

1990 4. The facility is registered as required in s. 403.7046.

1991 (f) Industrial byproducts, if:

1992 1. A majority of the industrial byproducts are
1993 demonstrated to be sold, used, or reused within 1 year.

1994 2. The industrial byproducts are not discharged,
1995 deposited, injected, dumped, spilled, leaked, or placed upon any
1996 land or water so that such industrial byproducts, or any
1997 constituent thereof, may enter other lands or be emitted into
1998 the air or discharged into any waters, including groundwaters,
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1999 or otherwise enter the environment such that a threat of
2000 contamination in excess of applicable department standards and
2001 criteria or a significant threat to public health is caused.

2002 3. The industrial byproducts are not hazardous wastes as
2003 defined under s. 403.703 and rules adopted under this section.

2004 (2) Except as provided in s. 403.704(9) ~~s. 403.704(15)~~,
2005 the following wastes shall not be regulated as a hazardous waste
2006 pursuant to this act, except when determined by the United
2007 States Environmental Protection Agency to be a hazardous waste:

2008 (a) Ashes and scrubber sludges generated from the burning
2009 of boiler fuel for generation of electricity or steam.

2010 (b) Agricultural and silvicultural byproduct material and
2011 agricultural and silvicultural process waste from normal farming
2012 or processing.

2013 (c) Discarded material generated by the mining and
2014 beneficiation and chemical or thermal processing of phosphate
2015 rock, and precipitates resulting from neutralization of
2016 phosphate chemical plant process and nonprocess waters.

2017 (3) The following wastes or activities shall be regulated
2018 pursuant to this act in the following manner:

2019 (a) Dredged material that is generated as part of a
2020 project permitted under part IV of chapter 373 or chapter 161,
2021 or that is authorized to be removed from sovereign submerged
2022 lands under chapter 253, ~~Dredge spoil or fill material~~ shall be
2023 managed in accordance with the conditions of that permit or
2024 authorization unless the dredged material is regulated as
2025 hazardous waste pursuant to this part ~~disposed of pursuant to a~~
2026 ~~dredge and fill permit, but whenever hazardous components are~~
2027 ~~disposed of within the dredge or fill material, the dredge and~~
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2028 ~~fill permits shall specify the specific hazardous wastes~~
2029 ~~contained and the concentration of each such waste. If the~~
2030 ~~dredged material contains hazardous substances,~~ the department
2031 may further ~~then~~ limit or restrict the sale or use of the
2032 dredged dredge and fill material and may specify such other
2033 conditions relative to this material as are reasonably necessary
2034 to protect the public from the potential hazards.

2035 (b) Hazardous wastes that ~~which~~ are contained in
2036 artificial recharge waters or other waters intentionally
2037 introduced into any underground formation and that ~~which~~ are
2038 permitted pursuant to s. 373.106 shall also be handled in
2039 compliance with the requirements and standards for disposal,
2040 storage, and treatment of hazardous waste under this act.

2041 (c) Solid waste or hazardous waste facilities that ~~which~~
2042 are operated as a part of the normal operation of a power
2043 generating facility and which are licensed by certification
2044 pursuant to the Florida Electrical Power Plant Siting Act, ss.
2045 403.501-403.518, shall undergo such certification subject to the
2046 substantive provisions of this act.

2047 (d) Biomedical waste and biological waste shall be
2048 disposed of only as authorized by the department. However, any
2049 person who unknowingly disposes into a sanitary landfill or
2050 waste-to-energy facility any such waste that ~~which~~ has not been
2051 properly segregated or separated from other solid wastes by the
2052 generating facility is not guilty of a violation under this act.
2053 ~~Nothing in This paragraph does not shall be construed to~~
2054 prohibit the department from seeking injunctive relief pursuant
2055 to s. 403.131 to prohibit the unauthorized disposal of
2056 biomedical waste or biological waste.

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2057 Section 24. Section 403.707, Florida Statutes, is amended
2058 to read:

2059 403.707 Permits.--

2060 (1) A ~~No~~ solid waste management facility may not be
2061 operated, maintained, constructed, expanded, modified, or closed
2062 without an appropriate and currently valid permit issued by the
2063 department. The department may by rule exempt specified types of
2064 facilities from the requirement for a permit if it determines
2065 that construction for operation of the facility is not expected
2066 to create any significant threat to the environment or public
2067 health. For purposes of this part, and only when specified by
2068 department rule, a permit may include registrations as well as
2069 other forms of licenses as defined in s. 120.52. Solid waste
2070 construction permits issued under this section may include any
2071 permit conditions necessary to achieve compliance with the
2072 recycling requirements of this act. The department shall pursue
2073 reasonable timeframes for closure and construction requirements,
2074 considering pending federal requirements and implementation
2075 costs to the permittee. The department shall adopt a rule
2076 establishing performance standards for construction and closure
2077 of solid waste management facilities. The standards shall allow
2078 flexibility in design and consideration for site-specific
2079 characteristics.

2080 (2) Except as provided in s. 403.722(6), no permit under
2081 this section is required for the following, provided that the
2082 activity shall not create a public nuisance or any condition
2083 adversely affecting the environment or public health and shall
2084 not violate other state or local laws, ordinances, rules,
2085 regulations, or orders:

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2086 (a) Disposal by persons of solid waste resulting from
2087 their own activities on their own property, provided such waste
2088 is either ordinary household waste from their residential
2089 property or is rocks, soils, trees, tree remains, and other
2090 vegetative matter that ~~which~~ normally result from land
2091 development operations. Disposal of materials that ~~which~~ could
2092 create a public nuisance or adversely affect the environment or
2093 public health, such as: white goods; automotive materials, such
2094 as batteries and tires; petroleum products; pesticides;
2095 solvents; or hazardous substances, is not covered under this
2096 exemption.

2097 (b) Storage in containers by persons of solid waste
2098 resulting from their own activities on their property, leased or
2099 rented property, or property subject to a homeowners or
2100 maintenance association for which the person contributes
2101 association assessments, if the solid waste in such containers
2102 is collected at least once a week.

2103 (c) Disposal by persons of solid waste resulting from
2104 their own activities on their property, provided the
2105 environmental effects of such disposal on groundwater and
2106 surface waters are:

2107 1. Addressed or authorized by a site certification order
2108 issued under part II or a permit issued by the department
2109 pursuant to this chapter or rules adopted pursuant thereto; or

2110 2. Addressed or authorized by, or exempted from the
2111 requirement to obtain, a groundwater monitoring plan approved by
2112 the department.

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2113 (d) Disposal by persons of solid waste resulting from
2114 their own activities on their own property, provided that such
2115 disposal occurred prior to October 1, 1988.

2116 (e) Disposal of solid waste resulting from normal farming
2117 operations as defined by department rule. Polyethylene
2118 agricultural plastic, damaged, nonsalvageable, untreated wood
2119 pallets, and packing material that cannot be feasibly recycled,
2120 which are used in connection with agricultural operations
2121 related to the growing, harvesting, or maintenance of crops, may
2122 be disposed of by open burning, provided that no public nuisance
2123 or any condition adversely affecting the environment or the
2124 public health is created thereby and that state or federal
2125 ambient air quality standards are not violated.

2126 (f) The use of clean debris as fill material in any area.
2127 However, this paragraph does not exempt any person from
2128 obtaining any other required permits, nor does it affect a
2129 person's responsibility to dispose of clean debris appropriately
2130 if it is not to be used as fill material.

2131 (g) Compost operations that produce less than 50 cubic
2132 yards of compost per year when the compost produced is used on
2133 the property where the compost operation is located.

2134 (3) All applicable provisions of ss. 403.087 and 403.088,
2135 relating to permits, apply to the control of solid waste
2136 management facilities.

2137 (4) When application for a construction permit for a Class
2138 I ~~or Class II~~ solid waste disposal area is made, it is the duty
2139 of the department to provide a copy of the application, within 7
2140 days after filing, to the water management district having
2141 jurisdiction where the area is to be located. The water

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2142 management district may prepare an advisory report as to the
2143 impact on water resources. This report shall contain the
2144 district's recommendations as to the disposition of the
2145 application and shall be submitted to the department no later
2146 than 30 days prior to the deadline for final agency action by
2147 the department. However, the failure of the department or the
2148 water management district to comply with the provisions of this
2149 subsection shall not be the basis for the denial, revocation, or
2150 remand of any permit or order issued by the department.

2151 (5) The department may not issue a construction permit
2152 pursuant to this part for a new solid waste landfill within
2153 3,000 feet of Class I surface waters.

2154 (6) The department may issue a construction permit
2155 pursuant to this part only to a solid waste management facility
2156 that provides the conditions necessary to control the safe
2157 movement of wastes or waste constituents into surface or ground
2158 waters or the atmosphere and that will be operated, maintained,
2159 and closed by qualified and properly trained personnel. Such
2160 facility must if necessary:

2161 (a) Use natural or artificial barriers which are capable
2162 of controlling lateral or vertical movement of wastes or waste
2163 constituents into surface or ground waters.

2164 (b) Have a foundation or base that is capable of providing
2165 support for structures and waste deposits and capable of
2166 preventing foundation or base failure due to settlement,
2167 compression, or uplift.

2168 (c) Provide for the most economically feasible, cost-
2169 effective, and environmentally safe control of leachate, gas,

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2170 stormwater, and disease vectors and prevent the endangerment of
2171 public health and the environment.

2172
2173 Open fires, air-curtain incinerators, or trench burning may not
2174 be used as a means of disposal at a solid waste management
2175 facility, unless permitted by the department under s. 403.087.

2176 (7) Prior to application for a construction permit, an
2177 applicant shall designate to the department temporary backup
2178 disposal areas or processes for the resource recovery facility.
2179 Failure to designate temporary backup disposal areas or
2180 processes shall result in a denial of the construction permit.

2181 (8) The department may refuse to issue a permit to an
2182 applicant who by past conduct in this state has repeatedly
2183 violated pertinent statutes, rules, or orders or permit terms or
2184 conditions relating to any solid waste management facility and
2185 who is deemed to be irresponsible as defined by department rule.
2186 For the purposes of this subsection, an applicant includes the
2187 owner or operator of the facility, or if the owner or operator
2188 is a business entity, a parent of a subsidiary corporation, a
2189 partner, a corporate officer or director, or a stockholder
2190 holding more than 50 percent of the stock of the corporation.

2191 ~~(9) Before or on the same day of filing with the~~
2192 ~~department of an application for any construction permit for the~~
2193 ~~incineration of biomedical waste which the department may~~
2194 ~~require by rule, the applicant shall notify each city and county~~
2195 ~~within 1 mile of the facility of the filing of the application~~
2196 ~~and shall publish notice of the filing of the application. The~~
2197 ~~applicant shall publish a second notice of the filing within 14~~
2198 ~~days after the date of filing. Each notice shall be published in~~
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2199 ~~a newspaper of general circulation in the county in which the~~
2200 ~~facility is located or is proposed to be located.~~
2201 ~~Notwithstanding the provisions of chapter 50, for purposes of~~
2202 ~~this section, a "newspaper of general circulation" shall be the~~
2203 ~~newspaper within the county in which the installation or~~
2204 ~~facility is proposed which has the largest daily circulation in~~
2205 ~~that county and has its principal office in that county. If the~~
2206 ~~newspaper with the largest daily circulation has its principal~~
2207 ~~office outside the county, the notice shall appear in both the~~
2208 ~~newspaper with the largest daily circulation in that county, and~~
2209 ~~a newspaper authorized to publish legal notices in that county.~~
2210 ~~The notice shall contain:~~

2211 ~~(a) The name of the applicant and a brief description of~~
2212 ~~the facility and its location.~~

2213 ~~(b) The location of the application file and when it is~~
2214 ~~available for public inspection.~~

2215
2216 ~~The notice shall be prepared by the applicant and shall comply~~
2217 ~~with the following format:~~

2218
2219 ~~Notice of Application~~

2220
2221 ~~The Department of Environmental Protection announces receipt of~~
2222 ~~an application for a permit from (name of applicant) to (brief~~
2223 ~~description of project). This proposed project will be located~~
2224 ~~at (location) in (county) (city).~~

2225
2226 ~~This application is being processed and is available for public~~
2227 ~~inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,~~
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2228 ~~Monday through Friday, except legal holidays, at (name and~~
2229 ~~address of office).~~

2230
2231 ~~(10) A permit, which the department may require by rule,~~
2232 ~~for the incineration of biomedical waste, may not be transferred~~
2233 ~~by the permittee to any other entity, except in conformity with~~
2234 ~~the requirements of this subsection.~~

2235 ~~(a) Within 30 days after the sale or legal transfer of a~~
2236 ~~permitted facility, the permittee shall file with the department~~
2237 ~~an application for transfer of the permits on such form as the~~
2238 ~~department shall establish by rule. The form must be completed~~
2239 ~~with the notarized signatures of both the transferring permittee~~
2240 ~~and the proposed permittee.~~

2241 ~~(b) The department shall approve the transfer of a permit~~
2242 ~~unless it determines that the proposed permittee has not~~
2243 ~~provided reasonable assurances that the proposed permittee has~~
2244 ~~the administrative, technical, and financial capability to~~
2245 ~~properly satisfy the requirements and conditions of the permit,~~
2246 ~~as determined by department rule. The determination shall be~~
2247 ~~limited solely to the ability of the proposed permittee to~~
2248 ~~comply with the conditions of the existing permit, and it shall~~
2249 ~~not concern the adequacy of the permit conditions. If the~~
2250 ~~department proposes to deny the transfer, it shall provide both~~
2251 ~~the transferring permittee and the proposed permittee a written~~
2252 ~~objection to such transfer together with notice of a right to~~
2253 ~~request a proceeding on such determination under chapter 120.~~

2254 ~~(c) Within 90 days after receiving a properly completed~~
2255 ~~application for transfer of a permit, the department shall issue~~
2256 ~~a final determination. The department may toll the time for~~

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2257 ~~making a determination on the transfer by notifying both the~~
2258 ~~transferring permittee and the proposed permittee that~~
2259 ~~additional information is required to adequately review the~~
2260 ~~transfer request. Such notification shall be provided within 30~~
2261 ~~days after receipt of an application for transfer of the permit,~~
2262 ~~completed pursuant to paragraph (a). If the department fails to~~
2263 ~~take action to approve or deny the transfer within 90 days after~~
2264 ~~receipt of the completed application or within 90 days after~~
2265 ~~receipt of the last item of timely requested additional~~
2266 ~~information, the transfer shall be deemed approved.~~

2267 ~~(d) The transferring permittee is encouraged to apply for~~
2268 ~~a permit transfer well in advance of the sale or legal transfer~~
2269 ~~of a permitted facility. However, the transfer of the permit~~
2270 ~~shall not be effective prior to the sale or legal transfer of~~
2271 ~~the facility.~~

2272 ~~(e) Until the transfer of the permit is approved by the~~
2273 ~~department, the transferring permittee and any other person~~
2274 ~~constructing, operating, or maintaining the permitted facility~~
2275 ~~shall be liable for compliance with the terms of the permit.~~
2276 ~~Nothing in this section shall relieve the transferring permittee~~
2277 ~~of liability for corrective actions that may be required as a~~
2278 ~~result of any violations occurring prior to the legal transfer~~
2279 ~~of the permit.~~

2280 ~~(11) The department shall review all permit applications~~
2281 ~~for any designated Class I solid waste disposal facility. As~~
2282 ~~used in this subsection, the term "designated Class I solid~~
2283 ~~waste disposal facility" means any facility that is, as of May~~
2284 ~~12, 1993, a solid waste disposal facility classified as an~~
2285 ~~active Class I landfill by the department, that is located in~~
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2286 ~~whole or in part within 1,000 feet of the boundary of any~~
2287 ~~municipality, but that is not located within any county with an~~
2288 ~~approved charter or consolidated municipal government, is not~~
2289 ~~located within any municipality, and is not operated by a~~
2290 ~~municipality. The department shall not permit vertical expansion~~
2291 ~~or horizontal expansion of any designated Class I solid waste~~
2292 ~~disposal facility unless the application for such permit was~~
2293 ~~filed before January 1, 1993, and no solid waste management~~
2294 ~~facility may be operated which is a vertical expansion or~~
2295 ~~horizontal expansion of a designated Class I solid waste~~
2296 ~~disposal facility. As used in this subsection, the term~~
2297 ~~"vertical expansion" means any activity that will result in an~~
2298 ~~increase in the height of a designated Class I solid waste~~
2299 ~~disposal facility above 100 feet National Geodetic Vertical~~
2300 ~~Datum, except solely for closure, and the term "horizontal~~
2301 ~~expansion" means any activity that will result in an increase in~~
2302 ~~the ground area covered by a designated Class I solid waste~~
2303 ~~disposal facility, or if within 1 mile of a designated Class I~~
2304 ~~solid waste disposal facility, any new or expanded operation of~~
2305 ~~any solid waste disposal facility or area, or of incineration of~~
2306 ~~solid waste, or of storage of solid waste for more than 1 year,~~
2307 ~~or of composting of solid waste other than yard trash.~~

2308 (9) ~~(12)~~ The department shall establish a separate category
2309 for solid waste management facilities which accept only
2310 construction and demolition debris for disposal or recycling.
2311 The department shall establish a reasonable schedule for
2312 existing facilities to comply with this section to avoid undue
2313 hardship to such facilities. However, a permitted solid waste
2314 disposal unit that ~~which~~ receives a significant amount of waste

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2315 prior to the compliance deadline established in this schedule
2316 shall not be required to be retrofitted with liners or leachate
2317 control systems. Facilities accepting materials defined in s.
2318 403.703(6)(b) ~~s. 403.703(17)(b)~~ must implement a groundwater
2319 monitoring system adequate to detect contaminants that may
2320 reasonably be expected to result from such disposal prior to the
2321 acceptance of those materials.

