

1                   A bill to be entitled  
2           An act relating to environmental permitting; amending s.  
3           373.4144, F.S.; providing legislative intent; requiring  
4           the Department of Environmental Protection to pursue the  
5           issuance of a state programmatic permit or regional  
6           general permits from the United States Army Corps of  
7           Engineers; revising provisions requiring the Department of  
8           Environmental Protection to develop and use a mechanism  
9           consolidating federal and state wetland permitting  
10          programs; authorizing implementation of a state  
11          programmatic general permit or regional general permits by  
12          the department and water management districts for certain  
13          dredge and fill activities; specifying conditions  
14          applicable to such permits; amending s. 373.4211, F.S.;  
15          delaying the effective date of a rule adding slash pine  
16          and gallberry to the list of facultative plants; revising  
17          provisions concerning the methodologies used to delineate  
18          the landward extent of wetlands and surface waters;  
19          revising provisions concerning the vegetative index used  
20          to delineate the landward extent of wetlands and surface  
21          waters; providing for permit modification under certain  
22          circumstances; providing for certain declaratory  
23          statements or formal jurisdictional determinations from  
24          the department or a water management district; providing  
25          exemptions for certain permit petitions and applications  
26          relating to specified activities; creating ss. 125.0112,  
27          F.S.; providing that the construction and operation of a  
28          biofuel processing facility or a renewable energy

29 | generating facility may be considered a valid industrial,  
30 | agricultural, and silvicultural use for purposes of any  
31 | local comprehensive plan; providing that the cultivation  
32 | and production of bioenergy is a valid industrial,  
33 | agricultural, and silvicultural use for purposes of any  
34 | local comprehensive plan; providing for a local government  
35 | to establish an expedited review process under certain  
36 | circumstances; providing that local expedited review does  
37 | not obligate a local government to approve proposed uses;  
38 | providing for alternative state review of certain plan  
39 | amendments; providing the construction and operation of  
40 | certain facilities may not affect classification of  
41 | property for ad valorem tax purposes; amending s. 373.236,  
42 | F.S.; requiring that a permit for the use of water for  
43 | cultivating agricultural products and renewable energy be  
44 | granted for a specified number of years if certain  
45 | conditions are met; providing requirements for permittees;  
46 | providing an exemption; amending s. 403.973, F.S.;

47 | providing for the expedited review of permit applications  
48 | for projects resulting in the production of biofuels or in  
49 | the construction of a biofuel or biodiesel processing  
50 | facility or renewable energy generating facility;  
51 | clarifying provisions relating to memoranda of agreement  
52 | which establish regional teams for the expedited review of  
53 | such applications; providing an effective date.

54 |  
55 | Be It Enacted by the Legislature of the State of Florida:

56 | Section 1. Section 373.4144, Florida Statutes, is amended

57 | to read:

58 |       373.4144 Federal environmental permitting.--

59 |       (1) The Legislature intends to facilitate coordination and  
60 | a more efficient process of implementing regulatory duties and  
61 | functions between the Department of Environmental Protection,  
62 | the water management districts, the United States Army Corps of  
63 | Engineers, the United States Fish and Wildlife Service, the  
64 | National Marine Fisheries Service, the United States  
65 | Environmental Protection Agency, the Fish and Wildlife  
66 | Conservation Commission, and other relevant federal and state  
67 | agencies. ~~The department is directed to develop, on or before~~  
68 | ~~October 1, 2005, a mechanism or plan to consolidate, to the~~  
69 | ~~maximum extent practicable, the federal and state wetland~~  
70 | ~~permitting programs. It is the intent of the Legislature that~~  
71 | ~~all dredge and fill activities impacting 10 acres or less of~~  
72 | ~~wetlands or waters, including navigable waters, be processed by~~  
73 | ~~the state as part of the environmental resource permitting~~  
74 | ~~program implemented by the department and the water management~~  
75 | ~~districts. The resulting mechanism or plan shall analyze and~~  
76 | ~~propose the development of an expanded state programmatic~~  
77 | ~~general permit program in conjunction with the United States~~  
78 | ~~Army Corps of Engineers pursuant to s. 404 of the Clean Water~~  
79 | ~~Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,~~  
80 | ~~and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,~~  
81 | ~~or in combination with an expanded state programmatic general~~  
82 | ~~permit, the mechanism or plan may propose the creation of a~~  
83 | ~~series of regional general permits issued by the United States~~  
84 | ~~Army Corps of Engineers pursuant to the referenced statutes. All~~

