



1 the agency is considering whether to issue or reissue a permit  
2 to an applicant, based upon compliance incentives under this  
3 section.

4 (b) Permit applicants with a history of compliance  
5 with applicable permit conditions and requirements and the  
6 environmental laws of this state should be eligible for longer  
7 permits, expedited permit reviews, short-form permit renewals,  
8 and other incentives to reward and encourage such applicants.

9 (c) The agency is encouraged to work with permittees  
10 and permit applicants to encourage compliance and avoid  
11 burdensome and expensive consequences of noncompliance.

12 (d) It is therefore declared to be the purpose of this  
13 section to provide the agency with clear and specific  
14 authority to consider the compliance history of a permit  
15 applicant who has applied for an incentive-based permit.

16 (3) DEFINITIONS.--For purposes of this section:

17 (a) "Agency" means the Department of Environmental  
18 Protection.

19 (b) "Applicant" means the proposed permittee or  
20 transferee, owner, or operator of a regulated activity seeking  
21 an agency permit.

22 (c) "Environmental laws" means any state or federal  
23 law that regulates activities for the purpose of protecting  
24 the environment, or for the purpose of protecting the public  
25 health from pollution or contaminants, but does not include  
26 any law that regulates activities for the purpose of zoning,  
27 growth management, or land use. The term includes, but is not  
28 limited to, chapter 161, parts II and IV of chapter 373, and  
29 chapter 403.

30 (d) "Regulated activity" means any activity,  
31 including, but not limited to, the construction or operation

1 of a facility, installation, system, or project, for which a  
2 permit or certification is required by law.

3 (e) "Site" means a single parcel, or multiple  
4 contiguous or adjacent parcels, of land on which the applicant  
5 proposes to conduct, or has conducted, a regulated activity.

6 (4) COMPLIANCE INCENTIVES.--In order to obtain  
7 compliance incentives, the applicant must affirmatively  
8 request such incentives as part of the permit application.  
9 Unless otherwise prohibited by state or federal law, agency  
10 rule, or federal regulation, and provided the applicant meets  
11 all other applicable criteria for the issuance of a permit,  
12 any applicant who meets the criteria set forth in this  
13 subsection is entitled to the following incentives:

14 (a) Level 1.--

15 1. An applicant shall be entitled to incentives  
16 pursuant to this paragraph at a site if the applicant  
17 conducted the regulated activity for at least 4 of the 5 years  
18 preceding submittal of the permit application or, if the  
19 activity is a new regulated activity, the applicant conducted  
20 a similar regulated activity under an agency permit for at  
21 least 4 of the 5 years at a different site in this state  
22 preceding submittal of the permit application. However, an  
23 applicant shall not be entitled to incentives under this  
24 paragraph if the applicant has a relevant compliance history  
25 at the subject site that includes any violation that resulted  
26 in enforcement action and the violation resulted in the  
27 potential for harm to human health or the environment. Alleged  
28 violations shall not be considered unless a consent order or  
29 other settlement has been entered into or the violation has  
30 been adjudicated.

31 2. Level 1 incentives shall include:

1           a. Automatic renewal of permit.--A renewal of a permit  
2 shall be issued for a period of 5 years and shall, after  
3 notice and an opportunity for public comment, be automatically  
4 renewed for one additional 5-year term without agency action  
5 unless the agency determines, based on information submitted  
6 by the applicant or resulting from the public comments or its  
7 own records, that the applicant has committed violations  
8 during the relevant review period that disqualify the  
9 applicant from receiving the automatic or expedited renewal.

10           b. Expedited permit review.--The processing time  
11 following receipt of a completed application shall be 45 days  
12 for the issuance of the agency action.