2322 (a) The department shall establish reasonable
2323 construction, operation, monitoring, recordkeeping, financial
2324 assurance, and closure requirements for such facilities. The
2325 department shall take into account the nature of the waste
2326 accepted at various facilities when establishing these
2327 requirements, and may impose less stringent requirements,
2328 including a system of general permits or registration
2329 requirements, for facilities that accept only a segregated waste
2330 stream which is expected to pose a minimal risk to the
2331 environment and public health, such as clean debris. The
2332 Legislature recognizes that incidental amounts of other types of
2333 solid waste are commonly generated at construction or demolition
2334 projects. In any enforcement action taken pursuant to this
2335 section, the department shall consider the difficulty of
2336 removing these incidental amounts from the waste stream.

2337 (b) The department shall not require liners and leachate
2338 collection systems at individual facilities unless it
2339 demonstrates, based upon the types of waste received, the
2340 methods for controlling types of waste disposed of, the
2341 proximity of groundwater and surface water, and the results of
2342 the hydrogeological and geotechnical investigations, that the

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2343 facility is reasonably expected to result in violations of
2344 groundwater standards and criteria otherwise.

2345 (c) The owner or operator shall provide financial
2346 assurance for closing of the facility in accordance with the
2347 requirements of s. 403.7125. The financial assurance shall cover
2348 the cost of closing the facility and 5 years of long-term care
2349 after closing, unless the department determines, based upon
2350 hydrogeologic conditions, the types of wastes received, or the
2351 groundwater monitoring results, that a different long-term care
2352 period is appropriate. However, unless the owner or operator of
2353 the facility is a local government, the escrow account described
2354 in s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial
2355 assurance mechanism.

2356 (d) The department shall establish training requirements
2357 for operators of facilities, and shall work with the State
2358 University System or other providers to assure that adequate
2359 training courses are available. The department shall also assist
2360 the Florida Home Builders Association in establishing a
2361 component of its continuing education program to address proper
2362 handling of construction and demolition debris, including best
2363 management practices for reducing contamination of the
2364 construction and demolition debris waste stream.

2365 (e) The issuance of a permit under this subsection does
2366 not obviate the need to comply with all applicable zoning and
2367 land use regulations.

2368 (f) A permit is not required under this section for the
2369 disposal of construction and demolition debris on the property
2370 where it is generated, but such property must be covered,
2371 graded, and vegetated as necessary when disposal is complete.

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2372 (g) It is the policy of the Legislature to encourage
2373 facilities to recycle. The department shall establish criteria
2374 and guidelines that encourage recycling where practical and
2375 provide for the use of recycled materials in a manner that
2376 protects the public health and the environment. Facilities are
2377 authorized to recycle, provided such activities do not conflict
2378 with such criteria and guidelines.

2379 (h) The department shall ensure that the requirements of
2380 this section are applied and interpreted consistently throughout
2381 the state. In accordance with s. 20.255, the Division of Waste
2382 Management shall direct the district offices and bureaus on
2383 matters relating to the interpretation and applicability of this
2384 section.

2385 (i) The department shall provide notice of receipt of a
2386 permit application for the initial construction of a
2387 construction and demolition debris disposal facility to the
2388 local governments having jurisdiction where the facility is to
2389 be located.

2390 (j) The Legislature recognizes that recycling, waste
2391 reduction, and resource recovery are important aspects of an
2392 integrated solid waste management program and as such are
2393 necessary to protect the public health and the environment. If
2394 necessary to promote such an integrated program, the county may
2395 determine, after providing notice and an opportunity for a
2396 hearing prior to December 31, 2006 ~~1996~~, that some or all of the
2397 wood material described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~
2398 shall be excluded from the definition of "construction and
2399 demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the
2400 jurisdiction of such county. The county may make such a

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2401 determination only if it finds that, prior to June 1, 2006 ~~1996~~,
2402 the county has established an adequate method for the use or
2403 recycling of such wood material at an existing or proposed solid
2404 waste management facility that is permitted or authorized by the
2405 department on June 1, 2006 ~~1996~~. The county shall not be
2406 required to hold a hearing if the county represents that it
2407 previously has held a hearing for such purpose, nor shall the
2408 county be required to hold a hearing if the county represents
2409 that it previously has held a public meeting or hearing that
2410 authorized such method for the use or recycling of trash or
2411 other nonputrescible waste materials and if the county further
2412 represents that such materials include those materials described
2413 in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide
2414 written notice of its determination to the department by no
2415 later than December 31, 2006 ~~1996~~; thereafter, the wood
2416 materials described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~ shall
2417 be excluded from the definition of "construction and demolition
2418 debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction
2419 of such county. The county may withdraw or revoke its
2420 determination at any time by providing written notice to the
2421 department.

2422 (k) Brazilian pepper and other invasive exotic plant
2423 species as designated by the department resulting from
2424 eradication projects may be processed at permitted construction
2425 and demolition debris recycling facilities or disposed of at
2426 permitted construction and demolition debris disposal facilities
2427 or Class III facilities. The department may adopt rules to
2428 implement this paragraph.

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2429 (10)~~(13)~~ If the department and a local government
2430 independently require financial assurance for the closure of a
2431 privately owned solid waste management facility, the department
2432 and that local government shall enter into an interagency
2433 agreement that will allow the owner or operator to provide a
2434 single financial mechanism to cover the costs of closure ~~and any~~
2435 ~~required long term care~~. The financial mechanism may provide for
2436 the department and local government to be cobeneficiaries or
2437 copayees, but shall not impose duplicative financial
2438 requirements on the owner or operator. These closure costs must
2439 include at least the minimum required by department rules and
2440 must also include any additional costs required by local
2441 ordinance or regulation.

2442 (11)~~(14)~~ Before or on the same day of filing with the
2443 department of an application for a permit to construct or
2444 substantially modify a solid waste management facility, the
2445 applicant shall notify the local government having jurisdiction
2446 over the facility of the filing of the application. The
2447 applicant also shall publish notice of the filing of the
2448 application in a newspaper of general circulation in the area
2449 where the facility will be located. Notice shall be given and
2450 published in accordance with applicable department rules. The
2451 department shall not issue the requested permit until the
2452 applicant has provided the department with proof that the
2453 notices required by this subsection have been given. Issuance of
2454 a permit does not relieve an applicant from compliance with
2455 local zoning or land use ordinances, or with any other law,
2456 rules, or ordinances.

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2457 ~~(12)(15)~~ Construction and demolition debris must be
2458 separated from the solid waste stream and segregated in separate
2459 locations at a solid waste disposal facility or other permitted
2460 site.

2461 ~~(13)(16)~~ No facility, solely by virtue of the fact that it
2462 uses processed yard trash or clean wood or paper waste as a fuel
2463 source, shall be considered to be a solid waste disposal
2464 facility.

2465 Section 25. Section 403.7071, Florida Statutes, is created
2466 to read:

2467 403.7071 Management of storm-generated debris.--Solid
2468 waste generated as a result of a storm event that is the subject
2469 of an emergency order issued by the department may be managed as
2470 follows:

2471 (1) The Department of Environmental Protection may issue
2472 field authorizations for staging areas in those counties
2473 affected by a storm event. Such staging areas may be used for
2474 the temporary storage and management of storm-generated debris,
2475 including the chipping, grinding, or burning of vegetative
2476 debris. Field authorizations may be requested by providing a
2477 notice to the local office of the department containing a
2478 description of the design and operation of the staging area; the
2479 location of the staging area; and the name, address, and
2480 telephone number of the site manager. Field authorizations also
2481 may be issued by the department staff without prior notice.
2482 Written records of all field authorizations shall be created and
2483 maintained by department staff. Field authorizations may include
2484 specific conditions for the operation and closure of the staging
2485 area and shall include a required closure date. A local

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2486 government shall avoid locating a staging area in wetlands and
2487 other surface waters to the greatest extent possible, and the
2488 area that is used or affected by a staging area must be fully
2489 restored upon cessation of use of the area.

2490 (2) Storm-generated vegetative debris managed at a staging
2491 area may be disposed of in a permitted lined or unlined
2492 landfill, a permitted land clearing debris facility, or a
2493 permitted construction and demolition debris disposal facility.
2494 Vegetative debris may also be managed at a permitted waste
2495 processing facility or a registered yard trash processing
2496 facility.

2497 (3) Construction and demolition debris that is mixed with
2498 other storm-generated debris need not be segregated from other
2499 solid waste prior to disposal in a lined landfill. Construction
2500 and demolition debris that is source-separated or is separated
2501 from other hurricane-generated debris at an authorized staging
2502 area, or at another area specifically authorized by the
2503 department, may be managed at a permitted construction and
2504 demolition debris disposal or recycling facility upon approval
2505 by the department of the methods and operational practices used
2506 to inspect the waste during segregation.

2507 (4) Unsalvageable refrigerators and freezers containing
2508 solid waste, such as rotting food, which may create a sanitary
2509 nuisance may be disposed of in a permitted lined landfill;
2510 however, chlorofluorocarbons and capacitors must be removed and
2511 recycled to the greatest extent practicable using techniques and
2512 personnel meeting relevant federal requirements.

2513 (5) Local governments may conduct the burning of storm-
2514 generated yard trash and other vegetative debris in air-curtain

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2515 incinerators without prior notice to the department. Demolition
2516 debris may also be burned in air-curtain incinerators if the
2517 material is limited to untreated wood. Within 10 days after
2518 commencing such burning, the local government shall notify the
2519 department in writing describing the general nature of the
2520 materials burned; the location and method of burning; and the
2521 name, address, and telephone number of the representative of the
2522 local government to contact concerning the work. The operator of
2523 the air-curtain incinerator is subject to any requirement to
2524 obtain an open-burning authorization from the Division of
2525 Forestry or any other agency empowered to grant such
2526 authorization.

2527 Section 26. Section 403.708, Florida Statutes, is amended
2528 to read:

2529 403.708 Prohibition; penalty.--

2530 (1) No person shall:

2531 (a) Place or deposit any solid waste in or on the land or
2532 waters located within the state except in a manner approved by
2533 the department and consistent with applicable approved programs
2534 of counties or municipalities. However, nothing in this act
2535 shall be construed to prohibit the disposal of solid waste
2536 without a permit as provided in s. 403.707(2).

2537 (b) Burn solid waste except in a manner prescribed by the
2538 department and consistent with applicable approved programs of
2539 counties or municipalities.

2540 (c) Construct, alter, modify, or operate a solid waste
2541 management facility or site without first having obtained from
2542 the department any permit required by s. 403.707.

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2543 (2) No beverage shall be sold or offered for sale within
2544 the state in a beverage container designed and constructed so
2545 that the container is opened by detaching a metal ring or tab.

2546 (3) For purposes of subsections (2), (9), and (10):

2547 ~~(a) "Degradable," with respect to any material, means that~~
2548 ~~such material, after being discarded, is capable of decomposing~~
2549 ~~to components other than heavy metals or other toxic substances,~~
2550 ~~after exposure to bacteria, light, or outdoor elements.~~

2551 (a)~~(b)~~ "Beverage" means soda water, carbonated natural or
2552 mineral water, or other nonalcoholic carbonated drinks; soft
2553 drinks, whether or not carbonated; beer, ale, or other malt
2554 drink of whatever alcoholic content; or a mixed wine drink or a
2555 mixed spirit drink.

2556 (b)~~(e)~~ "Beverage container" means an airtight container
2557 which at the time of sale contains 1 gallon or less of a
2558 beverage, or the metric equivalent of 1 gallon or less, and
2559 which is composed of metal, plastic, or glass or a combination
2560 thereof.

2561 (4) The Division of Alcoholic Beverages and Tobacco of the
2562 Department of Business and Professional Regulation may impose a
2563 fine of not more than \$100 on any person currently licensed
2564 pursuant to s. 561.14 for each violation of the provisions of
2565 subsection (2). If the violation is of a continuing nature, each
2566 day during which such violation occurs shall constitute a
2567 separate and distinct offense and shall be subject to a separate
2568 fine.

2569 (5) The Department of Agriculture and Consumer Services
2570 may impose a fine of not more than \$100 on any person not
2571 currently licensed pursuant to s. 561.14 for each violation of
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2572 the provisions of subsection (2). If the violation is of a
2573 continuing nature, each day during which such violation occurs
2574 shall constitute a separate and distinct offense and shall be
2575 subject to a separate fine.

2576 (6) Fifty percent of each fine collected pursuant to
2577 subsections (4) and (5) shall be deposited into the Solid Waste
2578 Management Trust Fund. The balance of fines collected pursuant
2579 to subsection (4) shall be deposited into the Alcoholic Beverage
2580 and Tobacco Trust Fund for the use of the division for
2581 inspection and enforcement of the provisions of this section.
2582 The balance of fines collected pursuant to subsection (5) shall
2583 be deposited into the General Inspection Trust Fund for the use
2584 of the Department of Agriculture and Consumer Services for
2585 inspection and enforcement of the provisions of this section.

2586 (7) The Division of Alcoholic Beverages and Tobacco and
2587 the Department of Agriculture and Consumer Services shall
2588 coordinate their responsibilities under the provisions of this
2589 section to ensure that inspections and enforcement are
2590 accomplished in an efficient, cost-effective manner.

2591 (8) A person may not distribute, sell, or expose for sale
2592 in this state any plastic bottle or rigid container intended for
2593 single use unless such container has a molded label indicating
2594 the plastic resin used to produce the plastic container. The
2595 label must appear on or near the bottom of the plastic container
2596 product and be clearly visible. This label must consist of a
2597 number placed inside a triangle and letters placed below the
2598 triangle. The triangle must be equilateral and must be formed by
2599 three arrows, and, in the middle of each arrow, there must be a
2600 rounded bend that forms one apex of the triangle. The pointer,
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2601 or arrowhead, of each arrow must be at the midpoint of a side of
2602 the triangle, and a short gap must separate each pointer from
2603 the base of the adjacent arrow. The three curved arrows that
2604 form the triangle must depict a clockwise path around the code
2605 number. Plastic bottles of less than 16 ounces, rigid plastic
2606 containers of less than 8 ounces, and plastic casings on lead-
2607 acid storage batteries are not required to be labeled under this
2608 section. The numbers and letters must be as follows:

2609 (a) For polyethylene terephthalate, the letters "PETE" and
2610 the number 1.

2611 (b) For high-density polyethylene, the letters "HDPE" and
2612 the number 2.

2613 (c) For vinyl, the letter "V" and the number 3.

2614 (d) For low-density polyethylene, the letters "LDPE" and
2615 the number 4.

2616 (e) For polypropylene, the letters "PP" and the number 5.

2617 (f) For polystyrene, the letters "PS" and the number 6.

2618 (g) For any other, the letters "OTHER" and the number 7.

2619 (9) No person shall distribute, sell, or expose for sale
2620 in this state any product packaged in a container or packing
2621 material manufactured with fully halogenated chlorofluorocarbons
2622 (CFC). Producers of containers or packing material manufactured
2623 with chlorofluorocarbons (CFC) are urged to introduce
2624 alternative packaging materials which are environmentally
2625 compatible.

2626 (10) The packaging of products manufactured or sold in the
2627 state may not be controlled by governmental rule, regulation, or
2628 ordinance adopted after March 1, 1974, other than as expressly
2629 provided in this act.

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2630 (11) Violations of this part or rules, regulations,
2631 permits, or orders issued thereunder by the department and
2632 violations of approved local programs of counties or
2633 municipalities or rules, regulations, or orders issued
2634 thereunder shall be punishable by a civil penalty as provided in
2635 s. 403.141.

2636 (12) The department or any county or municipality may also
2637 seek to enjoin the violation of, or enforce compliance with,
2638 this part or any program adopted hereunder as provided in s.
2639 403.131.

2640 (13) In accordance with the following schedule, no person
2641 who knows or who should know of the nature of such solid waste
2642 shall dispose of such solid waste in landfills:

2643 (a) Lead-acid batteries, ~~after January 1, 1989~~. Lead-acid
2644 batteries also may ~~shall~~ not be disposed of in any waste-to-
2645 energy facility ~~after January 1, 1989~~. To encourage proper
2646 collection and recycling, all persons who sell lead-acid
2647 batteries at retail shall accept used lead-acid batteries as
2648 trade-ins for new lead-acid batteries.

2649 (b) Used oil, ~~after October 1, 1988~~.

2650 (c) Yard trash, ~~after January 1, 1992~~, except in lined
2651 ~~unlined~~ landfills classified by department rule as Class I
2652 landfills. Yard trash that is source separated from solid waste
2653 may be accepted at a solid waste disposal area where the area
2654 provides and maintains separate yard trash composting
2655 facilities. The department recognizes that incidental amounts of
2656 yard trash may be disposed of in Class I ~~lined~~ landfills. In any
2657 enforcement action taken pursuant to this paragraph, the

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2658 department shall consider the difficulty of removing incidental
2659 amounts of yard trash from a mixed solid waste stream.

2660 (d) White goods, ~~after January 1, 1990.~~

2661
2662 ~~Prior to the effective dates specified in paragraphs (a) (d),~~
2663 ~~the department shall identify and assist in developing~~
2664 ~~alternative disposal, processing, or recycling options for the~~
2665 ~~solid wastes identified in paragraphs (a) (d).~~

2666 Section 27. Section 403.709, Florida Statutes, is amended
2667 to read:

2668 403.709 Solid Waste Management Trust Fund; use of waste
2669 tire fees.--There is created the Solid Waste Management Trust
2670 Fund, to be administered by the department.