85 ~~of the regional general permits must be administered by the~~  
86 ~~department or the water management districts or their designees.~~

87 (2) (a) The department shall pursue the issuance by the  
88 United States Army Corps of Engineers, pursuant to state and  
89 federal law and as set forth in this section, of an expanded  
90 state programmatic general permit or a series of regional  
91 general permits for categories of activities in waters of the  
92 United States governed by the Clean Water Act and in navigable  
93 waters under the Rivers and Harbors Act of 1899, which are  
94 similar in nature, which will cause only minimal adverse  
95 environmental effects when performed separately, and which will  
96 have only minimal cumulative adverse effects on the environment.

97 (b) The department is directed to:

98 1. Use the mechanism of a state general permit or regional  
99 general permits to eliminate overlapping federal regulations and  
100 state rules that seek to protect the same resource and to avoid  
101 duplication of permitting between the United States Army Corps  
102 of Engineers and the department for minor work located in waters  
103 of the United States, including navigable waters, thus  
104 eliminating, in appropriate cases, the need for a separate  
105 individual approval from the United States Army Corps of  
106 Engineers while ensuring the most stringent protection of  
107 wetland resources; and

108 2. Not seek issuance of or take any action pursuant to any  
109 such permits unless the conditions are at least as protective of  
110 the environment and natural resources as existing state law  
111 under this part and federal law under the Clean Water Act and  
112 the Rivers and Harbors Act of 1899.

113 (c) The department shall report to the Legislature by  
 114 January 15 of each year on efforts to eliminate impediments to  
 115 achieving greater efficiencies through expansion of a state  
 116 programmatic general permit or regional general permits.

117 (3)(2) To effectuate efficient wetland permitting and  
 118 avoid duplication, the department and water management districts  
 119 may implement a voluntary state programmatic general permit for  
 120 all dredge and fill activities impacting 5 acres or less of  
 121 wetlands or other surface waters, including navigable waters,  
 122 subject to agreement with the United States Army Corps of  
 123 Engineers, if the general permit is at least as protective of  
 124 the environment and natural resources as existing state law  
 125 under this part and federal law under the Clean Water Act and  
 126 the Rivers and Harbors

127 Act of 1899. This subsection does not prevent the department or  
 128 water management districts from pursuing and implementing a  
 129 state programmatic permit for projects impacting more than 5  
 130 acres of wetlands or other surface waters. ~~The department is~~  
 131 ~~directed to file with the Speaker of the House of~~  
 132 ~~Representatives and the President of the Senate a report~~  
 133 ~~proposing any required federal and state statutory changes that~~  
 134 ~~would be necessary to accomplish the directives listed in this~~  
 135 ~~section and to coordinate with the Florida Congressional~~  
 136 ~~Delegation on any necessary changes to federal law to implement~~  
 137 ~~the directives.~~

138 (4)(3) ~~Nothing in This section does not shall be construed~~  
 139 ~~to~~ preclude the department from pursuing a series of regional  
 140 general permits for construction activities in wetlands or

141 surface waters or the complete assumption of federal permitting  
142 programs regulating the discharge of dredged or fill material  
143 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,  
144 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers  
145 and Harbors Act of 1899, so long as the assumption encompasses  
146 all dredge and fill activities in, on, or over jurisdictional  
147 wetlands or waters, including navigable waters, within the  
148 state.

149 (5) (a) In order to assist in facilitating the objectives  
150 of this section and to promote consistency between federal and  
151 state mitigation requirements, the department and water  
152 management districts shall compare their rules regarding  
153 mitigation for adverse impacts to the mitigation rules of the  
154 United States Army Corps of Engineers and the United States  
155 Environmental Protection Agency in 73 Federal Register, pages  
156 19594-19705 (2008). The comparison shall be done in consultation  
157 with appropriate representatives of the United States Army Corps  
158 of Engineers and the United States Environmental Protection  
159 Agency. After performing the comparison, the department and  
160 water management districts shall:

161 1. Identify any inconsistent or contradictory provisions;

162 and

163 2. Recommend appropriate revisions to the rules of the  
164 department or water management districts to reduce inconsistent  
165 or contradictory requirements in such a manner that will not  
166 lessen environmental protection. The recommendations shall  
167 include a consideration for increasing the geographic size of  
168 drainage basins and regional watersheds to facilitate or reflect

169 a watershed approach to mitigation.

