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LEGISLATIVE ACTION

Senate

House

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04/29/2010 01:53 PM

Senator Gaetz moved the following:

1 **Senate Substitute for Amendment (155960) (with title**
2 **amendment)**

3
4 Between lines 41 and 42
5 insert:

6 Section 2. Subsection (9) is added to section 288.9015,
7 Florida Statutes, to read:

8 288.9015 Enterprise Florida, Inc.; purpose; duties.—
9 (9) Enterprise Florida, Inc., shall provide technical
10 assistance to the Department of Environmental Protection in the
11 creation of the Recycling Business Assistance Center pursuant to
12 s. 403.7032(5). As the state's primary organization devoted to
13 statewide economic development, Enterprise Florida, Inc., is



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14 encouraged to cooperate with the Department of Environmental
15 Protection to ensure that the Recycling Business Assistance
16 Center is positioned to succeed in helping to enhance and expand
17 existing markets for recyclable materials in this state, other
18 states, and foreign countries.

19 Section 3. Paragraph (a) of subsection (19) of section
20 373.414, Florida Statutes, is amended to read:

21 373.414 Additional criteria for activities in surface
22 waters and wetlands.—

23 (19) (a) Financial responsibility for mitigation for
24 wetlands and other surface waters required by a permit issued
25 pursuant to this part for activities associated with the
26 extraction of limestone and phosphate are subject to approval by
27 the department as part of permit application review. Financial
28 responsibility for permitted activities which will occur over a
29 period of 3 years or less of mining operations must be provided
30 to the department prior to the commencement of mining operations
31 and shall be in an amount equal to 110 percent of the estimated
32 mitigation costs for wetlands and other surface waters affected
33 under the permit. For permitted activities which will occur over
34 a period of more than 3 years of mining operations, the initial
35 financial responsibility demonstration shall be in an amount
36 equal to 110 percent of the estimated mitigation costs for
37 wetlands and other surface waters affected in the first 3 years
38 of operation under the permit; and, for each year thereafter,
39 the financial responsibility demonstration shall be updated,
40 including to provide an amount equal to 110 percent of the
41 estimated mitigation costs for the next year of operations under
42 the permit for which financial responsibility has not already



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43 been demonstrated and to release portions of the financial
44 responsibility mechanisms in accordance with applicable rules.

45 Section 4. Subsection (2) of section 378.901, Florida
46 Statutes, is amended to read:

47 378.901 Life-of-the-mine permit.-

48 (2) As an alternative to, and in lieu of, separate
49 applications for permits required by part IV of chapter 373 and
50 part IV of this chapter, any each operator who mines or extracts
51 or proposes to mine or extract heavy minerals, limestone, or
52 fuller's earth clay may apply to the bureau for a life-of-the-
53 mine permit. Nothing in this subsection limits or restricts the
54 authority of a local government to approve, approve with
55 conditions, deny, or impose a permit duration different from the
56 duration of a permit issued pursuant to this section.

57 Section 5. Subsections (5) through (8) of section 403.44,
58 Florida Statutes, are renumbered as subsections (3) through (6),
59 respectively, and present subsections (3) and (4) of that
60 section are amended to read:

61 403.44 Florida Climate Protection Act.-

62 ~~(3) A major emitter shall be required to use The Climate~~
63 ~~Registry for purposes of emission registration and reporting.~~

64 ~~(4) The department shall establish the methodologies,~~
65 ~~reporting periods, and reporting systems that shall be used when~~
66 ~~major emitters report to The Climate Registry. The department~~
67 ~~may require the use of quality-assured data from continuous~~
68 ~~emissions monitoring systems.~~

69 Section 6. Section 403.7032, Florida Statutes, is amended
70 to read:

71 403.7032 Recycling.-



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72 (1) The Legislature finds that the failure or inability to
73 economically recover material and energy resources from solid
74 waste results in the unnecessary waste and depletion of our
75 natural resources. As the state continues to grow, so will the
76 potential amount of discarded material that must be treated and
77 disposed of, necessitating the improvement of solid waste
78 collection and disposal. Therefore, the maximum recycling and
79 reuse of such resources are considered high-priority goals of
80 the state.