2671 (1) ~~From~~ The annual revenues deposited in the trust fund,
2672 unless otherwise specified in the General Appropriations Act,
2673 shall be used for the following purposes:

2674 ~~(a)(1) Up to 40 percent shall be used for~~ Funding solid
2675 waste activities of the department and other state agencies,
2676 such as providing technical assistance to local governments and
2677 the private sector, performing solid waste regulatory and
2678 enforcement functions, preparing solid waste documents, and
2679 implementing solid waste education programs.

2680 ~~(b)(2) Up to 4.5 percent shall be used for~~ Funding
2681 research and training programs relating to solid waste
2682 management through the Center for Solid and Hazardous Waste
2683 Management and other organizations which can reasonably
2684 demonstrate the capability to carry out such projects.

2685 ~~(c)(3) Up to 11 percent shall be used for~~ Funding to
2686 supplement any other funds provided to the Department of
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2687 Agriculture and Consumer Services for mosquito control. This
2688 distribution shall be annually transferred to the General
2689 Inspection Trust Fund in the Department of Agriculture and
2690 Consumer Services to be used for mosquito control, especially
2691 control of West Nile Virus.

2692 ~~(d)(4) Up to 4.5 percent shall be used for Funding to the~~
2693 Department of Transportation for litter prevention and control
2694 programs ~~coordinated by Keep Florida Beautiful, Inc.~~

2695 ~~(e)(5) A minimum of 40 percent shall be used for Funding a~~
2696 competitive and innovative grant program pursuant to s. 403.7095
2697 for activities relating to recycling and reducing the volume of
2698 municipal solid waste, including waste tires requiring final
2699 disposal.

2700 ~~(2)(6)~~ The department shall recover to the use of the fund
2701 from the site owner or the person responsible for the
2702 accumulation of tires at the site, jointly and severally, all
2703 sums expended from the fund pursuant to this section to manage
2704 tires at an illegal waste tire site, except that the department
2705 may decline to pursue such recovery if it finds the amount
2706 involved too small or the likelihood of recovery too uncertain.
2707 If a court determines that the owner is unable or unwilling to
2708 comply with the rules adopted pursuant to this section or s.
2709 403.717, the court may authorize the department to take
2710 possession and control of the waste tire site in order to
2711 protect the health, safety, and welfare of the community and the
2712 environment.

2713 ~~(3)(7)~~ The department may impose a lien on the real
2714 property on which the waste tire site is located and the waste
2715 tires equal to the estimated cost to bring the tire site into
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2716 compliance, including attorney's fees and court costs. Any owner
2717 whose property has such a lien imposed may release her or his
2718 property from any lien claimed under this subsection by filing
2719 with the clerk of the circuit court a cash or surety bond,
2720 payable to the department in the amount of the estimated cost of
2721 bringing the tire site into compliance with department rules,
2722 including attorney's fees and court costs, or the value of the
2723 property after the abatement action is complete, whichever is
2724 less. No lien provided by this subsection shall continue for a
2725 period longer than 4 years after the completion of the abatement
2726 action unless within that time an action to enforce the lien is
2727 commenced in a court of competent jurisdiction. The department
2728 may take action to enforce the lien in the same manner used for
2729 construction liens under part I of chapter 713.

2730 (4)-(8) This section does not limit the use of other
2731 remedies available to the department.

2732 Section 28. Subsection (5) of section 403.7095, Florida
2733 Statutes, is amended to read:

2734 403.7095 Solid waste management grant program.--

2735 (5) From the funds made available pursuant to s.
2736 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by
2737 this section, the following distributions shall be made:

2738 (a) Up to 15 percent for the program described in
2739 subsection (1);

2740 (b) Up to 35 percent for the program described in
2741 subsection (3); and

2742 (c) Up to 50 percent for the program described in
2743 subsection (4).

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2744 Section 29. Section 403.7125, Florida Statutes, is amended
2745 to read:

2746 403.7125 Financial assurance for closure ~~Landfill~~
2747 ~~management escrow account.~~---

2748 ~~(1) As used in this section:~~

2749 ~~(a) "Landfill" means any solid waste land disposal area~~
2750 ~~for which a permit, other than a general permit, is required by~~
2751 ~~s. 403.707 that receives solid waste for disposal in or upon~~
2752 ~~land other than a land spreading site, injection well, or a~~
2753 ~~surface impoundment.~~

2754 ~~(b) "Closure" means the ceasing operation of a landfill~~
2755 ~~and securing such landfill so that it does not pose a~~
2756 ~~significant threat to public health or the environment and~~
2757 ~~includes long term monitoring and maintenance of a landfill.~~

2758 ~~(c) "Owner or operator" means, in addition to the usual~~
2759 ~~meanings of the term, any owner of record of any interest in~~
2760 ~~land whereon a landfill is or has been located and any person or~~
2761 ~~corporation which owns a majority interest in any other~~
2762 ~~corporation which is the owner or operator of a landfill.~~

2763 ~~(1)(2)~~ Every owner or operator of a landfill is jointly
2764 and severally liable for the improper operation and closure of
2765 the landfill, as provided by law. As used in this section, the
2766 term "owner or operator" means any owner of record of any
2767 interest in land wherein a landfill is or has been located and
2768 any person or corporation that owns a majority interest in any
2769 other corporation that is the owner or operator of a landfill.

2770 ~~(2)(3)~~ The owner or operator of a landfill owned or
2771 operated by a local or state government or the Federal
2772 Government shall establish a fee, or a surcharge on existing
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2773 fees or other appropriate revenue-producing mechanism, to ensure
2774 the availability of financial resources for the proper closure
2775 of the landfill. However, the disposal of solid waste by persons
2776 on their own property, as described in s. 403.707(2), is exempt
2777 from the provisions of this section.

2778 (a) The revenue-producing mechanism must produce revenue
2779 at a rate sufficient to generate funds to meet state and federal
2780 landfill closure requirements.

2781 (b) The revenue shall be deposited in an interest-bearing
2782 escrow account to be held and administered by the owner or
2783 operator. The owner or operator shall file with the department
2784 an annual audit of the account. The audit shall be conducted by
2785 an independent certified public accountant. Failure to collect
2786 or report such revenue, except as allowed in subsection (3) ~~(4)~~,
2787 is a noncriminal violation punishable by a fine of not more than
2788 \$5,000 for each offense. The owner or operator may make
2789 expenditures from the account and its accumulated interest only
2790 for the purpose of landfill closure and, if such expenditures do
2791 not deplete the fund to the detriment of eventual closure, for
2792 planning and construction of resource recovery or landfill
2793 facilities. Any moneys remaining in the account after paying for
2794 proper and complete closure, as determined by the department,
2795 shall, if the owner or operator does not operate a landfill, be
2796 deposited by the owner or operator into the general fund or the
2797 appropriate solid waste fund of the local government of
2798 jurisdiction.

2799 (c) The revenue generated under this subsection and any
2800 accumulated interest thereon may be applied to the payment of,
2801 or pledged as security for, the payment of revenue bonds issued
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2802 in whole or in part for the purpose of complying with state and
2803 federal landfill closure requirements. Such application or
2804 pledge may be made directly in the proceedings authorizing such
2805 bonds or in an agreement with an insurer of bonds to assure such
2806 insurer of additional security therefor.

2807 (d) The provisions of s. 212.055 that relate to raising of
2808 revenues for landfill closure or long-term maintenance do not
2809 relieve a landfill owner or operator from the obligations of
2810 this section.

2811 (e) The owner or operator of any landfill that had
2812 established an escrow account in accordance with this section
2813 and the conditions of its permit prior to January 1, 2006, may
2814 continue to use that escrow account to provide financial
2815 assurance for closure of that landfill, even if that landfill is
2816 not owned or operated by a local or state government or the
2817 Federal Government.

2818 (3)(4) An owner or operator of a landfill owned or
2819 operated by a local or state government or by the Federal
2820 Government may provide financial assurance to establish proof of
2821 financial responsibility with the department in lieu of the
2822 requirements of subsection (2) (3). An owner or operator of any
2823 other landfill, or any other solid waste management facility
2824 designated by department rule, shall provide financial assurance
2825 to the department for the closure of the facility. Such
2826 financial assurance ~~proof~~ may include surety bonds, certificates
2827 of deposit, securities, letters of credit, or other documents
2828 showing that the owner or operator has sufficient financial
2829 resources to cover, at a minimum, the costs of complying with

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2830 ~~applicable landfill~~ closure requirements. The owner or operator
2831 shall estimate such costs to the satisfaction of the department.

2832 ~~(4)(5)~~ This section does not repeal, limit, or abrogate
2833 any other law authorizing local governments to fix, levy, or
2834 charge rates, fees, or charges for the purpose of complying with
2835 state and federal landfill closure requirements.

2836 ~~(5)(6)~~ The department shall adopt rules to implement this
2837 section.

2838 Section 30. Section 403.716, Florida Statutes, is amended
2839 to read:

2840 403.716 Training of operators of solid waste management
2841 and other facilities.--

2842 (1) The department shall establish qualifications for, and
2843 encourage the development of training programs for, operators of
2844 landfills, coordinators of local recycling programs, ~~operators~~
2845 ~~of waste to energy facilities, biomedical waste incinerators,~~
2846 ~~and mobile soil thermal treatment units or facilities,~~ and
2847 operators of other solid waste management facilities.

2848 (2) The department shall work with accredited community
2849 colleges, career centers, state universities, and private
2850 institutions in developing educational materials, courses of
2851 study, and other such information to be made available for
2852 persons seeking to be trained as operators of solid waste
2853 management facilities.

2854 (3) A person may not perform the duties of an operator of
2855 a landfill, ~~or perform the duties of an operator of a waste to~~
2856 ~~energy facility, biomedical waste incinerator, or mobile soil~~
2857 ~~thermal treatment unit or facility,~~ unless she or he has
2858 completed an operator training course approved by the department
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2859 or she or he has qualified as an interim operator in compliance
2860 with requirements established by the department by rule. An
2861 owner of a landfill, ~~waste to energy facility, biomedical waste~~
2862 ~~incinerator, or mobile soil thermal treatment unit or facility~~
2863 may not employ any person to perform the duties of an operator
2864 unless such person has completed an approved landfill, ~~waste to~~
2865 ~~energy facility, biomedical waste incinerator, or mobile soil~~
2866 ~~thermal treatment unit or facility~~ operator training course, as
2867 appropriate, or has qualified as an interim operator in
2868 compliance with requirements established by the department by
2869 rule. The department may establish by rule operator training
2870 requirements for other solid waste management facilities and
2871 facility operators.

2872 (4) The department has authority to adopt minimum
2873 standards and other rules pursuant to ss. 120.536(1) and 120.54
2874 to implement the provisions of this section. The department
2875 shall ensure the safe, healthy, and lawful operation of solid
2876 waste management facilities in this state. The department may
2877 establish by rule various classifications for operators to cover
2878 the need for differing levels of training required to operate
2879 various types of solid waste management facilities due to
2880 different operating requirements at such facilities.

2881 (5) For purposes of this section, the term "operator"
2882 means any person, including the owner, who is principally
2883 engaged in, and is in charge of, the actual operation,
2884 supervision, and maintenance of a solid waste management
2885 facility and includes the person in charge of a shift or period
2886 of operation during any part of the day.

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2887 Section 31. Section 403.717, Florida Statutes, is amended
2888 to read:

2889 403.717 Waste tire and lead-acid battery requirements.--

2890 (1) For purposes of this section and ss. 403.718 and
2891 403.7185:

2892 (a) "Department" means the Department of Environmental
2893 Protection.

2894 (b) "Motor vehicle" means an automobile, motorcycle,
2895 truck, trailer, semitrailer, truck tractor and semitrailer
2896 combination, or any other vehicle operated in this state, used
2897 to transport persons or property and propelled by power other
2898 than muscular power, but the term does not include traction
2899 engines, road rollers, such vehicles as run only upon a track,
2900 bicycles, mopeds, or farm tractors and trailers.

2901 (c) "Tire" means a continuous solid or pneumatic rubber
2902 covering encircling the wheel of a motor vehicle.

2903 (d) "Waste tire" means a tire that has been removed from a
2904 motor vehicle and has not been retreaded or regrooved. "Waste
2905 tire" includes, but is not limited to, used tires and processed
2906 tires. The term does not include solid rubber tires and tires
2907 that are inseparable from the rim.

2908 (e) "Waste tire collection center" means a site where
2909 waste tires are collected from the public prior to being offered
2910 for recycling and where fewer than 1,500 tires are kept on the
2911 site on any given day.

2912 (f) "Waste tire processing facility" means a site where
2913 equipment is used to treat waste tires mechanically, chemically,
2914 or thermally so that the resulting material is a marketable
2915 product or is suitable for proper disposal ~~recapture reusable~~
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2916 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~
2917 ~~waste tires so that they are no longer whole.~~ The term includes
2918 mobile waste tire processing equipment.

2919 (g) "Waste tire site" means a site at which 1,500 or more
2920 waste tires are accumulated.

2921 (h) "Lead-acid battery" means a ~~those~~ lead-acid battery
2922 ~~batteries~~ designed for use in motor vehicles, vessels, and
2923 aircraft, and includes such batteries when sold new as a
2924 component part of a motor vehicle, vessel, or aircraft, but not
2925 when sold to recycle components.

2926 (i) "Indoor" means within a structure that ~~which~~ excludes
2927 rain and public access and would control air flows in the event
2928 of a fire.

2929 (j) "Processed tire" means a tire that has been treated
2930 mechanically, chemically, or thermally so that the resulting
2931 material is a marketable product or is suitable for proper
2932 disposal.

2933 (k) "Used tire" means a waste tire which has a minimum
2934 tread depth of 3/32 inch or greater and is suitable for use on a
2935 motor vehicle.

2936 (2) The owner or operator of any waste tire site shall
2937 provide the department with information concerning the site's
2938 location, size, and the approximate number of waste tires that
2939 are accumulated at the site and shall initiate steps to comply
2940 with subsection (3).

2941 (3) (a) A person may not maintain a waste tire site unless
2942 such site is:

2943 1. An integral part of the person's permitted waste tire
2944 processing facility; or

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2945 2. Used for the storage of waste tires prior to processing
2946 and is located at a permitted solid waste management facility.

2947 (b) It is unlawful for any person to dispose of waste
2948 tires or processed tires in the state except at a permitted
2949 solid waste management facility. Collection or storage of waste
2950 tires at a permitted waste tire processing facility or waste
2951 tire collection center prior to processing or use does not
2952 constitute disposal, provided that the collection and storage
2953 complies with rules established by the department.

2954 (c) Whole waste tires may not be deposited in a landfill
2955 as a method of ultimate disposal.

2956 (d) A person may not contract with a waste tire collector
2957 for the transportation, disposal, or processing of waste tires
2958 unless the collector is registered with the department or exempt
2959 from requirements provided under this section. Any person who
2960 contracts with a waste tire collector for the transportation of
2961 more than 25 waste tires per month from a single business
2962 location must maintain records for that location and make them
2963 available for review by the department or by law enforcement
2964 officers, which records must contain the date when the tires
2965 were transported, the quantity of tires, the registration number
2966 of the collector, and the name of the driver.

2967 (4) The department shall adopt rules to carry out the
2968 provisions of this section and s. 403.718. Such rules shall:

2969 (a) Provide for the administration or revocation of waste
2970 tire processing facility permits, including mobile processor
2971 permits;

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2972 (b) Provide for the administration or revocation of waste
2973 tire collector registrations, the fees for which may not exceed
2974 \$50 per vehicle registered annually;

2975 (c) Provide for the administration or revocation of waste
2976 tire collection center permits, the fee for which may not exceed
2977 \$250 annually;

2978 (d) Set standards, including financial assurance
2979 standards, for waste tire processing facilities and associated
2980 waste tire sites, waste tire collection centers, waste tire
2981 collectors, and for the storage of waste tires and processed
2982 tires, including storage indoors;

2983 (e) The department may by rule exempt not-for-hire waste
2984 tire collectors and processing facilities from financial
2985 assurance requirements;

2986 (f) Authorize the final disposal of waste tires at a
2987 permitted solid waste disposal facility provided the tires have
2988 been cut into sufficiently small parts to assure their proper
2989 disposal; and

2990 (g) Allow waste tire material which has been cut into
2991 sufficiently small parts to be used as daily cover material for
2992 a landfill.

2993 ~~(5) A permit is not required for tire storage at:~~

2994 ~~(a) A tire retreading business where fewer than 1,500~~
2995 ~~waste tires are kept on the business premises;~~

2996 ~~(b) A business that, in the ordinary course of business,~~
2997 ~~removes tires from motor vehicles if fewer than 1,500 of these~~
2998 ~~tires are kept on the business premises; or~~

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2999 ~~(c) A retail tire selling business which is serving as a~~
3000 ~~waste tire collection center if fewer than 1,500 waste tires are~~
3001 ~~kept on the business premises.~~

3002 (5)~~(6)~~(a) The department shall encourage the voluntary
3003 establishment of waste tire collection centers at retail tire-
3004 selling businesses, waste tire processing facilities, and solid
3005 waste disposal facilities, to be open to the public for the
3006 deposit of waste tires.

3007 (b) The department is authorized to establish an
3008 incentives program for individuals to encourage them to return
3009 their waste tires to a waste tire collection center. The
3010 incentives used by the department may involve the use of
3011 discount or prize coupons, prize drawings, promotional
3012 giveaways, or other activities the department determines will
3013 promote collection, reuse, volume reduction, and proper disposal
3014 of waste tires.

3015 (c) The department may contract with a promotion company
3016 to administer the incentives program.