170 (b) The department and water management districts shall  
171 submit a consolidated report regarding the requirements of this  
172 subsection to the Governor, the Chair of the Senate  
173 Environmental Preservation and Conservation Committee, and the  
174 Chair of the House Agriculture and Natural Resources Policy  
175 Committee by January 15, 2010. If the department and water  
176 management districts believe any conflicting state law prevents  
177 them from amending their rules to achieve the objectives of this  
178 subsection, the report must identify such law and explain why it  
179 prevents a rule amendment to achieve the objectives of this  
180 subsection.

181 Section 2. Subsection (19) of section 373.4211, Florida  
182 Statutes, is amended to read:

183 373.4211 Ratification of chapter 17-340, Florida  
184 Administrative Code, on the delineation of the landward extent  
185 of wetlands and surface waters.--Pursuant to s. 373.421, the  
186 Legislature ratifies chapter 17-340, Florida Administrative  
187 Code, approved on January 13, 1994, by the Environmental  
188 Regulation Commission, with the following changes:

189 (19) (a) Rule 17-340.450(3) is amended by adding, after the  
190 species list, the following language:

191 "Within Monroe County and the Key Largo portion of Miami-  
192 Dade County only, the following species shall be listed as  
193 facultative: *Alternanthera paronychioides*, *Byrsonima lucida*,  
194 *Ernodea littoralis*, *Guapira discolor*, *Marnilkara bahamensis*,  
195 *Pisonis rotundata*, *Pithecellobium keyensis*, *Pithecellobium*  
196 *unquis-cati*, *Randia aculeata*, *Reynosia septentrionalis*, and

197 *Thrinax radiata*."

198 (b) Pursuant to s. 373.421 and subject to the conditions  
199 described in this paragraph, the Legislature ratifies the  
200 changes to rule 62-340.450(3), Florida Administrative Code,  
201 approved on February 23, 2006, by the Environmental Regulation  
202 Commission which added slash pine (*Pinus elliottii*) and  
203 gallberry (*Ilex glabra*) to the list of facultative plants.  
204 However, this ratification and the rule revision will not take  
205 effect until a voluntary state programmatic general permit for  
206 all dredge and fill activities affecting 5 acres or less of  
207 wetlands or other surface waters is implemented as provided in  
208 s. 373.4144(3).

209 (c) Unless the holder of a valid permit elects to use the  
210 delineation line as amended to add slash pine (*Pinus elliottii*)  
211 and gallberry (*Ilex glabra*) to the list of facultative plants,  
212 the surface water and wetland delineations identified and  
213 approved by a permit issued under rules adopted under this part  
214 before July 1, 2009, remain valid until expiration of the  
215 permit, notwithstanding the changes to rule 62-340.450(3),  
216 Florida Administrative Code, as described in this subsection.  
217 For purposes of this paragraph, the term "identified and  
218 approved" means:

219 1. The delineation was field-verified by the permitting  
220 agency and such verification was surveyed as part of the  
221 application review process for the permit; or

222 2. The delineation was field-verified by the permitting  
223 agency and approved pursuant to the permit.

224



225 Where surface water and wetland delineations were not identified  
226 and approved pursuant to the permit issued under rules adopted  
227 under this part, delineations within the geographical area to  
228 which the permit applies shall be determined pursuant to the  
229 rules applicable at the time the permit was issued,  
230 notwithstanding the changes to rule 62-340.450(3), Florida  
231 Administrative Code, as described in this subsection. This  
232 paragraph also applies to any modification of the permit issued  
233 under rules adopted pursuant to this part which does not  
234 constitute a substantial modification within the geographical  
235 area to which the permit applies.