81 (2) By the year 2020, the long-term goal for the recycling
82 efforts of state and local governmental entities, private
83 companies and organizations, and the general public is to
84 recycle at least 75 percent of the municipal solid waste that
85 would otherwise be ~~reduce the amount of recyclable solid waste~~
86 disposed of in waste management facilities, landfills, or
87 incineration facilities ~~by a statewide average of at least 75~~
88 ~~percent~~. However, any solid waste used for the production of
89 renewable energy shall count toward the long-term recycling goal
90 as set forth in this part section.

91 (3) All state agencies, K-12 public schools, public
92 institutions of higher learning, community colleges, and state
93 universities, all municipal, county, or other state entities
94 whose employees occupy buildings not owned by the municipality,
95 county, or state, and all entities occupying buildings that are
96 managed by the Department of Management Services must, at a
97 minimum, annually report all recycled materials to the county
98 using the department's designated reporting format. This
99 subsection does not apply to a fiscally constrained county, as
100 defined in s. 218.67(1), or to a municipality of special



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101 financial concern, as defined in s. 200.185(1)(b), with a per
102 capita taxable value of assessed property that does not exceed
103 \$58,000 or to any municipality with a population under 20,000
104 and a per capita taxable value of assessed property that does
105 not exceed \$48,000. Private businesses, other than certified
106 recovered materials dealers, that recycle paper, metals, glass,
107 plastics, textiles, rubber materials, and mulch are encouraged
108 to annually report the amount of materials they recycle to the
109 county beginning January 1, 2011, using the department's
110 designated reporting format. Using the information provided, the
111 department shall recognize those private businesses that
112 demonstrate outstanding recycling efforts. Notwithstanding any
113 other provision of state or local law, private businesses, other
114 than certified recovered materials dealers, are not required to
115 report recycling rates.

116 (4)~~(3)~~ The Department of Environmental Protection shall
117 develop a comprehensive recycling program that is designed to
118 achieve the percentage under subsection (2) and submit the
119 program to the President of the Senate and the Speaker of the
120 House of Representatives by January 1, 2010. The program may not
121 be implemented until approved by the Legislature. The program
122 must be developed in coordination with input from state and
123 local entities, private businesses, and the public. Under the
124 program, recyclable materials shall include, but are not limited
125 to, metals, paper, glass, plastic, textile, rubber materials,
126 and mulch. Components of the program shall include, but are not
127 limited to:

128 (a) Programs to identify environmentally preferable
129 purchasing practices to encourage the purchase of recycled,



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130 durable, and less toxic goods. The Department of Management
131 Services shall modify its procurement system to report on green
132 and recycled products purchased through the system by September
133 30, 2011.

134 (b) Programs to educate students in grades K-12 in the
135 benefits of, and proper techniques for, recycling.

136 (c) Programs for statewide recognition of successful
137 recycling efforts by schools, businesses, public groups, and
138 private citizens.

139 (d) Programs for municipalities and counties to develop and
140 implement efficient recycling efforts to return valuable
141 materials to productive use, conserve energy, and protect
142 natural resources.

143 (e) Programs by which the department can provide technical
144 assistance to municipalities and counties in support of their
145 recycling efforts.

146 (f) Programs to educate and train the public in proper
147 recycling efforts.

148 (g) Evaluation of how financial assistance can best be
149 provided to municipalities and counties in support of their
150 recycling efforts.

151 (h) Evaluation of why existing waste management and
152 recycling programs in the state have not been better used.