3017 Section 32. Section 403.7221, Florida Statutes, is
3018 transferred, renumbered as section 403.70715, Florida Statutes,
3019 and amended to read:

3020 403.70715 ~~403.7221~~ Research, development, and
3021 demonstration permits.--

3022 (1) The department may issue a research, development, and
3023 demonstration permit to the owner or operator of any solid waste
3024 management facility, including any hazardous waste management
3025 facility, who proposes to utilize an innovative and experimental
3026 solid waste treatment technology or process for which permit
3027 standards have not been promulgated. Permits shall:

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3028 (a) Provide for construction and operation of the facility
3029 for not longer than 3 years ~~1 year~~, renewable no more than 3
3030 times.

3031 (b) Provide for the receipt and treatment by the facility
3032 of only those types and quantities of solid waste which the
3033 department deems necessary for purposes of determining the
3034 performance capabilities of the technology or process and the
3035 effects of such technology or process on human health and the
3036 environment.

3037 (c) Include requirements the department deems necessary
3038 which may include monitoring, operation, testing, financial
3039 responsibility, closure, and remedial action.

3040 (2) The department may apply the criteria set forth in
3041 this section in establishing the conditions of each permit
3042 without separate establishment of rules implementing such
3043 criteria.

3044 (3) For the purpose of expediting review and issuance of
3045 permits under this section, the department may, consistent with
3046 the protection of human health and the environment, modify or
3047 waive permit application and permit issuance requirements,
3048 except that there shall be no modification or waiver of
3049 regulations regarding financial responsibility or of procedures
3050 established regarding public participation.

3051 (4) The department may order an immediate termination of
3052 all operations at the facility at any time upon a determination
3053 that termination is necessary to protect human health and the
3054 environment.

3055 Section 33. Subsection (2) of section 403.201, Florida
3056 Statutes, is amended to read:

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3057 403.201 Variances.--

3058 (2) No variance shall be granted from any provision or
3059 requirement concerning discharges of waste into waters of the
3060 state or hazardous waste management which would result in the
3061 provision or requirement being less stringent than a comparable
3062 federal provision or requirement, except as provided in s.
3063 403.70715 ~~s. 403.7221~~.

3064 Section 34. Section 403.722, Florida Statutes, is amended
3065 to read:

3066 403.722 Permits; hazardous waste disposal, storage, and
3067 treatment facilities.--

3068 (1) Each person who intends to or is required to
3069 construct, modify, operate, or close a hazardous waste disposal,
3070 storage, or treatment facility shall obtain a construction
3071 permit, operation permit, postclosure permit, clean closure plan
3072 approval, or corrective action permit from the department prior
3073 to constructing, modifying, operating, or closing the facility.
3074 By rule, the department may provide for the issuance of a single
3075 permit instead of any two or more hazardous waste facility
3076 permits.

3077 (2) Any owner or operator of a hazardous waste facility in
3078 operation on the effective date of the department rule listing
3079 and identifying hazardous wastes shall file an application for a
3080 temporary operation permit within 6 months after the effective
3081 date of such rule. The department, upon receipt of a properly
3082 completed application, shall identify any department rules which
3083 are being violated by the facility and shall establish a
3084 compliance schedule. However, if the department determines that
3085 an imminent hazard exists, the department may take any necessary

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3086 action pursuant to s. 403.726 to abate the hazard. The
3087 department shall issue a temporary operation permit to such
3088 facility within the time constraints of s. 120.60 upon
3089 submission of a properly completed application which is in
3090 conformance with this subsection. Temporary operation permits
3091 for such facilities shall be issued for up to 3 years only. Upon
3092 termination of the temporary operation permit and upon proper
3093 application by the facility owner or operator, the department
3094 shall issue an operation permit for such existing facilities if
3095 the applicant has corrected all of the deficiencies identified
3096 in the temporary operation permit and is in compliance with all
3097 other rules adopted pursuant to this act.

3098 (3) ~~Permit~~ Applicants shall provide any information that
3099 ~~which~~ will enable the department to determine that the proposed
3100 construction, modification, operation, ~~or~~ closure, or corrective
3101 action will comply with this act and any applicable rules. In no
3102 instance shall any person construct, modify, operate, or close a
3103 facility or perform corrective actions at a facility in
3104 contravention of the standards, requirements, or criteria for a
3105 hazardous waste facility. Authorizations ~~Permits~~ issued under
3106 this section may include any permit conditions necessary to
3107 achieve compliance with applicable hazardous waste rules and
3108 necessary to protect human health and the environment.

3109 (4) The department may require, in an ~~a permit~~
3110 application, submission of information concerning matters
3111 specified in s. 403.721(6) as well as information respecting:

3112 (a) Estimates of the composition, quantity, and
3113 concentration of any hazardous waste identified or listed under
3114 this act or combinations of any such waste and any other solid
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3115 waste, proposed to be disposed of, treated, transported, or
3116 stored and the time, frequency, or rate at which such waste is
3117 proposed to be disposed of, treated, transported, or stored; and

3118 (b) The site to which such hazardous waste or the products
3119 of treatment of such hazardous waste will be transported and at
3120 which it will be disposed of, treated, or stored.

3121 (5) An authorization ~~A permit~~ issued pursuant to this
3122 section is not a vested right. The department may revoke or
3123 modify any such authorization ~~permit~~.

3124 (a) Authorizations ~~Permits~~ may be revoked for failure of
3125 the holder to comply with the provisions of this act, the terms
3126 of the authorization ~~permit~~, the standards, requirements, or
3127 criteria adopted pursuant to this act, or an order of the
3128 department; for refusal by the holder to allow lawful
3129 inspection; for submission by the holder of false or inaccurate
3130 information in the permit application; or if necessary to
3131 protect the public health or the environment.

3132 (b) Authorizations ~~Permits~~ may be modified, upon request
3133 of the holder ~~permittee~~, if such modification is not in
3134 violation of this act or department rules or if the department
3135 finds the modification necessary to enable the facility to
3136 remain in compliance with this act and department rules.

3137 (c) An owner or operator of a hazardous waste facility in
3138 existence on the effective date of a department rule changing an
3139 exemption or listing and identifying the hazardous wastes that
3140 ~~which~~ require that facility to be permitted who notifies the
3141 department pursuant to s. 403.72, and who has applied for a
3142 permit pursuant to subsection (2), may continue to operate until
3143 ~~be~~ issued a temporary operation permit. If such owner or

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3144 operator intends to or is required to discontinue operation, the
3145 temporary operation permit must include final closure
3146 conditions.

3147 (6) A hazardous waste facility permit issued pursuant to
3148 this section shall satisfy the permit requirements of s.
3149 403.707(1). The permit exemptions provided in s. 403.707(2)
3150 shall not apply to hazardous waste.

3151 (7) The department may establish ~~permit~~ application
3152 procedures for hazardous waste facilities, which procedures may
3153 vary based on differences in amounts, types, and concentrations
3154 of hazardous waste and on differences in the size and location
3155 of facilities and which procedures may take into account
3156 permitting procedures of other laws not in conflict with this
3157 act.

3158 (8) For authorizations ~~permits~~ required by this section,
3159 the department may require that a fee be paid and may establish,
3160 by rule, a fee schedule based on the degree of hazard and the
3161 amount and type of hazardous waste disposed of, stored, or
3162 treated at the facility.

3163 (9) It shall not be a requirement for the issuance of ~~such~~
3164 a hazardous waste authorization ~~permit~~ that the facility
3165 complies with an adopted local government comprehensive plan,
3166 local land use ordinances, zoning ordinances or regulations, or
3167 other local ordinances. However, such an authorization ~~a permit~~
3168 issued by the department shall not override adopted local
3169 government comprehensive plans, local land use ordinances,
3170 zoning ordinances or regulations, or other local ordinances.

3171 (10) Notwithstanding ss. 120.60(1) and 403.815:

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3172 (a) The time specified by law for permit review shall be
3173 tolled by the request of the department for publication of
3174 notice of proposed agency action to issue a permit for a
3175 hazardous waste treatment, storage, or disposal facility and
3176 shall resume 45 days after receipt by the department of proof of
3177 publication. If, within 45 days after publication of the notice
3178 of the proposed agency action, the department receives written
3179 notice of opposition to the intention of the agency to issue
3180 such permit and receives a request for a hearing, the department
3181 shall provide for a hearing pursuant to ss. 120.569 and 120.57,
3182 if requested by a substantially affected party, or an informal
3183 public meeting, if requested by any other person. The failure to
3184 request a hearing within 45 days after publication of the notice
3185 of the proposed agency action constitutes a waiver of the right
3186 to a hearing under ss. 120.569 and 120.57. The permit review
3187 time period shall continue to be tolled until the completion of
3188 such hearing or meeting and shall resume within 15 days after
3189 conclusion of a public hearing held on the application or within
3190 45 days after the recommended order is submitted to the agency
3191 and the parties, whichever is later.

3192 (b) Within 60 days after receipt of an application for a
3193 hazardous waste facility permit, the department shall examine
3194 the application, notify the applicant of any apparent errors or
3195 omissions, and request any additional information the department
3196 is permitted by law to require. The failure to correct an error
3197 or omission or to supply additional information shall not be
3198 grounds for denial of the permit unless the department timely
3199 notified the applicant within the 60-day period, except that
3200 this paragraph does not prevent the department from denying an

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3201 application if the department does not possess sufficient
3202 information to ensure that the facility is in compliance with
3203 applicable statutes and rules.

3204 (c) The department shall approve or deny each hazardous
3205 waste facility permit within 135 days after receipt of the
3206 original application or after receipt of the requested
3207 additional information or correction of errors or omissions.
3208 However, the failure of the department to approve or deny within
3209 the 135-day time period does not result in the automatic
3210 approval or denial of the permit and does not prevent the
3211 inclusion of specific permit conditions which are necessary to
3212 ensure compliance with applicable statutes and rules. If the
3213 department fails to approve or deny the permit within the 135-
3214 day period, the applicant may petition for a writ of mandamus to
3215 compel the department to act consistently with applicable
3216 regulatory requirements.

3217 (11) Hazardous waste facility operation permits shall be
3218 issued for no more than 5 years.

3219 (12) On the same day of filing with the department of an
3220 application for a permit for the construction modification, or
3221 operation of a hazardous waste facility, the applicant shall
3222 notify each city and county within 1 mile of the facility of the
3223 filing of the application and shall publish notice of the filing
3224 of the application. The applicant shall publish a second notice
3225 of the filing within 14 days after the date of filing. Each
3226 notice shall be published in a newspaper of general circulation
3227 in the county in which the facility is located or is proposed to
3228 be located. Notwithstanding the provisions of chapter 50, for
3229 purposes of this section, a "newspaper of general circulation"
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3230 shall be the newspaper within the county in which the
3231 installation or facility is proposed which has the largest daily
3232 circulation in that county and has its principal office in that
3233 county. If the newspaper with the largest daily circulation has
3234 its principal office outside the county, the notice shall appear
3235 in both the newspaper with the largest daily circulation in that
3236 county, and a newspaper authorized to publish legal notices in
3237 that county. The notice shall contain:

3238 (a) The name of the applicant and a brief description of
3239 the project and its location.

3240 (b) The location of the application file and when it is
3241 available for public inspection.

3242
3243 The notice shall be prepared by the applicant and shall comply
3244 with the following format:

3245
3246 Notice of Application

3247
3248 The Department of Environmental Protection announces receipt of
3249 an application for a permit from (name of applicant) to (brief
3250 description of project). This proposed project will be located
3251 at (location) in (county) (city).

3252
3253 This application is being processed and is available for public
3254 inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,
3255 Monday through Friday, except legal holidays, at (name and
3256 address of office).

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3258 (13) A permit for the construction, modification, or
3259 operation of a hazardous waste facility which initially was
3260 issued under authority of this section, may not be transferred
3261 by the permittee to any other entity, except in conformity with
3262 the requirements of this subsection.

3263 (a) At least 30 days prior to the sale or legal transfer
3264 of a permitted facility, the permittee shall file with the
3265 department an application for transfer of the permits on such
3266 form as the department shall establish by rule. The form must be
3267 completed with the notarized signatures of both the transferring
3268 permittee and the proposed permittee.

3269 (b) The department shall approve the transfer of a permit
3270 unless it determines that the proposed permittee has not
3271 provided reasonable assurances that the proposed permittee has
3272 the administrative, technical, and financial capability to
3273 properly satisfy the requirements and conditions of the permit,
3274 as determined by department rule. The determination shall be
3275 limited solely to the ability of the proposed permittee to
3276 comply with the conditions of the existing permit, and it shall
3277 not concern the adequacy of the permit conditions. If the
3278 department proposes to deny the transfer, it shall provide both
3279 the transferring permittee and the proposed permittee a written
3280 objection to such transfer together with notice of a right to
3281 request a proceeding on such determination under chapter 120.

3282 (c) Within 90 days after receiving a properly completed
3283 application for transfer of permit, the department shall issue a
3284 final determination. The department may toll the time for making
3285 a determination on the transfer by notifying both the
3286 transferring permittee and the proposed permittee that

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3287 additional information is required to adequately review the
3288 transfer request. Such notification shall be served within 30
3289 days after receipt of an application for transfer of permit,
3290 completed pursuant to paragraph (a). However, the failure of the
3291 department to approve or deny within the 90-day time period does
3292 not result in the automatic approval or denial of the transfer.
3293 If the department fails to approve or deny the transfer within
3294 the 90-day period, the applicant may petition for a writ of
3295 mandamus to compel the department to act consistently with
3296 applicable regulatory requirements.

3297 (d) The transferring permittee is encouraged to apply for
3298 a permit transfer well in advance of the sale or legal transfer
3299 of a permitted facility. However, the transfer or the permit
3300 shall not be effective prior to the sale or legal transfer of
3301 the facility.

3302 (e) Until the transfer of the permit is approved by the
3303 department, the transferring permittee and any other person
3304 constructing, operating, or maintaining the permitted facility
3305 shall be liable for compliance with the terms of the permit.
3306 Nothing in this section shall relieve the transferring permittee
3307 of liability for corrective actions that may be required as a
3308 result of any violations occurring prior to the legal transfer
3309 of the permit.

3310 Section 35. Subsection (2) of section 403.7226, Florida
3311 Statutes, is amended to read:

3312 403.7226 Technical assistance by the department.--The
3313 department shall:

3314 (2) Identify short-term needs and long-term needs for
3315 hazardous waste management for the state on the basis of the
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3316 information gathered through the local hazardous waste
3317 management assessments and other information from state and
3318 federal regulatory agencies and sources. The state needs
3319 assessment must be ongoing and must be updated when new data
3320 concerning waste generation and waste management technologies
3321 become available. ~~The department shall annually send a copy of~~
3322 ~~this assessment to the Governor and to the Legislature.~~

3323 Section 36. Subsection (3) of section 403.724, Florida
3324 Statutes, is amended to read:

3325 403.724 Financial responsibility.--

3326 (3) The amount of financial responsibility required shall
3327 be approved by the department upon each issuance, renewal, or
3328 modification of a hazardous waste facility authorization ~~permit~~.
3329 Such factors as inflation rates and changes in operation may be
3330 considered when approving financial responsibility for the
3331 duration of the authorization ~~permit~~. The Office of Insurance
3332 Regulation of the Department of Financial Services ~~Commission~~
3333 shall be available to assist the department in making this
3334 determination. In approving or modifying the amount of financial
3335 responsibility, the department shall consider:

3336 (a) The amount and type of hazardous waste involved;

3337 (b) The probable damage to human health and the
3338 environment;

3339 (c) The danger and probable damage to private and public
3340 property near the facility;

3341 (d) The probable time that the hazardous waste and
3342 facility involved will endanger the public health, safety, and
3343 welfare or the environment; and

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3344 (e) The probable costs of properly closing the facility
3345 and performing corrective action.

3346 Section 37. Section 403.7255, Florida Statutes, is amended
3347 to read:

3348 403.7255 Placement of signs ~~Department to adopt rules.~~--

3349 (1) ~~The department shall adopt rules which establish~~
3350 ~~requirements and procedures for the placement of Signs~~ must be
3351 placed by the owner or operator at sites which may have been
3352 ~~contaminated by hazardous wastes. Sites shall include any site~~
3353 ~~in the state which that~~ is listed or proposed for listing on the
3354 Superfund Site List of the United States Environmental
3355 Protection Agency or any site identified by the department as a
3356 ~~suspected or confirmed contaminated site~~ contaminated by
3357 hazardous waste where there is ~~may be~~ a risk of exposure to the
3358 public. The requirements of this section shall not apply to
3359 sites reported under ss. 376.3071 and 376.3072. The department
3360 shall establish requirements and procedures for the placement of
3361 signs, and may do so in rules, permits, orders, or other
3362 authorizations. The authorization ~~rules~~ shall establish the
3363 appropriate size for such signs, which size shall be no smaller
3364 than 2 feet by 2 feet, and shall provide in clearly legible
3365 print appropriate warning language for the waste or other
3366 materials at the site and a telephone number which may be called
3367 for further information.

3368 (2) Violations of this act are punishable as provided in
3369 s. 403.161(4).

3370 (3) The provisions of this act are independent of and
3371 cumulative to any other requirements and remedies in this
3372 chapter or chapter 376, or any rules promulgated thereunder.

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3373 Section 38. Subsection (5) of section 403.726, Florida
3374 Statutes, is amended to read:

3375 403.726 Abatement of imminent hazard caused by hazardous
3376 substance.--

3377 (5) The department may issue a permit or order requiring
3378 prompt abatement of an imminent hazard.