13           c. Short-form renewals.--Renewals of permits not  
14 involving substantial construction or expansion may be made  
15 upon a shortened application form specifying only the changes  
16 in the regulated activity or a certification by the applicant  
17 that no changes in the regulated activity are proposed if that  
18 is the case. Applicants for short-form renewals shall complete  
19 and submit the prescribed compliance form with the application  
20 and shall remain subject to the compliance history review of  
21 this section. All other procedural requirements for renewal  
22 applications remain unchanged. This provision shall supplement  
23 any expedited review processes found in agency rules.

24           d. Rulemaking.--Within 6 months after the effective  
25 date of this section, the agency shall initiate rulemaking to  
26 implement Level 1 incentives. The rule shall specify what  
27 incentives will be made available, how applicants may qualify  
28 for incentives, and how extended permits may be transferred.  
29 Until an implementing rule is adopted, Level 1 incentives  
30 shall not be available to permit applicants under this  
31 section.

1           (b) Level 2.--  
2           1. An applicant shall be entitled to incentives  
3 pursuant to this paragraph if the applicant meets the  
4 requirements for Level 1 and the applicant takes any other  
5 actions not otherwise required by law that result in:  
6           a. Reductions in actual or permitted discharges or  
7 emissions;  
8           b. Reductions in the impacts of regulated activities  
9 on public lands or natural resources;  
10           c. Waste reduction or reuse;  
11           d. Implementation of a voluntary environmental  
12 management system; or  
13           e. Other similar actions as determined by agency rule.  
14           2. Level 2 incentives may include all Level 1  
15 incentives and shall also include:  
16           a. Ten-year permits, provided the applicant has  
17 conducted a regulated activity at the site for at least 5  
18 years.  
19           b. Fewer routine inspections than other regulated  
20 activities similarly situated.  
21           c. Expedited review of requests for permit  
22 modifications.  
23           d. Agency recognition, program-specific incentives, or  
24 certifications in lieu of renewal permits.  
25           e. No more than two requests for additional  
26 information.  
27           (c) Rulemaking.--Within 6 months after the effective  
28 date of this section, the agency shall initiate rulemaking to  
29 implement Level 2 incentives. The rule shall specify what  
30 incentives will be made available, how applicants may qualify  
31 for incentives, and how extended permits may be transferred.

1 Until an implementing rule is adopted, Level 2 incentives  
2 shall not be available to permit applicants under this  
3 section.

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

6 161.041 Permits required.--

7 (5) The Incentive-based Permitting Program provisions  
8 of s. 403.0874 shall apply to all permits issued under this  
9 chapter.

10 Section 3. Subsection (3) is added to section 373.219,  
11 Florida Statutes, to read:

12 373.219 Permits required.--

13 (3) The Incentive-based Permitting Program provisions  
14 of s. 403.0874 shall apply to all permits issued under this  
15 part.

16 Section 4. Subsection (6) is added to section 373.413,  
17 Florida Statutes, to read:

18 373.413 Permits for construction or alteration.--

19 (6) The Incentive-based Permitting Program provisions  
20 of s. 403.0874 shall apply to permits issued under this  
21 section.

22 Section 5. Subsection (7) of section 403.087, Florida  
23 Statutes, is amended to read:

24 403.087 Permits; general issuance; denial; revocation;  
25 prohibition; penalty.--

26 (7) A permit issued pursuant to this section shall not  
27 become a vested right in the permittee. The department may  
28 revoke any permit issued by it if it finds that the  
29 permitholder:

30 (a) Has submitted material false or inaccurate  
31 information in the his or her application for such permit when

1 true or accurate information would have warranted denial of  
2 the permit initially;  
3       (b) Has violated law, department orders, rules, or  
4 regulations, or ~~permit~~ conditions directly related to such  
5 permit;  
6       (c) Has failed to submit operational reports or other  
7 information required by department rule or regulation directly  
8 related to such permit; or  
9       (d) Has refused lawful inspection under s. 403.091 at  
10 the facility authorized by such permit.  
11       Section 6. This act shall take effect upon becoming a  
12 law.