153 (5) The Department of Environmental Protection shall create
154 the Recycling Business Assistance Center by December 1, 2010. In
155 carrying out its duties under this subsection, the department
156 shall consult with state agency personnel appointed to serve as
157 economic development liaisons under s. 288.021 and seek
158 technical assistance from Enterprise Florida, Inc., to ensure



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159 the Recycling Business Assistance Center is positioned to
160 succeed. The purpose of the center shall be to serve as the
161 mechanism for coordination among state agencies and the private
162 sector in order to coordinate policy and overall strategic
163 planning for developing new markets and expanding and enhancing
164 existing markets for recyclable materials in this state, other
165 states, and foreign countries. The duties of the center must
166 include, at a minimum:

167 (a) Identifying and developing new markets and expanding
168 and enhancing existing markets for recyclable materials.

169 (b) Pursuing expanded end uses for recycled materials.

170 (c) Targeting materials for concentrated market-development
171 efforts.

172 (d) Developing proposals for new incentives for market
173 development, particularly focusing on targeted materials.

174 (e) Providing guidance on issues such as permitting,
175 finance options for recycling market development, site location,
176 research and development, grant program criteria for recycled
177 materials markets, recycling markets education and information,
178 and minimum content.

179 (f) Coordinating the efforts of various governmental
180 entities having market-development responsibilities in order to
181 optimize supply and demand for recyclable materials.

182 (g) Evaluating source-reduced products as they relate to
183 state procurement policy. The evaluation shall include, but is
184 not limited to, the environmental and economic impact of source-
185 reduced product purchases to the state. For the purposes of this
186 paragraph, the term "source-reduced" means any method, process,
187 product, or technology that significantly or substantially



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188 reduces the volume or weight of a product while providing, at a
189 minimum, equivalent or generally similar performance and service
190 to and for the users of such materials.

191 (h) Providing evaluation of solid waste management grants,
192 pursuant to s. 403.7095, to reduce the flow of solid waste to
193 disposal facilities and encourage the sustainable recovery of
194 materials from Florida's waste stream.

195 (i) Providing below-market financing for companies that
196 manufacture products from recycled materials or convert
197 recyclable materials into raw materials for use in manufacturing
198 pursuant to the Florida Recycling Loan Program as administered
199 by the Florida First Capital Finance Corporation.

200 (j) Maintaining a continuously updated online directory
201 listing the public and private entities that collect, transport,
202 broker, process, or remanufacture recyclable materials in the
203 state.

204 (k) Providing information on the availability and benefits
205 of using recycled materials to private entities and industries
206 in the state.

207 (l) Distributing any materials prepared in implementing
208 this subsection to the public, private entities, industries,
209 governmental entities, or other organizations upon request.

210 (m) Coordinating with the Agency for Workforce Innovation
211 and its partners to provide job-placement and job-training
212 services to job seekers through the state's workforce services
213 programs.

214 Section 7. Subsection (1) of section 403.7046, Florida
215 Statutes, is amended to read:

216 403.7046 Regulation of recovered materials.-



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217 (1) Any person who handles, purchases, receives, recovers,
218 sells, or is an end user of recovered materials shall annually
219 certify to the department on forms provided by the department.
220 The department may by rule exempt from this requirement
221 generators of recovered materials; persons who handle or sell
222 recovered materials as an activity which is incidental to the
223 normal primary business activities of that person; or persons
224 who handle, purchase, receive, recover, sell, or are end users
225 of recovered materials in small quantities as defined by the
226 department. The department shall adopt rules for the
227 certification of and reporting by such persons and shall
228 establish criteria for revocation of such certification. ~~Prior~~
229 ~~to the adoption of such rules, the department shall appoint a~~
230 ~~technical advisory committee of no more than nine persons,~~
231 ~~including, at a minimum, representatives of the Florida~~
232 ~~Association of Counties, the Florida League of Cities, the~~
233 ~~Florida Recyclers Association, and the Florida Chapter of the~~
234 ~~National Solid Waste Management Association, to aid in the~~
235 ~~development of such rules.~~ Such rules shall be designed to
236 elicit, at a minimum, the amount and types of recovered
237 materials handled by registrants, and the amount and disposal
238 site, or name of person with whom such disposal was arranged, of
239 any solid waste generated by such facility. By February 1 of
240 each year, registrants shall report all required information to
241 the department and to all counties from which it received
242 materials. Such rules may provide for the department to conduct
243 periodic inspections. The department may charge a fee of up to
244 \$50 for each registration, which shall be deposited into the
245 Solid Waste Management Trust Fund for implementation of the



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246 program.