3379 Section 39. Subsection (8) of section 403.7265, Florida
3380 Statutes, is amended to read:

3381 403.7265 Local hazardous waste collection program.--

3382 (8) The department has the authority to establish an
3383 additional local project grant program enabling a local
3384 hazardous waste collection center grantee to receive funding for
3385 unique projects that improve the collection and lower the
3386 incidence of improper management of conditionally exempt or
3387 household hazardous waste. Eligible local governments may
3388 receive up to \$50,000 in grant funds for these unique and
3389 innovative projects, provided they match 25 percent of the grant
3390 amount. If the department finds that the project has statewide
3391 applicability and immediate benefits to other local hazardous
3392 waste collection programs in the state, matching funds are not
3393 required. This grant will not count toward the \$100,000 maximum
3394 grant amount for development of a collection center.

3395 Section 40. Section 403.885, Florida Statutes, is amended
3396 to read:

3397 403.885 ~~Stormwater management, wastewater management, and~~
3398 ~~Water Restoration~~ Water Projects Grant Program.--

3399 (1) The Department of Environmental Protection shall
3400 administer a grant program to use funds transferred pursuant to
3401 s. 212.20 to the Ecosystem Management and Restoration Trust Fund
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3402 or other moneys as appropriated by the Legislature for
3403 stormwater management, wastewater management, ~~and~~ water
3404 restoration and other water projects as specifically
3405 appropriated by the Legislature ~~project grants~~. Eligible
3406 recipients of such grants include counties, municipalities,
3407 water management districts, and special districts that have
3408 legal responsibilities for water quality improvement, storm
3409 water management, wastewater management, ~~and~~ lake and river
3410 water restoration projects, and drinking water projects ~~are not~~
3411 ~~eligible for funding~~ pursuant to this section.

3412 (2) The grant program shall provide for the evaluation of
3413 annual grant proposals. The department shall evaluate such
3414 proposals to determine if they:

3415 (a) Protect public health and the environment.

3416 (b) Implement plans developed pursuant to the Surface
3417 Water Improvement and Management Act created in part IV of
3418 chapter 373, other water restoration plans required by law,
3419 management plans prepared pursuant to s. 403.067, or other plans
3420 adopted by local government for water quality improvement and
3421 water restoration.

3422 ~~(3) In addition to meeting the criteria in subsection (2),~~
3423 ~~annual grant proposals must also meet the following~~
3424 ~~requirements:~~

3425 ~~(a) An application for a stormwater management project may~~
3426 ~~be funded only if the application is approved by the water~~
3427 ~~management district with jurisdiction in the project area.~~
3428 ~~District approval must be based on a determination that the~~
3429 ~~project provides a benefit to a priority water body.~~

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3430 ~~(b) Except as provided in paragraph (c), an application~~
3431 ~~for a wastewater management project may be funded only if:~~

3432 ~~1. The project has been funded previously through a line~~
3433 ~~item in the General Appropriations Act; and~~

3434 ~~2. The project is under construction.~~

3435 ~~(c) An application for a wastewater management project~~
3436 ~~that would qualify as a water pollution control project and~~
3437 ~~activity in s. 403.1838 may be funded only if the project~~
3438 ~~sponsor has submitted an application to the department for~~
3439 ~~funding pursuant to that section.~~

3440 ~~(4) All project applicants must provide local matching~~
3441 ~~funds as follows:~~

3442 ~~(a) An applicant for state funding of a stormwater~~
3443 ~~management project shall provide local matching funds equal to~~
3444 ~~at least 50 percent of the total cost of the project; and~~

3445 ~~(b) An applicant for state funding of a wastewater~~
3446 ~~management project shall provide matching funds equal to at~~
3447 ~~least 25 percent of the total cost of the project.~~

3448
3449 ~~The requirement for matching funds may be waived if the~~
3450 ~~applicant is a financially disadvantaged small local government~~
3451 ~~as defined in subsection (5).~~

3452 ~~(5) Each fiscal year, at least 20 percent of the funds~~
3453 ~~available pursuant to this section shall be used for projects to~~
3454 ~~assist financially disadvantaged small local governments. For~~
3455 ~~purposes of this section, the term "financially disadvantaged~~
3456 ~~small local government" means a municipality having a population~~
3457 ~~of 7,500 or less, a county having a population of 35,000 or~~
3458 ~~less, according to the latest decennial census and a per capita~~
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3459 ~~annual income less than the state per capita annual income as~~
3460 ~~determined by the United States Department of Commerce, or a~~
3461 ~~county in an area designated by the Governor as a rural area of~~
3462 ~~critical economic concern pursuant to s. 288.0656. Grants made~~
3463 ~~to these eligible local governments shall not require matching~~
3464 ~~local funds.~~

3465 ~~(6) Each year, stormwater management and wastewater~~
3466 ~~management projects submitted for funding through the~~
3467 ~~legislative process shall be submitted to the department by the~~
3468 ~~appropriate fiscal committees of the House of Representatives~~
3469 ~~and the Senate. The department shall review the projects and~~
3470 ~~must provide each fiscal committee with a list of projects that~~
3471 ~~appear to meet the eligibility requirements under this grant~~
3472 ~~program.~~

3473 Section 41. Paragraph (e) of subsection (3) of section
3474 373.1961, Florida Statutes, is amended to read:

3475 373.1961 Water production; general powers and duties;
3476 identification of needs; funding criteria; economic incentives;
3477 reuse funding.--

3478 (3) FUNDING.--

3479 (e) Applicants for projects that may receive funding
3480 assistance pursuant to the Water Protection and Sustainability
3481 Program shall, at a minimum, be required to pay 60 percent of
3482 the project's construction costs. The water management districts
3483 may, at their discretion, totally or partially waive this
3484 requirement for projects sponsored by financially disadvantaged
3485 small local governments ~~as defined in s. 403.885(4)~~. The water
3486 management districts or basin boards may, at their discretion,

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3487 use ad valorem or federal revenues to assist a project applicant
3488 in meeting the requirements of this paragraph.

3489 Section 42. Paragraph (b) of subsection (1) of section
3490 206.606, Florida Statutes, is amended to read:

3491 206.606 Distribution of certain proceeds.--

3492 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
3493 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
3494 Fund. Such moneys, after deducting the service charges imposed
3495 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
3496 administrative costs incurred by the department in collecting,
3497 administering, enforcing, and distributing the tax, which
3498 administrative costs may not exceed 2 percent of collections,
3499 shall be distributed monthly to the State Transportation Trust
3500 Fund, except that:

3501 (b) \$2.5 million shall be transferred to the State Game
3502 Trust Fund in the Fish and Wildlife Conservation Commission in
3503 each fiscal year and used for recreational boating activities,
3504 and freshwater fisheries management and research. The transfers
3505 must be made in equal monthly amounts beginning on July 1 of
3506 each fiscal year. The commission shall annually determine where
3507 unmet needs exist for boating-related activities, and may fund
3508 such activities in counties where, due to the number of vessel
3509 registrations, sufficient financial resources are unavailable.

3510 1. A minimum of \$1.25 million shall be used to fund local
3511 projects to provide recreational channel marking and other
3512 uniform waterway markers, public boat ramps, lifts, and hoists,
3513 marine railways, and other public launching facilities, derelict
3514 vessel removal aquatic plant control, and other local boating

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3515 related activities. In funding the projects, the commission
3516 shall give priority consideration as follows:

3517 a. Unmet needs in counties with populations of 100,000 or
3518 less.

3519 b. Unmet needs in coastal counties with a high level of
3520 boating related activities from individuals residing in other
3521 counties.

3522 2. The remaining \$1.25 million may be used for
3523 recreational boating activities and freshwater fisheries
3524 management and research.

3525 3. The commission is authorized to adopt rules pursuant to
3526 ss. 120.536(1) and 120.54 to implement a Florida Boating
3527 Improvement Program ~~similar to the program administered by the~~
3528 ~~Department of Environmental Protection and established in rules~~
3529 ~~62D-5.031 -- 62D-5.036, Florida Administrative Code, to determine~~
3530 ~~projects eligible for funding under this subsection.~~

3531
3532 On February 1 of each year, the commission shall file an annual
3533 report with the President of the Senate and the Speaker of the
3534 House of Representatives outlining the status of its Florida
3535 Boating Improvement Program, including the projects funded, and
3536 a list of counties whose needs are unmet due to insufficient
3537 financial resources from vessel registration fees.

3538 Section 43. Section 327.59, Florida Statutes, is amended
3539 to read:

3540 327.59 Marina evacuations.--

3541 (1) After June 1, 1994, marinas may not adopt, maintain,
3542 or enforce policies pertaining to evacuation of vessels which
3543 require vessels to be removed from marinas following the
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3544 issuance of a hurricane watch or warning, in order to ensure
3545 that protecting the lives and safety of vessel owners is placed
3546 before interests of protecting property.

3547 (2) Nothing in this section may be construed to restrict
3548 the ability of an owner of a vessel or the owner's authorized
3549 representative to remove a vessel voluntarily from a marina at
3550 any time or to restrict a marina owner from dictating the kind
3551 of cleats, ropes, fenders, and other measures that must be used
3552 on vessels as a condition of use of a marina. After a tropical
3553 storm or hurricane watch has been issued, a marina owner or
3554 operator, or an employee or agent of such owner or operator, may
3555 take reasonable actions to further secure any vessel within the
3556 marina to minimize damage to a vessel and to protect marina
3557 property, private property, and the environment and may charge a
3558 reasonable fee for such services.

3559 (3) Notwithstanding any other provisions of this section,
3560 in order to minimize damage to a vessel and to protect marina
3561 property, private property, and the environment, a marina owner
3562 may provide by contract that in the event a vessel owner fails
3563 to promptly remove a vessel from a marina after a tropical storm
3564 or hurricane watch has been issued, the marina owner, operator,
3565 employee, or agent may remove the vessel, if reasonable, from
3566 its slip or take whatever reasonable actions are deemed
3567 necessary to properly secure a vessel to minimize damage to a
3568 vessel and to protect marina property, private property, and the
3569 environment and may charge the vessel owner a reasonable fee for
3570 any such services rendered. In order to add such a provision to
3571 a contract, the marina owner must provide notice to the vessel

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3572 owner in any such contract in a font size of at least 10 points
3573 and in substantially the following form:

3574
3575 NOTICE TO VESSEL OWNER
3576

3577 The undersigned hereby informs you that in the event you fail to
3578 remove your vessel from the marina promptly (timeframe to be
3579 determined between the marina owner or operator and the vessel
3580 owner) after the issuance of a tropical storm or hurricane watch
3581 for (insert geographic area), Florida, under Florida law, the
3582 undersigned or his or her employees or agents are authorized to
3583 remove your vessel, if reasonable, from its slip or take any and
3584 all other reasonable actions deemed appropriate by the
3585 undersigned or his or her employees or agents in order to better
3586 secure your vessel and to protect marina property, private
3587 property, and the environment. You are further notified that you
3588 may be charged a reasonable fee for any such action.

3589 (4) A marina owner, operator, employee, or agent shall not
3590 be held liable for any damage incurred to a vessel from storms
3591 or hurricanes and is held harmless as a result of such actions.
3592 Nothing in this section may be construed to provide immunity to
3593 a marina operator, employee, or agent for any damage caused by
3594 intentional acts or negligence when removing or securing a
3595 vessel as permitted under this section.

3596 Section 44. Subsection (2) of section 327.60, Florida
3597 Statutes, is amended to read:

3598 327.60 Local regulations; limitations.--

3599 (2) Nothing contained in the provisions of this section
3600 shall be construed to prohibit local governmental authorities
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3601 from the enactment or enforcement of regulations which prohibit
3602 or restrict the mooring or anchoring of floating structures or
3603 live-aboard vessels within their jurisdictions or of any vessels
3604 within the marked boundaries of mooring fields permitted as
3605 provided in s. 327.40. However, local governmental authorities
3606 are prohibited from regulating the anchoring outside of such
3607 mooring fields ~~anchorage~~ of non-live-aboard vessels ~~engaged~~ in
3608 ~~the exercise of rights of~~ navigation.

3609 Section 45. Section 328.64, Florida Statutes, is amended
3610 to read:

3611 328.64 Change of interest and address.--

3612 (1) The owner shall furnish the Department of Highway
3613 Safety and Motor Vehicles notice of the transfer of all or any
3614 part of his or her interest in a vessel registered or titled in
3615 this state pursuant to this chapter or chapter 328 or of the
3616 destruction or abandonment of such vessel, within 30 days
3617 thereof, on a form prescribed by the department. Such transfer,
3618 destruction, or abandonment shall terminate the certificate for
3619 such vessel, except that in the case of a transfer of a part
3620 interest which does not affect the owner's right to operate such
3621 vessel, such transfer shall not terminate the certificate. The
3622 department shall provide the form for such notice and shall
3623 attach the form to every vessel title issued or reissued.

3624 (2) Any holder of a certificate of registration shall
3625 notify the Department of Highway Safety and Motor Vehicles or
3626 the county tax collector within 30 days, if his or her address
3627 no longer conforms to the address appearing on the certificate
3628 and shall, as a part of such notification, furnish the
3629 department or such county tax collector with the new address.

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3630 The department shall ~~may~~ provide in its rules and regulations
3631 for the surrender of the certificate bearing the former address
3632 and its replacement with a certificate bearing the new address
3633 or for the alteration of an outstanding certificate to show the
3634 new address of the holder.

3635 Section 46. Subsection (15) of section 328.72, Florida
3636 Statutes, is amended to read:

3637 328.72 Classification; registration; fees and charges;
3638 surcharge; disposition of fees; fines; marine turtle stickers.--

3639 (15) DISTRIBUTION OF FEES.--Except for the first \$2, \$1 of
3640 which shall be remitted to the state for deposit into the Save
3641 the Manatee Trust Fund created within the Fish and Wildlife
3642 Conservation Commission and \$1 of which shall be remitted to the
3643 state for deposit into the Marine Resources Conservation Trust
3644 Fund to fund a grant program for public launching facilities,
3645 pursuant to s. 206.606 ~~327.47~~, giving priority consideration to
3646 counties with more than 35,000 registered vessels, moneys
3647 designated for the use of the counties, as specified in
3648 subsection (1), shall be distributed by the tax collector to the
3649 board of county commissioners for use only as provided in this
3650 section. Such moneys to be returned to the counties are for the
3651 sole purposes of providing recreational channel marking and
3652 other uniform waterway markers, public boat ramps, lifts, and
3653 hoists, marine railways, and other public launching facilities,
3654 derelict vessel removal, and ~~other boating-related activities,~~
3655 ~~for~~ removal of vessels and floating structures deemed a hazard
3656 to public safety and health for failure to comply with s.
3657 327.53, ~~and for manatee and marine mammal protection and~~
3658 ~~recovery~~. Counties shall ~~that~~ demonstrate through an annual

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3659 detailed accounting report of vessel registration revenues that
3660 ~~at least \$1 of the registration fees were spent as provided in~~
3661 ~~this subsection on boating infrastructure shall only be required~~
3662 ~~to transfer the first \$1 of the fees to the Save the Manatee~~
3663 ~~Trust Fund.~~ This report shall be provided to the Fish and
3664 Wildlife Conservation Commission no later than November 1 of
3665 each year. If, prior to January 1 of each calendar year, the
3666 annual detailed accounting report meeting the prescribed
3667 criteria has still not been provided to the commission, the tax
3668 collector of that county shall not distribute the moneys
3669 designated for the use of counties, as specified in subsection
3670 (1), to the board of county commissioners but shall, instead,
3671 for the next calendar year, remit such moneys to the state for
3672 deposit into the Marine Resources Conservation Trust Fund. The
3673 commission shall return those moneys to the county if the county
3674 fully complies with this section within that calendar year. If
3675 the county does not fully comply with this section within that
3676 calendar year, the moneys shall remain within the Marine
3677 Resources Trust Fund and may be appropriated for the purposes
3678 specified in this subsection ~~The commission shall provide an~~
3679 ~~exemption letter to the department by December 15 of each year~~
3680 ~~for qualifying counties.~~

3681 Section 47. Paragraph (g) of subsection (4) of section
3682 376.11, Florida Statutes, is amended to read:

3683 376.11 Florida Coastal Protection Trust Fund.--

3684 (4) Moneys in the Florida Coastal Protection Trust Fund
3685 shall be disbursed for the following purposes and no others:

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3686 (g) The funding of a grant program to ~~coastal~~ local
3687 governments, pursuant to s. 376.15(2)(b) and (c), for the
3688 removal of derelict vessels from the public waters of the state.

3689 Section 48. Section 376.15, Florida Statutes, is amended
3690 to read:

3691 376.15 Derelict vessels; removal from public waters.--

3692 (1) It is unlawful for any person, firm, or corporation to
3693 store, leave, or abandon any derelict vessel as defined in s.
3694 823.11(1) in this state ~~or leave any vessel in a wrecked,~~
3695 ~~junked, or substantially dismantled condition or abandoned upon~~
3696 ~~any public waters or at any port in this state without the~~
3697 ~~consent of the agency having jurisdiction thereof or docked at~~
3698 ~~any private property without the consent of the owner of the~~
3699 ~~private property.~~

3700 (2)(a) The Fish and Wildlife Conservation Commission and
3701 its officers and all law enforcement officers as specified in s.
3702 327.70 are ~~is hereby designated as the agency of the state~~
3703 authorized and empowered to remove any derelict vessel as
3704 defined in s. 823.11(1) described in subsection (1) from public
3705 waters. All costs incurred by the commission or other law
3706 enforcement agency in the removal of any abandoned or derelict
3707 vessel shall be recoverable against the owner of the vessel. The
3708 Department of Legal Affairs shall represent the commission in
3709 such actions.

3710 (b) The commission may establish a program to provide
3711 grants to ~~coastal~~ local governments for the removal of derelict
3712 vessels from the public waters of the state. The program shall
3713 be funded from the Florida Coastal Protection Trust Fund.

3714 Notwithstanding the provisions in s. 216.181(11), funds
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3715 available for grants may only be authorized by appropriations
3716 acts of the Legislature.