236 (d) Unless the petitioner elects to use the delineation  
237 line as amended to add slash pine (*Pinus elliotii*) and  
238 gallberry (*Ilex glabra*) to the list of facultative plants, any  
239 declaratory statement issued by the department under s. 403.914,  
240 1984 Supplement to the Florida Statutes 1983 as amended,  
241 pursuant to rules adopted thereunder, or formal determination  
242 issued by the department or a water management district under s.  
243 373.421, in response to a petition filed on or before July 1,  
244 2009, shall continue to be valid for the duration of such  
245 declaratory statement or formal determination. Any petition  
246 pending on or before July 1, 2009, is exempt from the changes to  
247 rule 62-340.450(3), Florida Administrative Code, as described in  
248 this subsection, and is subject to the provisions of chapter 62-  
249 340, Florida Administrative Code, in effect prior to such  
250 change. Activities proposed within the boundaries of a valid  
251 declaratory statement or formal determination issued pursuant to  
252 a petition submitted to the department or the relevant water

253 management district on or before July 1, 2009, or within the  
 254 boundaries of a revalidated jurisdictional determination prior  
 255 to its expiration, shall continue to be exempt after July 1,  
 256 2009 from the changes to rule 62-340.450(3), Florida  
 257 Administrative Code, as described in this subsection.

258 Section 3. Section 125.0112, Florida Statutes, is created  
 259 to read:

260 125.0112 Biofuels and renewable energy.--The construction  
 261 and operation of a biofuel processing facility or a renewable  
 262 energy generating facility, as defined in s. 366.91(2)(d), may  
 263 be considered by a local government to be a valid industrial,  
 264 agricultural, and silvicultural use permitted within those land  
 265 use categories in the local comprehensive land use plan. The  
 266 cultivation and production of bioenergy, as defined in s.  
 267 570.957(1)(a), shall be considered by a local government to be a  
 268 valid industrial, agricultural, and silvicultural use permitted  
 269 within those land use categories in the local comprehensive land  
 270 use plan. If the local comprehensive plan does not specifically  
 271 allow for the construction of a biofuel processing facility or  
 272 renewable energy facility, the local government shall establish  
 273 a specific review process that may include expediting local  
 274 review of any necessary comprehensive plan amendment, zoning  
 275 change, use permit, waiver, variance, or special exemption.  
 276 Local expedited review of a proposed biofuel processing facility  
 277 or a renewable energy facility does not obligate a local  
 278 government to approved such proposed use. A comprehensive plan  
 279 amendment necessary to accommodate a biofuel processing facility  
 280 or renewable energy facility shall, if approved by the local

281 government, be eligible for the alternative state review process  
 282 in s. 163.32465. The construction and operation of a facility  
 283 and related improvements on a portion of a property under this  
 284 section shall not affect the remainder of the property's  
 285 classification as agricultural under s. 193.461.

286 Section 4. Subsection (6) is added to section 373.236,  
 287 Florida Statutes, to read:

288 373.236 Duration of permits; compliance reports.--

289 (6) A permit that is approved for the use of water for a  
 290 renewable energy operating facility or for cultivating  
 291 agricultural products on lands consisting of 1,000 acres or more  
 292 for renewable energy, as defined in s. 366.91(2)(d), shall, upon  
 293 the applicant's request, be granted for a term of at least 25  
 294 years based on the anticipated life of the facility if there is  
 295 sufficient data to provide reasonable assurance that the  
 296 conditions for issuing a permit will be met for the duration of  
 297 the permit. However, a permit may be issued for a shorter  
 298 duration that reflects the longest period for which such  
 299 reasonable assurances are provided. The permittee shall provide  
 300 a compliance report every 5 years during the term of the permit  
 301 as required under subsection (4).

302 Section 5. Subsection (4) of section 373.243, Florida  
 303 Statutes, is amended to read:

304 373.243 Revocation of permits.--The governing board or the  
 305 department may revoke a permit as follows:

306 (4) For nonuse of the water supply allowed by the permit  
 307 for a period of 2 years or more, the governing board or the  
 308 department may revoke the permit permanently and in whole unless

309 the user can prove that his or her nonuse was due to extreme  
 310 hardship caused by factors beyond the user's control. However,  
 311 for a permit with a duration determined under s. 373.236(6), the  
 312 governing board or the department may revoke the permit only if  
 313 the nonuse of the water supply allowed by the permit is for a  
 314 period of 4 years or more.