247 Section 8. Subsection (5) of section 403.7049, Florida
248 Statutes, is amended to read:

249 403.7049 Determination of full cost for solid waste
250 management; local solid waste management fees.—

251 (5) In order to assist in achieving the municipal solid
252 waste reduction goal and the recycling provisions of s.
253 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
254 or operates a solid waste management facility is hereby
255 authorized to charge solid waste disposal fees which may vary
256 based on a number of factors, including, but not limited to, the
257 amount, characteristics, and form of recyclable materials
258 present in the solid waste that is brought to the county's or
259 the municipality's facility for processing or disposal.

260 Section 9. Paragraph (c) of subsection (2) and subsection
261 (3) of section 403.705, Florida Statutes, are amended, and
262 subsection (4) is added to that section, to read:

263 403.705 State solid waste management program.—

264 (2) The state solid waste management program shall include,
265 at a minimum:

266 (c) Planning guidelines and technical assistance to
267 counties and municipalities to aid in meeting the municipal
268 solid waste recycling ~~reduction~~ goals established in s.
269 403.706(2) ~~s. 403.706(4)~~.

270 (3) The department shall ~~periodically seek information from~~
271 ~~counties to~~ evaluate and report biennially to the President of
272 the Senate and the Speaker of the House of Representatives on
273 the state's success in meeting the solid waste recycling
274 ~~reduction~~ goal as described in s. 403.706(2).



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275 (4) The department shall adopt rules creating a voluntary
276 certification program for materials recovery facilities. The
277 certification criteria shall be based upon the amount and type
278 of materials recycled and the compliance record of the facility
279 and may vary depending on the location in the state and the
280 available markets for the materials that are processed. Any
281 materials recovery facility seeking certification shall file an
282 application to modify its permit, or shall include a
283 certification application as part of its original permit
284 application, which application shall not require an additional
285 fee. The department shall adopt a form for certification
286 applications, and shall require at least annual reports to
287 verify the continued qualification for certification. In order
288 to assist in the development of the certification program, the
289 department shall appoint a technical advisory committee.

290 Section 10. Subsections (2), (4), (6), (7), and (21) of
291 section 403.706, Florida Statutes, are amended to read:

292 403.706 Local government solid waste responsibilities.—

293 (2) (a) Each county shall implement a recyclable materials
294 recycling program that shall have a goal of recycling recyclable
295 solid waste by 40 percent by December 31, 2012, 50 percent by
296 December 31, 2014, 60 percent by December 31, 2016, 70 percent
297 by December 31, 2018, and 75 percent by December 31, 2020.

298 Counties and municipalities are encouraged to form cooperative
299 arrangements for implementing recycling programs.

300 (b) In order to assist counties in attaining the goals set
301 forth in paragraph (a), the Legislature finds that the recycling
302 of construction and demolition debris fulfills an important
303 state interest. Therefore, each county must implement a program



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304 for recycling construction and demolition debris.

305 (c) In accordance with applicable local government
306 ordinances, newly developed property receiving a certificate of
307 occupancy, or its equivalent, on or after July 1, 2012, that is
308 used for multifamily residential or commercial purposes, must
309 provide adequate space and an adequate receptacle for recycling
310 by tenants and owners of the property. This provision is limited
311 to counties and municipalities that have an established
312 residential, including multifamily, or commercial recycling
313 program that provides recycling receptacles to residences and
314 businesses and regular pick-up services for those receptacles.