3717 (c) The commission shall adopt by rule procedures for
3718 submitting a grant application and criteria for allocating
3719 available funds. Such criteria shall include, but not be limited
3720 to, the following:

3721 1. The number of derelict vessels within the jurisdiction
3722 of the applicant.

3723 2. The threat posed by such vessels to public health or
3724 safety, the environment, navigation, or the aesthetic condition
3725 of the general vicinity.

3726 3. The degree of commitment of the local government to
3727 maintain waters free of abandoned and derelict vessels and to
3728 seek legal action against those who abandon vessels in the
3729 waters of the state.

3730 (d) This section shall constitute the authority ~~of the~~
3731 ~~commission~~ for such removal, but is not intended to be in
3732 contravention of any applicable federal act.

3733 ~~(e) The Department of Legal Affairs shall represent the~~
3734 ~~Fish and Wildlife Conservation Commission in such actions.~~

3735 Section 49. Paragraph (s) of subsection (2) of section
3736 403.813, Florida Statutes, is amended to read:

3737 403.813 Permits issued at district centers; exceptions.--

3738 (2) A permit is not required under this chapter, chapter
3739 373, chapter 61-691, Laws of Florida, or chapter 25214 or
3740 chapter 25270, 1949, Laws of Florida, for activities associated
3741 with the following types of projects; however, except as
3742 otherwise provided in this subsection, nothing in this
3743 subsection relieves an applicant from any requirement to obtain
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3744 permission to use or occupy lands owned by the Board of Trustees
3745 of the Internal Improvement Trust Fund or any water management
3746 district in its governmental or proprietary capacity or from
3747 complying with applicable local pollution control programs
3748 authorized under this chapter or other requirements of county
3749 and municipal governments:

3750 (s) The construction, installation, operation, or
3751 maintenance of floating vessel platforms or floating boat lifts,
3752 provided that such structures:

3753 1. Float at all times in the water for the sole purpose of
3754 supporting a vessel so that the vessel is out of the water when
3755 not in use;

3756 2. Are wholly contained within a boat slip previously
3757 permitted under ss. 403.91-403.929, 1984 Supplement to the
3758 Florida Statutes 1983, as amended, or part IV of chapter 373, or
3759 do not exceed a combined total of 500 square feet, or 200 square
3760 feet in an Outstanding Florida Water, when associated with a
3761 dock that is exempt under this subsection or associated with a
3762 permitted dock with no defined boat slip or attached to a
3763 bulkhead on a parcel of land where there is no other docking
3764 structure, do not exceed a combined total of 500 square feet, or
3765 200 square feet in an Outstanding Florida Water;

3766 3. Are not used for any commercial purpose or for mooring
3767 vessels that remain in the water when not in use, and do not
3768 substantially impede the flow of water, create a navigational
3769 hazard, or unreasonably infringe upon the riparian rights of
3770 adjacent property owners, as defined in s. 253.141;

3771 4. Are constructed and used so as to minimize adverse
3772 impacts to submerged lands, wetlands, shellfish areas, aquatic
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3773 plant and animal species, and other biological communities,
3774 including locating such structures in areas where ~~no~~ seagrasses
3775 are least dense exist if such areas are present adjacent to the
3776 dock or bulkhead; and

3777 5. Are not constructed in areas specifically prohibited
3778 for boat mooring under conditions of a permit issued in
3779 accordance with ss. 403.91-403.929, 1984 Supplement to the
3780 Florida Statutes 1983, as amended, or part IV of chapter 373, or
3781 other form of authorization issued by a local government.

3782
3783 Structures that qualify for this exemption are relieved from any
3784 requirement to obtain permission to use or occupy lands owned by
3785 the Board of Trustees of the Internal Improvement Trust Fund
3786 and, with the exception of those structures attached to a
3787 bulkhead on a parcel of land where there is no docking
3788 structure, shall not be subject to any more stringent permitting
3789 requirements, registration requirements, or other regulation by
3790 any local government. Local governments may require either
3791 permitting or one-time registration of floating vessel platforms
3792 to be attached to a bulkhead on a parcel of land where there is
3793 no other docking structure as necessary to ensure compliance
3794 with local ordinances, codes, or regulations. Local governments
3795 may require either permitting or one-time registration of all
3796 other floating vessel platforms as necessary to ensure
3797 compliance with the exemption criteria in this section; to
3798 ensure compliance with local ordinances, codes, or regulations
3799 relating to building or zoning, which are no more stringent than
3800 the exemption criteria in this section or address subjects other
3801 than subjects addressed by the exemption criteria in this

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3802 section; and to ensure proper installation, maintenance, and
3803 precautionary or evacuation action following a tropical storm or
3804 hurricane watch of a floating vessel platform or floating boat
3805 lift that is proposed to be attached to a bulkhead or parcel of
3806 land where there is no other docking structure. The exemption
3807 provided in this paragraph shall be in addition to the exemption
3808 provided in paragraph (b). ~~By January 1, 2003,~~ The department
3809 shall adopt a general permit by rule for the construction,
3810 installation, operation, or maintenance of those floating vessel
3811 platforms or floating boat lifts that do not qualify for the
3812 exemption provided in this paragraph but do not cause
3813 significant adverse impacts to occur individually or
3814 cumulatively. The issuance of such general permit shall also
3815 constitute permission to use or occupy lands owned by the Board
3816 of Trustees of the Internal Improvement Trust Fund. ~~Upon the~~
3817 ~~adoption of the rule creating such general permit,~~ No local
3818 government shall impose a more stringent regulation, permitting
3819 requirement, registration requirement, or other regulation
3820 covered by such general permit. Local governments may require
3821 either permitting or one-time registration of floating vessel
3822 platforms as necessary to ensure compliance with the general
3823 permit in this section; to ensure compliance with local
3824 ordinances, codes, or regulations relating to building or zoning
3825 that are no more stringent than the general permit in this
3826 section; and to ensure proper installation and maintenance of a
3827 floating vessel platform or floating boat lift that is proposed
3828 to be attached to a bulkhead or parcel of land where there is no
3829 other docking structure ~~on floating vessel platforms or floating~~
3830 boat lifts covered by such general permit.

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3831 Section 50. Subsection (3) of section 705.101, Florida
3832 Statutes, is amended to read:

3833 705.101 Definitions.--As used in this chapter:

3834 (3) "Abandoned property" means all tangible personal
3835 property that does not have an identifiable owner and that has
3836 been disposed on public property in a wrecked, inoperative, or
3837 partially dismantled condition or has no apparent intrinsic
3838 value to the rightful owner. The term includes derelict vessels
3839 as defined in s. 823.11(1) ~~Vessels determined to be derelict by~~
3840 ~~the Fish and Wildlife Conservation Commission or a county or~~
3841 ~~municipality in accordance with the provisions of s. 823.11 are~~
3842 ~~included within this definition.~~

3843 Section 51. Subsection (4) of section 705.103, Florida
3844 Statutes, is amended to read:

3845 705.103 Procedure for abandoned or lost property.--

3846 (4) The owner of any abandoned or lost property who, after
3847 notice as provided in this section, does not remove such
3848 property within the specified period shall be liable to the law
3849 enforcement agency for all costs of removal, storage, and
3850 destruction of such property, less any salvage value obtained by
3851 disposal of the property. Upon final disposition of the
3852 property, the law enforcement officer shall notify the owner, if
3853 known, of the amount owed. In the case of an abandoned vessel
3854 ~~boat~~ or motor vehicle, any person who neglects or refuses to pay
3855 such amount is not entitled to be issued a certificate of
3856 registration for such vessel ~~boat~~ or motor vehicle, or any other
3857 vessel ~~boat~~ or motor vehicle, until such costs have been paid.
3858 The law enforcement officer shall supply the Department of
3859 Highway Safety and Motor Vehicles with a list of persons whose
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3860 ~~vessel~~ ~~boat~~ registration privileges or whose motor vehicle
3861 privileges have been revoked under this subsection. Neither the
3862 department nor any other person acting as agent thereof shall
3863 issue a certificate of registration to a person whose vessel
3864 ~~boat~~ or motor vehicle registration privileges have been revoked,
3865 as provided by this subsection, until such costs have been paid.

3866 Section 52. Section 823.11, Florida Statutes, is amended
3867 to read:

3868 823.11 Abandoned and derelict vessels; removal; penalty.--

3869 (1) "Derelict vessel" means any vessel, as defined in s.
3870 327.02, that is left, stored, or abandoned:

3871 (a) In a wrecked, junked, or substantially dismantled
3872 condition upon any public waters of this state.

3873 (b) At any port in this state without the consent of the
3874 agency having jurisdiction thereof.

3875 (c) Docked or grounded at or beached upon the property of
3876 another without the consent of the owner of the property.

3877 (2) It is unlawful for any person, firm, or corporation to
3878 store, leave, or abandon any derelict vessel as defined in this
3879 section in this state ~~or leave any vessel as defined by maritime~~
3880 ~~law in a wrecked, junked, or substantially dismantled condition~~
3881 ~~or abandoned upon or in any public water or at any port in this~~
3882 ~~state without the consent of the agency having jurisdiction~~
3883 ~~thereof, or docked at any private property without the consent~~
3884 ~~of the owner of such property.~~

3885 (3) (a) (2) The Fish and Wildlife Conservation Commission
3886 and its officers and all law enforcement officers as specified
3887 in s. 327.70 are is designated as the agency of the state
3888 authorized and empowered to remove or cause to be removed any

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3889 abandoned or derelict vessel from public waters in any instance
3890 when the same obstructs or threatens to obstruct navigation or
3891 in any way constitutes a danger to the environment. Removal of
3892 vessels pursuant to this section may be funded by grants
3893 provided in ss. 206.606 and 376.15. The Fish and Wildlife
3894 Conservation Commission is directed to implement a plan for the
3895 procurement of any available federal disaster funds and to use
3896 such funds for the removal of derelict vessels. All costs
3897 incurred by the commission or other law enforcement agency in
3898 the removal of any abandoned or derelict vessel as set out above
3899 shall be recoverable against the owner thereof. The Department
3900 of Legal Affairs shall represent the commission in such actions.
3901 As provided in s. 705.103(4), any person who neglects or refuses
3902 to pay such amount is not entitled to be issued a certificate of
3903 registration for such vessel or for any other vessel or motor
3904 vehicle until the costs have been paid.

3905 (b) When a derelict vessel is docked or grounded at or
3906 beached upon private property without the consent of the owner
3907 of the property, the owner of the property may remove the vessel
3908 at the vessel owner's expense 60 days after compliance with the
3909 notice requirements specified in s. 328.17(5). The private
3910 property owner may not hinder reasonable efforts by the vessel
3911 owner or agent to remove the vessel. Any notice given pursuant
3912 to this paragraph shall be presumed delivered when it is
3913 deposited with the United States Postal Service, certified, and
3914 properly addressed with prepaid postage. Pursuant to an
3915 agreement with the governing body of a county or municipality,
3916 and upon a finding by the commission that the county or
3917 municipality is competent to undertake said responsibilities,

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3918 ~~the commission may delegate to the county or municipality its~~
3919 ~~authority to remove or cause to be removed an abandoned or~~
3920 ~~derelict vessel from public waters within the county or~~
3921 ~~municipality.~~

3922 (4)(3) Any person, firm, or corporation violating this act
3923 commits is guilty of a misdemeanor of the first degree and shall
3924 be punished as provided by law. Conviction under this section
3925 shall not bar the assessment and collection of the civil penalty
3926 provided in s. 376.16 for violation of s. 376.15. The court
3927 having jurisdiction over the criminal offense, notwithstanding
3928 any jurisdictional limitations on the amount in controversy, may
3929 order the imposition of such civil penalty in addition to any
3930 sentence imposed for the first criminal offense.

3931 Section 53. For upland properties bordering on navigable
3932 waters, notwithstanding any other provision of Florida Statutes,
3933 rules, or local ordinances, riparian rights shall include the
3934 right to moor a vessel of a length that is less than the width
3935 of the property, provided the dock runs adjacent and parallel to
3936 a seawall, does not interfere with navigation as defined by
3937 International Navigational Rules Act of 1977 (Public Law 95-75,
3938 91 Stat. 308, or 33 U.S.C. 1601-1608), or the Inland Navigation
3939 Rules Act of 1980 (Public Law 96-591, 94 Stat. 3415, 33 U.S.C.
3940 2001-2038), the vessel is registered in the name of the owner of
3941 the upland property, the owner of the upland property has
3942 designated the property homestead pursuant to s. 222.01, Florida
3943 Statutes, and provided no dredging or alteration of the
3944 submerged land is needed to accommodate the vessel.

3945 Section 54. Section 893.02, Florida Statutes, is amended
3946 to read:

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3947 893.02 Definitions.--The following words and phrases as
3948 used in this chapter shall have the following meanings, unless
3949 the context otherwise requires:

3950 (1) "Administer" means the direct application of a
3951 controlled substance, whether by injection, inhalation,
3952 ingestion, or any other means, to the body of a person or
3953 animal.

3954 (2) "Analog" or "chemical analog" means a structural
3955 derivative of a parent compound that is a controlled substance.

3956 (3) "Cannabis" means all parts of any plant of the genus
3957 Cannabis, whether growing or not; the seeds thereof; the resin
3958 extracted from any part of the plant; and every compound,
3959 manufacture, salt, derivative, mixture, or preparation of the
3960 plant or its seeds or resin.

3961 (4) "Clandestine laboratory" means any location and
3962 proximate areas set aside or used that are likely to be
3963 contaminated as a result of manufacturing, processing, cooking,
3964 disposing, or storing, either temporarily or permanently, any
3965 substances in violation of this chapter, except as such
3966 activities are authorized in chapter 499.

3967 (5) "Contaminated" or "contamination" means containing
3968 levels of chemicals at or above the levels defined by the
3969 department pursuant to s. 893.123(1) as a result of clandestine
3970 laboratory activity.

3971 (6) "Contamination assessment specialist" or
3972 "contamination assessor" means a person responsible for
3973 assessing the extent of contamination and decontamination by
3974 determining the indoor air quality in a residential property
3975 based on the standards defined by the department. Upon the
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3976 conclusion of decontamination, a residential property must
3977 successfully test less than or equal to the values defined by
3978 the department. The person must have specialized training that
3979 provides him or her with the knowledge, skills, and abilities to
3980 use quantitative measurement techniques in collecting and
3981 assessing specified contamination levels that have the ability
3982 to impair human health and well-being.

3983 (7)-(4) "Controlled substance" means any substance named or
3984 described in Schedules I-V of s. 893.03. Laws controlling the
3985 manufacture, distribution, preparation, dispensing, or
3986 administration of such substances are drug abuse laws.

3987 (8) "Decontamination" means the process of reducing the
3988 levels of contaminants to the levels defined by the department
3989 pursuant to s. 893.123(1) that allow human reoccupancy using
3990 currently available methods and processes.

3991 (9) "Decontamination specialist" means a person
3992 responsible for the cleanup, treatment, repair, removal, and
3993 decontamination of contaminated materials located in a
3994 residential property where clandestine laboratory activities
3995 occurred. The person must have the knowledge, skills, and
3996 ability to prescribe methods to eliminate, control, or reduce
3997 contamination; and must have been trained in the removal,
3998 storage, transport, and disposal of hazardous chemicals or
3999 chemical residues commonly associated with clandestine
4000 laboratory activities.

4001 (10)-(5) "Deliver" or "delivery" means the actual,
4002 constructive, or attempted transfer from one person to another
4003 of a controlled substance, whether or not there is an agency
4004 relationship.

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4005 ~~(11)~~(9) "Department" means the Department of Health.

4006 ~~(12)~~(6) "Dispense" means the transfer of possession of one
4007 or more doses of a medicinal drug by a pharmacist or other
4008 licensed practitioner to the ultimate consumer thereof or to one
4009 who represents that it is his or her intention not to consume or
4010 use the same but to transfer the same to the ultimate consumer
4011 or user for consumption by the ultimate consumer or user.

4012 ~~(13)~~(7) "Distribute" means to deliver, other than by
4013 administering or dispensing, a controlled substance.

4014 ~~(14)~~(8) "Distributor" means a person who distributes.

4015 ~~(15)~~(10) "Hospital" means an institution for the care and
4016 treatment of the sick and injured, licensed pursuant to the
4017 provisions of chapter 395 or owned or operated by the state or
4018 Federal Government.

4019 ~~(16)~~(11) "Laboratory" means a laboratory approved by the
4020 Drug Enforcement Administration as proper to be entrusted with
4021 the custody of controlled substances for scientific, medical, or
4022 instructional purposes or to aid law enforcement officers and
4023 prosecuting attorneys in the enforcement of this chapter.

4024 ~~(17)~~(12) "Listed chemical" means any precursor chemical or
4025 essential chemical named or described in s. 893.033.

4026 ~~(18)~~(13)(a) "Manufacture" means the production,
4027 preparation, propagation, compounding, cultivating, growing,
4028 conversion, or processing of a controlled substance, either
4029 directly or indirectly, by extraction from substances of natural
4030 origin, or independently by means of chemical synthesis, or by a
4031 combination of extraction and chemical synthesis, and includes
4032 any packaging of the substance or labeling or relabeling of its
4033 container, except that this term does not include the

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4034 preparation, compounding, packaging, or labeling of a controlled
4035 substance by:

4036 1. A practitioner or pharmacist as an incident to his or
4037 her administering or delivering of a controlled substance in the
4038 course of his or her professional practice.

4039 2. A practitioner, or by his or her authorized agent under
4040 the practitioner's supervision, for the purpose of, or as an
4041 incident to, research, teaching, or chemical analysis, and not
4042 for sale.