315 Section 6. Subsections (3), (4), (7), and (11), paragraph  
 316 (b) of subsection (13), paragraph (b) of subsection (14),  
 317 subsection (15), and paragraph (b) of subsection (19) of section  
 318 403.973, Florida Statutes, are amended to read:

319 403.973 Expedited permitting; comprehensive plan  
 320 amendments.--

321 (3) (a) The Governor, through the office, shall direct the  
 322 creation of regional permit action teams, for the purpose of  
 323 expediting review of permit applications and local comprehensive  
 324 plan amendments submitted by:

- 325 1. Businesses creating at least 100 jobs, or
- 326 2. Businesses creating at least 50 jobs if the project is  
 327 located in an enterprise zone, or in a county having a  
 328 population of less than 75,000 or in a county having a  
 329 population of less than 100,000 which is contiguous to a county  
 330 having a population of less than 75,000, as determined by the  
 331 most recent decennial census, residing in incorporated and  
 332 unincorporated areas of the county. ~~or~~

333 (b) On a case-by-case basis and at the request of a county  
 334 or municipal government, the office may certify as eligible for  
 335 expedited review a project not meeting the minimum job creation  
 336 thresholds but creating a minimum of 10 jobs. The recommendation

337 from the governing body of the county or municipality in which  
338 the project may be located is required in order for the office  
339 to certify that any project is eligible for expedited review  
340 under this paragraph. When considering projects that do not meet  
341 the minimum job creation thresholds but that are recommended by  
342 the governing body in which the project may be located, the  
343 office shall consider economic impact factors that include, but  
344 are not limited to:

- 345 1. The proposed wage and skill levels relative to those  
346 existing in the area in which the project may be located;
- 347 2. The project's potential to diversify and strengthen the  
348 area's economy;
- 349 3. The amount of capital investment; and
- 350 4. The number of jobs that will be made available for  
351 persons served by the welfare transition program.

352 (c) At the request of a county or municipal government,  
353 the office or a Quick Permitting County may certify projects  
354 located in counties where the ratio of new jobs per participant  
355 in the welfare transition program, as determined by Workforce  
356 Florida, Inc., is less than one or otherwise critical, as  
357 eligible for the expedited permitting process. Such projects  
358 must meet the numerical job creation criteria of this  
359 subsection, but the jobs created by the project do not have to  
360 be high-wage jobs that diversify the state's economy.

361 (d) Projects located in a designated brownfield area are  
362 eligible for the expedited permitting process.

363 (e) Projects that are part of the state-of-the-art  
364 biomedical research institution and campus to be established in

365 | this state by the grantee under s. 288.955 are eligible for the  
 366 | expedited permitting process, if the projects are designated as  
 367 | part of the institution or campus by the board of county  
 368 | commissioners of the county in which the institution and campus  
 369 | are established.

370 |       (f) Projects that result in the production of biofuels  
 371 | cultivated on lands consisting of 1,000 acres or more, or in the  
 372 | construction of a biofuel or biodiesel processing facility or  
 373 | renewable energy generating facility as defined in s.  
 374 | 366.91(2)(d), are eligible for the expedited permitting process.

375 |       (4) The regional teams shall be established through the  
 376 | execution of memoranda of agreement developed by the applicant  
 377 | and between the office with input solicited from and the  
 378 | respective heads of the Department of Environmental Protection,  
 379 | the Department of Community Affairs, the Department of  
 380 | Transportation and its district offices, the Department of  
 381 | Agriculture and Consumer Services, the Fish and Wildlife  
 382 | Conservation Commission, appropriate regional planning councils,  
 383 | appropriate water management districts, and voluntarily  
 384 | participating municipalities and counties. The memoranda of  
 385 | agreement must ~~should also~~ accommodate participation in the ~~this~~  
 386 | expedited process by other local governments and federal  
 387 | agencies as circumstances warrant.

388 |       (7) An appeal ~~At the option of the participating local~~  
 389 | ~~government, appeals of a local government's its final~~ approval  
 390 | for a project must ~~may~~ be conducted pursuant to the summary  
 391 | hearing provisions in ~~of~~ s. 120.574, pursuant to subsection  
 392 | (14), and consolidated with the challenge of applicable state

393 agency actions, if any ~~or pursuant to other appellate processes~~  
394 ~~available to the local government. The local government's~~  
395 ~~decision to enter into a summary hearing must be made as~~  
396 ~~provided in s. 120.574 or in the memorandum of agreement.~~

397 (11) The standard form memorandum ~~memoranda~~ of agreement  
398 must ~~shall~~ include guidelines to be used in working with state,  
399 regional, and local permitting authorities. Guidelines may  
400 include, but are not limited to, the following:

401 (a) A central contact point for filing permit applications  
402 and local comprehensive plan amendments and for obtaining  
403 information on permit and local comprehensive plan amendment  
404 requirements;

405 (b) Identification of the individual or individuals within  
406 each respective agency who will be responsible for processing  
407 the expedited permit application or local comprehensive plan  
408 amendment for the ~~that~~ agency;

409 (c) A mandatory preapplication review process to reduce  
410 permitting conflicts by providing guidance to applicants  
411 regarding the permits needed from each agency and governmental  
412 entity, site planning and development, site suitability and  
413 limitations, facility design, and steps the applicant can take  
414 to ensure expeditious permit application and local comprehensive  
415 plan amendment review. As a part of the ~~this~~ process, the first  
416 interagency meeting to discuss a project shall be held within 14  
417 days after the office's determination that the project is  
418 eligible for expedited review. Subsequent interagency meetings  
419 may be scheduled to accommodate the needs of participating local  
420 governments that are unable to meet public notice requirements

421 for executing a memorandum of agreement within the ~~this~~  
422 timeframe. Such ~~This~~ accommodation may not exceed 45 days from  
423 the office's determination that the project is eligible for  
424 expedited review;

425 (d) The preparation of a single coordinated project  
426 description form and checklist and an agreement by state and  
427 regional agencies to reduce the burden on an applicant to  
428 provide duplicate information to multiple agencies;

429 (e) ~~Establishment of~~ A process for the adoption and review  
430 of any comprehensive plan amendment needed by any certified  
431 project within 90 days after the submission of an application  
432 for a comprehensive plan amendment. However, the memorandum of  
433 agreement may not prevent affected persons as defined in s.  
434 163.3184 from appealing or participating in the ~~this~~ expedited  
435 plan amendment process and any review or appeals of decisions  
436 made under this paragraph; and

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

439 (13) Notwithstanding any other provisions of law:

440 (b) Projects that are qualified under this section are not  
441 subject to interstate highway level-of-service standards adopted  
442 by the Department of Transportation for concurrency purposes.  
443 The memorandum of agreement specified in subsection (5) must  
444 include a process by which the applicant will be assessed a fair  
445 share of the cost of mitigating the project's significant  
446 traffic impacts, as defined in chapter 380 and related rules.  
447 The agreement must also specify whether the significant traffic  
448 impacts on the interstate system will be mitigated through the



449 implementation of a project or payment of funds to the  
450 Department of Transportation. If ~~Where~~ funds are paid, the  
451 Department of Transportation must include in the 5-year work  
452 program transportation projects or project phases, in an amount  
453 equal to the funds received, to mitigate the traffic impacts  
454 associated with the proposed project.

455 (14)

456 (b) Challenges to state agency action in the expedited  
457 permitting process for establishment of a state-of-the-art  
458 biomedical research institution and campus in the ~~this~~ state by  
459 the grantee under s. 288.955 or a project identified in  
460 paragraph (3)(f) are subject to the same requirements as  
461 challenges brought under paragraph (a), except that,  
462 notwithstanding s. 120.574, summary proceedings must be  
463 conducted within 30 days after a party files the motion for  
464 summary hearing, regardless of whether the parties agree to the  
465 summary proceeding.

466 (15) The office, working with the agencies that provide  
467 input to ~~participating in~~ the memoranda of agreement, shall  
468 review sites proposed for the location of facilities eligible  
469 for the Innovation Incentive Program under s. 288.1089. Within  
470 20 days after the request for the review by the office, the  
471 agencies shall provide to the office a statement as to each  
472 site's necessary permits under local, state, and federal law and  
473 an identification of significant permitting issues, which if  
474 unresolved, may result in the denial of an agency permit or  
475 approval or any significant delay caused by the permitting  
476 process.

477 (19) The following projects are ineligible for review  
478 under this part:

479 (b) A project, the primary purpose of which is to:

480 1. Effect the final disposal of solid waste, biomedical  
481 waste, or hazardous waste in this state.

482 2. Produce electrical power, unless the production of  
483 electricity is incidental and not the primary function of the  
484 project or the electrical power is derived from a renewable  
485 energy fuel source as defined in s. 366.91(2)(d).

486 3. Extract natural resources.

487 4. Produce oil.

488 5. Construct, maintain, or operate an oil, petroleum,  
489 natural gas, or sewage pipeline.

490 Section 7. This act shall take effect July 1, 2009.

491