315 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
316 the county, as determined by the department in accordance with
317 applicable rules, has not reached the recycling goals as set
318 forth in paragraph (a), the department may direct the county to
319 develop a plan to expand recycling programs to existing
320 commercial and multifamily dwellings, including, but not limited
321 to, apartment complexes.

322 (e) If the state's recycling rate for the 2013 calendar
323 year is below 40 percent, below 50 percent by January 1, 2015,
324 below 60 percent by January 1, 2017, below 70 percent by January
325 1, 2019, or below 75 percent by January 1, 2021, the department
326 shall provide a report to the President of the Senate and the
327 Speaker of the House of Representatives. The report shall
328 identify those additional programs or statutory changes needed
329 to achieve the goals set forth in paragraph (a). The report
330 shall be provided no later than 30 days before the beginning of
331 the Regular Session of the Legislature. The department is not
332 required to provide a report to the Legislature if the state



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333 reaches its recycling goals as described in this paragraph.

334 (f) ~~(b)~~ Such programs shall be designed to recover a
335 significant portion of at least four of the following materials
336 from the solid waste stream prior to final disposal at a solid
337 waste disposal facility and to offer these materials for
338 recycling: newspaper, aluminum cans, steel cans, glass, plastic
339 bottles, cardboard, office paper, and yard trash. Local
340 governments which operate permitted waste-to-energy facilities
341 may retrieve ferrous and nonferrous metal as a byproduct of
342 combustion.

343 (g) ~~(e)~~ Local governments are encouraged to separate all
344 plastics, metal, and all grades of paper for recycling prior to
345 final disposal and are further encouraged to recycle yard trash
346 and other mechanically treated solid waste into compost
347 available for agricultural and other acceptable uses.

348 (h) The department shall adopt rules establishing the
349 method and criteria to be used by a county in calculating the
350 recycling rates pursuant to this subsection.

351 ~~(d) By July 1, 2010, each county shall develop and~~
352 ~~implement a plan to achieve a goal to compost organic materials~~
353 ~~that would otherwise be disposed of in a landfill. The goal~~
354 ~~shall provide that up to 10 percent and no less than 5 percent~~
355 ~~of organic material would be composted within the county and the~~
356 ~~municipalities within its boundaries. The department may reduce~~
357 ~~or modify the compost goal if the county demonstrates to the~~
358 ~~department that achievement of the goal would be impractical~~
359 ~~given the county's unique demographic, urban density, or~~
360 ~~inability to separate normally compostable material from the~~
361 ~~solid waste stream. The composting plan is encouraged to address~~



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362 ~~partnership with the private sector.~~

363 (i) ~~(e)~~ Each county is encouraged to consider plans for
364 composting or mulching organic materials that would otherwise be
365 disposed of in a landfill. The composting or mulching plans are
366 encouraged to address partnership with the private sector.

367 (4) (a) In order to promote the production of renewable
368 energy from solid waste, each megawatt-hour produced by a
369 renewable energy facility using solid waste as a fuel shall
370 count as 1 ton of recycled material and shall be applied toward
371 meeting the recycling goals set forth in this section. If a
372 county creating renewable energy from solid waste implements and
373 maintains a program to recycle at least 50 percent of municipal
374 solid waste by a means other than creating renewable energy,
375 that county shall count 2 tons of recycled material for each
376 megawatt-hour produced. If waste originates from a county other
377 than the county in which the renewable energy facility resides,
378 the originating county shall receive such recycling credit. Any
379 county that has a debt service payment related to its waste-to-
380 energy facility shall receive 1 ton of recycled materials credit
381 for each ton of solid waste processed at the facility. Any
382 byproduct resulting from the creation of renewable energy does
383 not count as waste. A county's solid waste management and
384 recycling programs shall be designed to provide for sufficient
385 reduction of the amount of solid waste generated within the
386 county and the municipalities within its boundaries in order to
387 meet goals for the reduction of municipal solid waste prior to
388 the final disposal or the incineration of such waste at a solid
389 waste disposal facility. The goals shall provide, at a minimum,
390 that the amount of municipal solid waste that would be disposed