4043 (b) "Manufacturer" means and includes every person who
4044 prepares, derives, produces, compounds, or repackages any drug
4045 as defined by the Florida Drug and Cosmetic Act. However, this
4046 definition does not apply to manufacturers of patent or
4047 proprietary preparations as defined in the Florida Pharmacy Act.
4048 Pharmacies, and pharmacists employed thereby, are specifically
4049 excluded from this definition.

4050 ~~(19)-(14)~~ "Mixture" means any physical combination of two
4051 or more substances.

4052 ~~(20)-(15)~~ "Patient" means an individual to whom a
4053 controlled substance is lawfully dispensed or administered
4054 pursuant to the provisions of this chapter.

4055 ~~(21)-(16)~~ "Pharmacist" means a person who is licensed
4056 pursuant to chapter 465 to practice the profession of pharmacy
4057 in this state.

4058 ~~(22)-(17)~~ "Possession" includes temporary possession for
4059 the purpose of verification or testing, irrespective of dominion
4060 or control.

4061 ~~(23)-(18)~~ "Potential for abuse" means that a substance has
4062 properties of a central nervous system stimulant or depressant
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4063 or an hallucinogen that create a substantial likelihood of its
4064 being:

4065 (a) Used in amounts that create a hazard to the user's
4066 health or the safety of the community;

4067 (b) Diverted from legal channels and distributed through
4068 illegal channels; or

4069 (c) Taken on the user's own initiative rather than on the
4070 basis of professional medical advice.

4071
4072 Proof of potential for abuse can be based upon a showing that
4073 these activities are already taking place, or upon a showing
4074 that the nature and properties of the substance make it
4075 reasonable to assume that there is a substantial likelihood that
4076 such activities will take place, in other than isolated or
4077 occasional instances.

4078 ~~(24)-(19)~~ "Practitioner" means a physician licensed
4079 pursuant to chapter 458, a dentist licensed pursuant to chapter
4080 466, a veterinarian licensed pursuant to chapter 474, an
4081 osteopathic physician licensed pursuant to chapter 459, a
4082 naturopath licensed pursuant to chapter 462, or a podiatric
4083 physician licensed pursuant to chapter 461, provided such
4084 practitioner holds a valid federal controlled substance registry
4085 number.

4086 ~~(25)-(20)~~ "Prescription" means and includes an order for
4087 drugs or medicinal supplies written, signed, or transmitted by
4088 word of mouth, telephone, telegram, or other means of
4089 communication by a duly licensed practitioner licensed by the
4090 laws of the state to prescribe such drugs or medicinal supplies,
4091 issued in good faith and in the course of professional practice,

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4092 intended to be filled, compounded, or dispensed by another
4093 person licensed by the laws of the state to do so, and meeting
4094 the requirements of s. 893.04. The term also includes an order
4095 for drugs or medicinal supplies so transmitted or written by a
4096 physician, dentist, veterinarian, or other practitioner licensed
4097 to practice in a state other than Florida, but only if the
4098 pharmacist called upon to fill such an order determines, in the
4099 exercise of his or her professional judgment, that the order was
4100 issued pursuant to a valid patient-physician relationship, that
4101 it is authentic, and that the drugs or medicinal supplies so
4102 ordered are considered necessary for the continuation of
4103 treatment of a chronic or recurrent illness. However, if the
4104 physician writing the prescription is not known to the
4105 pharmacist, the pharmacist shall obtain proof to a reasonable
4106 certainty of the validity of said prescription. A prescription
4107 order for a controlled substance shall not be issued on the same
4108 prescription blank with another prescription order for a
4109 controlled substance which is named or described in a different
4110 schedule, nor shall any prescription order for a controlled
4111 substance be issued on the same prescription blank as a
4112 prescription order for a medicinal drug, as defined in s.
4113 465.031(5), which does not fall within the definition of a
4114 controlled substance as defined in this act.

4115 (26) "Residential property" means a dwelling unit used, or
4116 intended for use, by an individual or individuals as a permanent
4117 residence. The term includes improved real property of between
4118 one and four dwellings; a condominium unit, as defined in s.
4119 718.103(27); a cooperative unit, as defined in s. 719.103(24);
4120 or a mobile home or manufactured home, as defined in s.

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4121 320.01(2). The term does not include a hotel, motel, campground,
4122 marina, or timeshare unit.

4123 (27)-(21)- "Wholesaler" means any person who acts as a
4124 jobber, wholesale merchant, or broker, or an agent thereof, who
4125 sells or distributes for resale any drug as defined by the
4126 Florida Drug and Cosmetic Act. However, this definition does not
4127 apply to persons who sell only patent or proprietary
4128 preparations as defined in the Florida Pharmacy Act. Pharmacies,
4129 and pharmacists employed thereby, are specifically excluded from
4130 this definition.

4131 Section 55. Section 893.121, Florida Statutes, is created
4132 to read:

4133 893.121 Quarantine of a clandestine laboratory.--

4134 (1) The purpose of the quarantine provided for in this
4135 section is to prevent exposure of any person to the hazards
4136 associated with clandestine laboratory activities and provide
4137 protection from unsafe conditions that pose a threat to the
4138 public health, safety, and welfare. The department has the
4139 authority to quarantine residential property under s. 381.0011.

4140 (2) Whenever a sheriff, police officer, or other law
4141 enforcement entity secures evidence from a residential property
4142 in which illegal clandestine laboratory activities occurred, the
4143 department must quarantine the property. The local law
4144 enforcement entity securing evidence shall enforce a quarantine
4145 on the residential property as part of its duty to assist the
4146 department under s. 381.0012(5). Enforcement does not require
4147 the 24-hour posting of law enforcement personnel. The
4148 residential property shall remain quarantined until the
4149 department receives a certificate of fitness documenting that

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4150 the property was decontaminated as defined by the department
4151 pursuant to s. 893.123 or demolished in accordance with s.
4152 893.122(1), or a court order is presented requiring the
4153 quarantine to be lifted.

4154 (3) The department shall adopt rules pursuant to ss.
4155 120.536(1) and 120.54 to establish a uniform notice to post at
4156 the site of a quarantined clandestine laboratory and a uniform
4157 letter of notification of the quarantine to be sent to the
4158 residential property owner or manager. It is the responsibility
4159 of local law enforcement to post the notice of a quarantine on
4160 the residential property, and it is the responsibility of the
4161 department to mail the letter of notification. The material in
4162 the letter and notice shall include, but not be limited to:

4163 (a) That the residential property has been quarantined and
4164 a clandestine laboratory was seized on or inside the residential
4165 property.

4166 (b) The date of the quarantine.

4167 (c) The name and contact telephone number of the law
4168 enforcement entity posting the quarantine.

4169 (d) A statement specifying that hazardous substances,
4170 toxic chemicals, or other hazardous waste products may have been
4171 present and may remain on or inside the residential property and
4172 that exposure to the substances may be harmful and may pose a
4173 threat to public health and the environment.

4174 (e) A statement that it is unlawful for an unauthorized
4175 person to enter the contaminated residential property and that
4176 the removal of any notice of the quarantine is a second degree
4177 misdemeanor under s. 381.0025(1).

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4178 (f) A statement, in the notification letter, explaining
4179 how to have the quarantine lifted.

4180 (4) Upon securing evidence from a residential property in
4181 which illegal clandestine laboratory activities occurred, the
4182 local law enforcement entity shall immediately notify the local
4183 health officer and the department's Division of Environmental
4184 Health that a residential property is quarantined and shall
4185 provide the name and contact information of the law enforcement
4186 entity, the name of the residential property owner or
4187 residential property manager, and the address of the property.

4188 (5) To the extent possible, the department shall mail the
4189 letter of notification to the residential property owner or the
4190 manager of the residential property within 5 working days from
4191 the date of quarantine notifying the owner or manager that a
4192 clandestine laboratory was found on the property and that the
4193 property has been quarantined. The department shall also include
4194 a list of contamination assessment specialists and
4195 decontamination specialists and any other information deemed
4196 appropriate by the department to the residential property owner
4197 or manager.

4198 (6) Any person who has an interest in a residential
4199 property that is quarantined pursuant to this section may file a
4200 petition in the circuit court in which the residential property
4201 is located to request a court order that the quarantine of the
4202 residential property be lifted for one of the following reasons:

4203 (a) The residential property was wrongfully quarantined;

4204 or

4205 (b) The residential property has been properly
4206 decontaminated as defined by the department pursuant to s.
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4207 893.123 or demolished pursuant to s. 893.122(1) and may be
4208 reoccupied for habitation, but the department refuses or fails
4209 to lift the quarantine.

4210 (7) No person shall inhabit a quarantined residential
4211 property, offer the residential property to the public for
4212 temporary or indefinite habitation, or remove any notice of the
4213 quarantine. Any person who willfully violates a provision of
4214 this subsection commits a second degree misdemeanor under s.
4215 381.0025(1).

4216 Section 56. Section 893.122, Florida Statutes, is created
4217 to read:

4218 893.122 Option of demolition; immunity from liability from
4219 health-based civil actions.--

4220 (1) A residential property owner shall, upon notification
4221 from the department that clandestine laboratory activities have
4222 occurred in a property owned by that owner and that the property
4223 is quarantined, meet the decontamination standards as defined by
4224 the department pursuant to s. 893.123 unless the property owner,
4225 at the owner's discretion, elects to demolish the contaminated
4226 residential property. The demolition and removal of materials
4227 must meet the requirements of the Occupational Safety and Health
4228 Administration and the United States Environmental Protection
4229 Agency regulations pertaining to the generation, storage,
4230 transport, and disposal of hazardous wastes and any state or
4231 local requirements.

4232 (2) A residential property owner who has met the
4233 decontamination standards, as evidenced by a certificate of
4234 fitness and a letter of reoccupancy pursuant to s.893.123, or
4235 has demolished the residential property in compliance with
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4236 subsection (1), shall have immunity from health-based civil
4237 actions brought by any future owner, renter, or other person who
4238 occupies such residential property, or a neighbor of such
4239 residential property, in which the alleged cause of the injury
4240 or loss is the existence of the clandestine laboratory. However,
4241 a person with a conviction, as defined in s. 944.607, for the
4242 manufacture of any substance regulated under this chapter on the
4243 residential property where clandestine laboratory activities
4244 occurred shall not have the immunity provided in this
4245 subsection.

4246 Section 57. Section 893.123, Florida Statutes, is created
4247 to read:

4248 893.123 Clandestine laboratory decontamination standards,
4249 certificate of fitness, and letter of reoccupancy.--

4250 (1) The department shall adopt rules pursuant to ss.
4251 120.536(1) and 120.54 that establish:

4252 (a) Standards for indoor air quality regarding levels of
4253 contaminants produced by clandestine laboratory activities to
4254 include methamphetamine, lead, mercury, and volatile organic
4255 compounds. These standards must be consistent with values
4256 commonly used by other states or comply with national standards.

4257 (b) Standards for the cleanup and testing of clandestine
4258 laboratories.

4259 (c) A certificate of fitness that shall act as appropriate
4260 documentation that a residential property has been
4261 decontaminated in accordance with specified standards. The
4262 certificate of fitness shall be submitted to the department by a
4263 contamination assessment specialist. The certificate of fitness
4264 shall include, but is not limited to:

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4265 1. The name of the residential property owner, the mailing
4266 and street address of the residential property owner, and, if
4267 applicable, the parcel identification of the residential
4268 property.

4269 2. The dates the residential property was quarantined and
4270 cleanup was completed.

4271 3. A summary of the indoor air quality test results,
4272 findings, and conclusions as determined by a contamination
4273 assessment specialist.

4274 4. The name and address of the contamination assessment
4275 specialist.

4276 5. The name and address of the decontamination specialist.

4277 6. The method of repair, replacement, or decontamination
4278 of the residential property.

4279 (d) A letter of reoccupancy that will notify the
4280 residential property owner that the property may be reoccupied
4281 for habitation.

4282 (2) Upon receipt of the certificate of fitness, the
4283 department shall send a letter of reoccupancy to the residential
4284 property owner or manager and to the local law enforcement
4285 entity that enforced the quarantine and posted the notice. The
4286 letter of reoccupancy must include the address of the
4287 residential property, a statement that the quarantine is lifted,
4288 and a statement that the residential property may be reoccupied
4289 for habitation.

4290 (3) In the case of demolition, the department shall lift
4291 the quarantine on a residential property upon receipt of a
4292 letter presented by a demolition company stating that the
4293 quarantined property was demolished. The letter must include the
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4294 address of the residential property and a statement that the
4295 demolition was performed in accordance to the requirements in s.
4296 893.122(1).

4297 Section 58. Section 893.124, Florida Statutes, is created
4298 to read:

4299 893.124 Decontamination and contamination assessment
4300 specialists.--

4301 (1)(a) The department shall compile and maintain lists of
4302 decontamination and contamination assessment specialists. The
4303 lists shall be posted on the department's Internet website. The
4304 department shall indicate on the website whether the specialists
4305 are bonded and insured.

4306 (b) Persons authorized to perform decontamination or
4307 contamination assessments must have knowledge and skill in the
4308 handling of toxic substances. The department shall adopt rules
4309 pursuant to ss. 120.536(1) and 120.54 specifying the
4310 requirements for persons authorized to perform decontamination
4311 and contamination assessments. Decontamination specialists shall
4312 be responsible for ensuring that all hazardous substances, toxic
4313 chemicals, or other hazardous waste products that may have been
4314 present are removed from the residential property and disposed
4315 of in accordance with federal, state, and local laws and
4316 regulations.

4317 (2) In determining the level of contamination in a
4318 clandestine laboratory, the decontamination or contamination
4319 assessment specialist may request copies of any available law
4320 enforcement reports or information relating to the following:

4321 (a) The length of time the residential property was used
4322 as a clandestine laboratory.

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4323 (b) The extent to which the residential property was
4324 exposed to chemicals used in clandestine laboratory activities.

4325 (c) The chemical processes that were involved in the
4326 clandestine laboratory activities.

4327 (d) The chemicals that were removed from the residential
4328 property.

4329 (e) The location of the clandestine laboratory activities
4330 in relation to the habitable areas of the residential property.

4331 (3) If the contamination assessment specialist determines
4332 that the residential property is not contaminated, the
4333 contamination assessment specialist shall prepare a certificate
4334 of fitness and submit the certificate to the department.

4335 Section 59. Paragraph (s) of subsection (1) of section
4336 465.016, Florida Statutes, is amended to read:

4337 465.016 Disciplinary actions.--

4338 (1) The following acts constitute grounds for denial of a
4339 license or disciplinary action, as specified in s. 456.072(2):

4340 (s) Dispensing any medicinal drug based upon a
4341 communication that purports to be a prescription as defined by
4342 s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or has
4343 reason to believe that the purported prescription is not based
4344 upon a valid practitioner-patient relationship.

4345 Section 60. Paragraph (e) of subsection (1) of section
4346 465.023, Florida Statutes, is amended to read:

4347 465.023 Pharmacy permittee; disciplinary action.--

4348 (1) The department or the board may revoke or suspend the
4349 permit of any pharmacy permittee, and may fine, place on
4350 probation, or otherwise discipline any pharmacy permittee who
4351 has:

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4352 (e) Dispensed any medicinal drug based upon a
4353 communication that purports to be a prescription as defined by
4354 s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or has
4355 reason to believe that the purported prescription is not based
4356 upon a valid practitioner-patient relationship that includes a
4357 documented patient evaluation, including history and a physical
4358 examination adequate to establish the diagnosis for which any
4359 drug is prescribed and any other requirement established by
4360 board rule under chapter 458, chapter 459, chapter 461, chapter
4361 463, chapter 464, or chapter 466.

4362 Section 61. Paragraph (c) of subsection (1) of section
4363 856.015, Florida Statutes, is amended to read:

4364 856.015 Open house parties.--

4365 (1) Definitions.--As used in this section:

4366 (c) "Drug" means a controlled substance, as that term is
4367 defined in ss. 893.02~~(4)~~ and 893.03.

4368 Section 62. Subsection (6) of section 893.135, Florida
4369 Statutes, is amended to read:

4370 893.135 Trafficking; mandatory sentences; suspension or
4371 reduction of sentences; conspiracy to engage in trafficking.--

4372 (6) A mixture, as defined in s. 893.02~~(14)~~, containing any
4373 controlled substance described in this section includes, but is
4374 not limited to, a solution or a dosage unit, including but not
4375 limited to, a pill or tablet, containing a controlled substance.
4376 For the purpose of clarifying legislative intent regarding the
4377 weighing of a mixture containing a controlled substance
4378 described in this section, the weight of the controlled
4379 substance is the total weight of the mixture, including the
4380 controlled substance and any other substance in the mixture. If
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4381 there is more than one mixture containing the same controlled
4382 substance, the weight of the controlled substance is calculated
4383 by aggregating the total weight of each mixture.

4384 Section 63. Paragraph (a) of subsection (1) of section
4385 944.47, Florida Statutes, is amended to read:

4386 944.47 Introduction, removal, or possession of certain
4387 articles unlawful; penalty.--

4388 (1)(a) Except through regular channels as authorized by
4389 the officer in charge of the correctional institution, it is
4390 unlawful to introduce into or upon the grounds of any state
4391 correctional institution, or to take or attempt to take or send
4392 or attempt to send therefrom, any of the following articles
4393 which are hereby declared to be contraband for the purposes of
4394 this section, to wit:

4395 1. Any written or recorded communication or any currency
4396 or coin given or transmitted, or intended to be given or
4397 transmitted, to any inmate of any state correctional
4398 institution.

4399 2. Any article of food or clothing given or transmitted,
4400 or intended to be given or transmitted, to any inmate of any
4401 state correctional institution.

4402 3. Any intoxicating beverage or beverage which causes or
4403 may cause an intoxicating effect.

