

By Senator Crist

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1 A bill to be entitled
2 An act relating to the permitting of landfills;
3 amending s. 403.707, F.S.; prohibiting the Department
4 of Environmental Protection from approving an
5 application for the construction or expansion of a
6 Class I landfill if the department finds that the
7 applicant violated state laws or rules during a
8 specified period; requiring the department to conduct
9 a study concerning the location of landfills and
10 report to the Governor and the Legislature by a
11 certain date; providing an effective date.

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

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15 Section 1. Subsection (8) of section 403.707, Florida
16 Statutes, is amended to read:

17 403.707 Permits.—

18 (8) The department may refuse to issue a permit to an
19 applicant who ~~by past conduct in this state~~ has repeatedly
20 violated pertinent statutes, rules, or orders or permit terms or
21 conditions relating to any solid waste management facility in
22 this state and who is deemed to be irresponsible as defined by
23 department rule.

24 (a) The department may not approve an application for the
25 construction or expansion of a Class I landfill if, in an
26 enforcement notice or order, the department makes a finding that
27 in the 3-year period before the date of the issuance of the
28 notice or order the applicant violated a state law or rule
29 governing the disposal or management of hazardous waste,

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30 biomedical waste, or polychlorinated biphenyl waste with respect
31 to the operation or maintenance of a solid waste management or
32 disposal facility. If such finding is under appeal in an
33 administrative or judicial proceeding, the department may not
34 approve the application until the appeal is exhausted.

35 (b) For the purposes of this section subsection, an
36 applicant includes the owner or operator of the facility, or if
37 the owner or operator is a business entity, a parent of a
38 subsidiary corporation, a partner, a corporate officer or
39 director, or a stockholder holding more than 50 percent of the
40 stock of the corporation.

41 Section 2. The Department of Environmental Protection shall
42 conduct a study to determine the appropriate distance a Class I
43 landfill should be located from Class III surface waters and the
44 extent to which water flow affects the carriage of pollutants to
45 and from potable water sources and existing landfills. The
46 department shall develop standards and procedures for conducting
47 the study and, based on the study's findings, make
48 recommendations regarding the expansion or construction of Class
49 I landfills in this state. The results of the study and
50 recommendations shall be reported to the Governor, the President
51 of the Senate, and the Speaker of the House of Representatives
52 by February 1, 2010.

53 Section 3. This act shall take effect July 1, 2009.