

By the Committee on Environmental Preservation and Conservation;  
and Senator Crist

592-07209-08

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1 A bill to be entitled

2 An act relating to the permitting of landfills; amending  
3 s. 403.707, F.S.; requiring the Department of  
4 Environmental Protection to conduct a study concerning the  
5 location of landfills and report to the Governor and the  
6 Legislature; prohibiting the permitting of Class I  
7 landfills if the department finds that the applicant has  
8 violated certain laws during a specified period; defining  
9 the term "applicant"; providing an effective date.

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

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13 Section 1. Subsections (5) and (8) of section 403.707,  
14 Florida Statutes, are amended to read:

15 403.707 Permits.--

16 (5) (a) The department may not issue a ~~construction~~ permit  
17 under pursuant to this part for construction of a new solid waste  
18 landfill within 3,000 feet of Class I surface waters.

19 (b) The department shall conduct a study regarding the  
20 appropriate distance a Class I landfill should be located from  
21 Class III surface waters, as well as the extent to which water  
22 flow affects the carriage of pollutants to and from potable water  
23 sources and existing landfills. The results of this study shall  
24 be reported to the Governor, the President of the Senate, and the  
25 Speaker of the House of Representatives by February 1, 2009. The  
26 department shall develop standards and procedures for conducting  
27 the study and shall make recommendations to the Legislature  
28 regarding the expansion or construction of Class I landfills in  
29 the state upon the study's conclusion.

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30           (8) (a) The department may refuse to issue a permit to an  
31 applicant who by past conduct in this state has repeatedly  
32 violated pertinent statutes, rules, or orders or permit terms or  
33 conditions relating to any solid waste management facility and  
34 who is deemed to be irresponsible as defined by department rule.

35           (b) The department may not approve an application for the  
36 construction of a new Class I landfill or the expansion of an  
37 existing Class I landfill if, in an enforcement notice or order,  
38 the department finds that in the 3-year period before the date of  
39 the department's decision the applicant violated a state  
40 law or rule governing the disposal or management of hazardous  
41 waste, biomedical waste, or polychlorinated biphenyl waste in  
42 regard to the operation or maintenance of a solid waste  
43 management facility or solid waste disposal facility. If such  
44 finding by the department is under appeal in an administrative or  
45 judicial proceeding, the department may not approve the  
46 application until the appeal is exhausted.

47           (c) For the purposes of this section ~~subsection~~, an  
48 applicant includes the owner or operator of the facility, or if  
49 the owner or operator is a business entity, a parent of a  
50 subsidiary corporation, a partner, a corporate officer or  
51 director, or a stockholder holding more than 50 percent of the  
52 stock of the corporation.

53           Section 2. This act shall take effect July 1, 2008.