4404 4. Any controlled substance as defined in s. 893.02~~(4)~~ or
4405 any prescription or nonprescription drug having a hypnotic,
4406 stimulating, or depressing effect.

4407 5. Any firearm or weapon of any kind or any explosive
4408 substance.

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4409 Section 64. Subsection (1) of section 951.22, Florida
4410 Statutes, is amended to read:

4411 951.22 County detention facilities; contraband articles.--

4412 (1) It is unlawful, except through regular channels as
4413 duly authorized by the sheriff or officer in charge, to
4414 introduce into or possess upon the grounds of any county
4415 detention facility as defined in s. 951.23 or to give to or
4416 receive from any inmate of any such facility wherever said
4417 inmate is located at the time or to take or to attempt to take
4418 or send therefrom any of the following articles which are hereby
4419 declared to be contraband for the purposes of this act, to wit:
4420 Any written or recorded communication; any currency or coin; any
4421 article of food or clothing; any tobacco products as defined in
4422 s. 210.25(11); any cigarette as defined in s. 210.01(1); any
4423 cigar; any intoxicating beverage or beverage which causes or may
4424 cause an intoxicating effect; any narcotic, hypnotic, or
4425 excitative drug or drug of any kind or nature, including nasal
4426 inhalators, sleeping pills, barbiturates, and controlled
4427 substances as defined in s. 893.02(4); any firearm or any
4428 instrumentality customarily used or which is intended to be used
4429 as a dangerous weapon; and any instrumentality of any nature
4430 that may be or is intended to be used as an aid in effecting or
4431 attempting to effect an escape from a county facility.

4432 Section 65. Paragraph (a) of subsection (1) of section
4433 985.4046, Florida Statutes, is amended to read:

4434 985.4046 Introduction, removal, or possession of certain
4435 articles unlawful; penalty.--

4436 (1)(a) Except as authorized through program policy or
4437 operating procedure or as authorized by the facility

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4438 superintendent, program director, or manager, a person may not
4439 introduce into or upon the grounds of a juvenile detention
4440 facility or commitment program, or take or send, or attempt to
4441 take or send, from a juvenile detention facility or commitment
4442 program, any of the following articles, which are declared to be
4443 contraband under this section:

- 4444 1. Any unauthorized article of food or clothing.
4445 2. Any intoxicating beverage or any beverage that causes
4446 or may cause an intoxicating effect.
4447 3. Any controlled substance, as defined in s. 893.02(4),
4448 or any prescription or nonprescription drug that has a hypnotic,
4449 stimulating, or depressing effect.
4450 4. Any firearm or weapon of any kind or any explosive
4451 substance.

4452 Section 66. Sections 403.7075, 403.756, 403.78, 403.781,
4453 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
4454 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
4455 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida
4456 Statutes, are repealed.

4457 Section 67. (1)(a) The Department of Environmental
4458 Protection shall conduct a study to determine the various
4459 sources of nitrogen input into the Wekiva River and associated
4460 springs contributing water to the river. The Department of
4461 Environmental Protection shall prepare a report recommending
4462 actions to be taken by the Department of Environmental
4463 Protection and the St. Johns Water Management District that will
4464 provide the best use of economic resources to reduce nitrogen
4465 input into the river and associated springs. The Department of
4466 Environmental Protection shall submit a report to the Governor,
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4467 the President of the Senate, and the Speaker of the House of
4468 Representatives no later than February 1, 2007.

4469 (b) The Department of Health shall contract with an
4470 independent entity for a study to determine the sources of
4471 nitrogen input from onsite sewage treatment and disposal systems
4472 into the Wekiva River and associated springs. The study shall
4473 measure the concentration of nitrates in the soil 10 feet and 20
4474 feet below the drainfield of the onsite sewage treatment and
4475 disposal systems. The contract shall require the entity to
4476 submit a report to the Department of Health describing the
4477 locations of such sources and the nitrate amounts contributed by
4478 such sources and containing recommendations to reduce or
4479 eliminate nitrogen input from such sources. Rulemaking required
4480 by s. 369.318(2), Florida Statutes, shall be suspended until the
4481 completion of this study. The Department of Health shall submit
4482 a report to the Governor, the President of the Senate, and the
4483 Speaker of the House of Representatives no later than February
4484 1, 2007.

4485 (2) The Department of Health shall develop rules for a
4486 model proposal for the operation and maintenance of onsite
4487 sewage treatment and disposal systems within the Wekiva Study
4488 Area or the Wekiva River Protection Area. At a minimum, the
4489 rules shall require each property owner in the Wekiva Study Area
4490 or the Wekiva River Protection Area that has an onsite sewage
4491 treatment and disposal system to pump out the system at least
4492 once every 5 years.

4493 (3) The sum of \$250,000 is appropriated from the General
4494 Revenue Fund to the Department of Environmental Protection for

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4495 the 2006-2007 fiscal year to be used by the department to
4496 conduct the study required under paragraph (1)(a).

4497 (4) The sum of \$250,000 is appropriated from the General
4498 Revenue Fund to the Department of Health for the 2006-2007
4499 fiscal year to be used by the department to contract for the
4500 independent study required under paragraph (1)(b).

4501 Section 68. In granting or denying a permit for wetland
4502 construction, a local government shall consider mitigation
4503 proposed by the applicant, provided the mitigation fully offsets
4504 the loss of wetland functions in accordance with the uniform
4505 mitigation assessment method adopted under s. 373.414(18),
4506 Florida Statutes.

4507 Section 69. The Department of Environmental Protection
4508 shall require and collect a report from each water management
4509 district in the state on how much water is being extracted each
4510 month for resale in bottled water containers and submit a report
4511 of the findings to the Legislature by November 1, 2006.

4512 Section 70. This act shall take effect July 1, 2006.

4513

4514 ===== T I T L E A M E N D M E N T =====

4515 Remove the entire title and insert:

4516 A bill to be entitled

4517 An act relating to environmental protection; amending ss.
4518 199.1055, 220.1845, 376.30781, 376.80, and 376.86, F.S.;
4519 increasing the amount and percentage of the credit that
4520 may be applied against the intangible personal property
4521 tax and the corporate income tax for the cost of voluntary
4522 cleanup of a contaminated site; increasing the amount that
4523 may be received by the taxpayer as an incentive to

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4524 complete the cleanup in the final year; increasing the
4525 total amount of credits that may be granted in any year;
4526 providing tax credits for voluntary cleanup activities
4527 related to solid waste disposal facilities; providing
4528 criteria for eligible sites and activities; increasing the
4529 amount of the Brownfield Areas Loan Guarantee; reducing
4530 the job creation requirements; directing the Department of
4531 Environmental Protection to apply certain criteria,
4532 requirements, and limitations for implementation of such
4533 provisions; providing certain exceptions; amending s.
4534 288.9015, F.S.; requiring Enterprise Florida, Inc., to
4535 aggressively market brownfields; amending ss. 196.012 and
4536 196.1995, F.S., to include brownfield areas in the
4537 implementation of the economic development ad valorem tax
4538 exemption authorized under s. 3, Art VII of the Florida
4539 Constitution; repealing s. 376.87, F.S., relating to the
4540 Brownfield Property Ownership Clearance Assistance;
4541 repealing s. 376.875, F.S., relating to the Brownfield
4542 Property Ownership Clearance Assistance Revolving Loan
4543 Trust Fund; amending s. 14.2015, F.S.; deleting a
4544 reference to the trust fund to conform; amending s.
4545 403.413, F.S.; clarifying who is liable for dumping under
4546 the Florida Litter Law; amending s. 403.4131, F.S.;
4547 deleting the provisions relating to Keep Florida
4548 Beautiful, Inc.; providing that certain counties are
4549 encouraged to develop a regional approach to coordinating
4550 litter control and prevention programs; deleting certain
4551 requirements for a litter survey; placing the Wildflower
4552 Advisory Council under the control of the Department of

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4553 Agriculture and Consumer Services; revising the duties of
4554 the council; amending s. 403.41315, F.S.; conforming
4555 provisions to changes made to the Keep Florida Beautiful,
4556 Inc., program; amending s. 403.4133, F.S.; placing the
4557 Adopt-a-Shore Program within the Department of
4558 Environmental Protection; amending s. 320.08058, F.S.;
4559 requiring that the proceeds of the fees paid for
4560 Wildflower license plates be distributed to the Department
4561 of Agriculture and Consumer Services; specifying uses of
4562 the proceeds; transferring the balance of such proceeds
4563 from Keep Florida Beautiful, Inc., to the Department of
4564 Agriculture and Consumer Services; amending s. 403.703,
4565 F.S.; reordering definitions in alphabetical order;
4566 clarifying certain definitions and deleting definitions
4567 that are not used; amending ss. 316.003, 377.709, and
4568 487.048, F.S.; conforming cross-references; amending s.
4569 403.704, F.S.; deleting certain obsolete provisions
4570 relating to the state solid waste management program;
4571 amending s. 403.7043, F.S.; deleting certain obsolete and
4572 conflicting provisions relating to compost standards;
4573 amending s. 403.7045, F.S.; providing that industrial
4574 byproducts are not regulated under certain circumstances;
4575 conforming a cross-reference; clarifying certain
4576 provisions governing dredged material; amending s.
4577 403.707, F.S.; clarifying the Department of Environmental
4578 Preservation's permit authority; deleting certain obsolete
4579 provisions; creating s. 403.7071, F.S.; providing for the
4580 management and disposal of storm-generated debris;
4581 amending s. 403.708, F.S.; deleting obsolete provisions

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4582 and clarifying certain provisions governing landfills;
4583 amending s. 403.709, F.S.; revising the provisions
4584 relating to the distribution of the waste tire fees;
4585 amending s. 403.7095, F.S., relating to the solid waste
4586 management grant program; conforming a cross-reference;
4587 amending s. 403.7125, F.S.; deleting certain definitions
4588 that appear elsewhere in law and clarifying certain
4589 financial-disclosure provisions with respect to the
4590 closure of a landfill; amending s. 403.716, F.S.; deleting
4591 certain provisions relating to the training of certain
4592 facility operators; amending s. 403.717, F.S.; clarifying
4593 the provisions relating to waste tires and the processing
4594 of waste tires; transferring, renumbering, and amending s.
4595 403.7221, F.S.; increasing the duration of certain
4596 research, development, and demonstration permits; amending
4597 s. 403.201, F.S.; conforming a cross-reference; amending
4598 s. 403.722, F.S.; clarifying provisions relating to who is
4599 required to obtain certain hazardous waste permits;
4600 amending s. 403.7226, F.S.; deleting a provision requiring
4601 a report that is duplicative of other reports; amending s.
4602 403.724, F.S.; clarifying certain financial-responsibility
4603 provisions; amending s. 403.7255, F.S.; providing
4604 additional requirements regarding the public notification
4605 of certain contaminated sites; amending s. 403.726, F.S.;
4606 authorizing the Department of Environmental Protection to
4607 issue an order to abate certain hazards; amending s.
4608 403.7265, F.S.; requiring a local government to provide
4609 matching funds for certain grants; providing that matching
4610 funds are not required under certain conditions; amending

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4611 s. 403.885, F.S.; revising grant program eligibility
4612 requirements for certain water management and restoration
4613 projects; eliminating requirements for certain funding and
4614 legislative review of such projects; amending s. 373.1961,
4615 F.S.; conforming a cross-reference; repealing s. 403.7075,
4616 F.S., relating to the submission of certain plans for
4617 solid waste management facilities; repealing s. 403.756,
4618 F.S., relating to an annual used-oil report; directing the
4619 department to require and collect certain reports from
4620 each water management district, and to submit such
4621 findings to the Legislature by a certain date; amending s.
4622 206.606, F.S.; authorizing the use of certain funds for
4623 local boating related projects and activities; amending s.
4624 327.59, F.S.; authorizing marina owners, operators,
4625 employees, and agents to take actions to secure vessels
4626 during severe weather and to charge fees and be held
4627 harmless for such service; holding marina operators,
4628 employees, and agents liable for damage caused by
4629 intentional acts or negligence while removing or securing
4630 vessels; authorizing contract provisions and providing
4631 contract notice requirements relating to removing or
4632 securing vessels; amending s. 327.60, F.S.; providing for
4633 local regulation of anchoring within mooring fields;
4634 amending s. 328.64, F.S.; requiring the Department of
4635 Highway Safety and Motor Vehicles to provide forms for
4636 certain notification related to vessels; requiring the
4637 department to provide by rule for the surrender and
4638 replacement of certificates of registration to reflect
4639 change of address; amending s. 328.72, F.S.; requiring

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4640 | counties to use funds for specific boating related
4641 | purposes; requiring counties to provide reports
4642 | demonstrating specified expenditure of such funds;
4643 | providing penalties for failure to comply; amending s.
4644 | 376.11, F.S.; authorizing the distribution of revenues
4645 | from the Florida Coastal Protection Trust Fund to all
4646 | local governments for the removal of certain vessels;
4647 | amending s. 376.15, F.S.; revising provisions relating to
4648 | the removal of abandoned and derelict vessels; specifying
4649 | officers authorized to remove such vessels; providing that
4650 | certain costs are recoverable; requiring the Department of
4651 | Legal Affairs to represent the Fish and Wildlife
4652 | Conservation Commission in certain actions; expanding
4653 | eligibility for disbursement of grant funds for the
4654 | removal of certain vessels; amending s. 403.813, F.S.;
4655 | providing exemptions from permitting, registration, and
4656 | regulation of floating vessel platforms or floating boat
4657 | lifts by a local government; authorizing local governments
4658 | to require certain permits or registration for floating
4659 | vessel platforms or floating boat lifts under certain
4660 | circumstances; amending s. 705.101, F.S.; revising the
4661 | definition of "abandoned property" to include certain
4662 | vessels; amending s. 705.103, F.S.; revising the
4663 | terminology relating to abandoned or lost property to
4664 | conform; amending s. 823.11, F.S.; revising provisions
4665 | relating to abandoned and derelict vessels and the removal
4666 | of such vessels; providing a definition of "derelict
4667 | vessel"; specifying which officers may remove such
4668 | vessels; directing the Fish and Wildlife Conservation

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Amendment No. (for drafter's use only)

4669 Commission to implement a plan for the procurement of
4670 federal disaster funds for the removal of derelict
4671 vessels; requiring the Department of Legal Affairs to
4672 represent the commission in certain actions; deleting a
4673 provision authorizing the commission to delegate certain
4674 authority to local governments under certain
4675 circumstances; authorizing private property owners to
4676 remove certain vessels with required notice; providing
4677 that cost of such removal is recoverable; prohibiting
4678 private property owners from hindering the removal of
4679 certain vessels by vessel owners or agents; providing for
4680 jurisdictional imposition of civil penalties for
4681 violations relating to certain vessels; providing an
4682 exception for the mooring of certain vessels to upland
4683 properties under certain circumstances; amending s.
4684 893.02, F.S.; providing definitions; creating s. 893.121,
4685 F.S.; providing for quarantine of any residential property
4686 where illegal clandestine laboratory activities occurred;
4687 providing for establishment of a uniform notice and a
4688 uniform letter of notification; providing for posting of
4689 specified notice at the site of a quarantine; providing
4690 requirements for the sending of a specified letter of
4691 notification to a residential property owner or manager;
4692 providing for petitions by certain persons in circuit
4693 court to lift such quarantines under certain conditions;
4694 prohibiting specified violations relating to such
4695 quarantines; creating s. 893.122, F.S.; permitting
4696 demolition of quarantined residential property under
4697 certain conditions; providing immunity from health-based

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Amendment No. (for drafter's use only)

4698 civil actions for residential property owners who have met
4699 specified clandestine laboratory decontamination standards
4700 as evidenced by specified documentation; providing an
4701 exception to such immunity for persons convicted of
4702 manufacturing controlled substances at the site; creating
4703 s. 893.123, F.S.; providing for rulemaking to adopt
4704 clandestine laboratory decontamination standards;
4705 providing for certificates of fitness to indicate that
4706 decontamination has been completed; providing requirements
4707 for the lifting of a quarantine upon demolition of the
4708 property; creating s. 893.124, F.S.; requiring the
4709 Department of Health to specify requirements for persons
4710 authorized to perform decontamination and contamination
4711 assessments; requiring the department to compile and
4712 maintain lists of decontamination and contamination
4713 assessment specialists; providing responsibilities for
4714 decontamination specialists; permitting decontamination
4715 and contamination assessment specialists to request
4716 specified documents; providing for the issuance of
4717 certificates of fitness by contamination assessment
4718 specialists; amending ss. 465.016, 465.023, 856.015,
4719 893.135, 944.47, 951.22, and 985.4046, F.S.; conforming
4720 cross-references; repealing ss. 403.78, 403.781, 403.782,
4721 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
4722 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
4723 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, F.S.,
4724 relating to the Statewide Multipurpose Hazardous Waste
4725 Facility Siting Act; requiring the Department of
4726 Environmental Protection to conduct a study of the sources

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Amendment No. (for drafter's use only)

4727 of nitrogen input into the Wekiva River and associated
4728 springs; requiring the Department of Health to contract
4729 for an independent study of the sources of nitrogen input
4730 from onsite sewage treatment and disposal systems into the
4731 Wekiva River and associated springs; requiring reports on
4732 such studies; providing report requirements; suspending
4733 certain department rulemaking until study completion;
4734 requiring the Department of Environmental Protection and
4735 the Department of Health to submit copies of the reports
4736 to the Legislature by a certain date; requiring the
4737 Department of Health to develop rules for a model proposal
4738 for the operation and maintenance of onsite sewage
4739 treatment and disposal systems in certain areas;
4740 specifying a rule criterion; providing appropriations;
4741 revising wetland mitigation regulations; providing an
4742 effective date.