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391 ~~of within the county and the municipalities within its~~
392 ~~boundaries is reduced by at least 30 percent.~~

393 (b) A county may receive credit for one-half of the
394 recycling goal set forth in subsection (2) ~~for waste reduction~~
395 from the use of yard trash, or other clean wood waste or paper
396 waste, in innovative programs including, but not limited to,
397 programs that produce alternative clean-burning fuels such as
398 ethanol or that provide for the conversion of yard trash or
399 other clean wood waste or paper waste to clean-burning fuel for
400 the production of energy for use at facilities other than a
401 waste-to-energy facility as defined in s. 403.7061. The
402 provisions of this paragraph apply only if a county can
403 demonstrate that:

404 1. The county has implemented a yard trash mulching or
405 composting program, and

406 2. As part of the program, compost and mulch made from yard
407 trash is available to the general public and in use at county-
408 owned or maintained and municipally owned or maintained
409 facilities in the county and state agencies operating in the
410 county as required by this section.

411 (c) A county with a population of 100,000 or less or a
412 municipality with a population of 50,000 or less may provide its
413 residents with the opportunity to recycle in lieu of achieving
414 the goal set forth in this section ~~paragraph (a)~~. For the
415 purposes of this section ~~subsection~~, the "opportunity to
416 recycle" means that the county:

417 1.a. Provides a system for separating and collecting
418 recyclable materials prior to disposal that is located at a
419 solid waste management facility or solid waste disposal area; or



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420 b. Provides a system of places within the county for
421 collection of source-separated recyclable materials.

422 2. Provides a public education and promotion program that
423 is conducted to inform its residents of the opportunity to
424 recycle, encourages source separation of recyclable materials,
425 and promotes the benefits of reducing, reusing, recycling, and
426 composting materials.

427 (6) The department may reduce or modify the municipal solid
428 waste recycling ~~reduction~~ goal that a county is required to
429 achieve pursuant to subsection (2) ~~(4)~~ if the county
430 demonstrates to the department that:

431 (a) The achievement of the goal set forth in subsection (2)
432 ~~(4)~~ would have an adverse effect on the financial obligations of
433 a county that are directly related to a waste-to-energy facility
434 owned or operated by or on behalf of the county; and

435 (b) The county cannot remove normally combustible materials
436 from solid waste that is to be processed at a waste-to-energy
437 facility because of the need to maintain a sufficient amount of
438 solid waste to ensure the financial viability of the facility.

439
440 The goal shall not be waived entirely and may only be reduced or
441 modified to the extent necessary to alleviate the adverse
442 effects of achieving the goal on the financial viability of a
443 county's waste-to-energy facility. Nothing in this subsection
444 shall exempt a county from developing and implementing a
445 recycling program pursuant to this act.

446 (7) In order to assess the progress in meeting the goal set
447 forth ~~established~~ in subsection (2) ~~(4)~~, each county shall, by
448 April 1 ~~November~~ each year, provide information to the



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449 department regarding its annual solid waste management program
450 and recycling activities.

451 (a) The information submitted to the department by the
452 county must, at a minimum, include:

453 1. ~~(a)~~ The amount of municipal solid waste disposed of at
454 solid waste disposal facilities, by type of waste such as yard
455 trash, white goods, clean debris, tires, and unseparated solid
456 waste;

457 2. ~~(b)~~ The amount and type of materials from the municipal
458 solid waste stream that were recycled; and

459 3. ~~(c)~~ The percentage of the population participating in
460 various types of recycling activities instituted.

461 (b) Beginning with the data for the 2012 calendar year, the
462 department shall by July 1 each year post on its website the
463 recycling rates of each county for the prior calendar year.

464 (21) Local governments are authorized to enact ordinances
465 that require and direct all residential properties, multifamily
466 dwelling, and apartment complexes and industrial, commercial,
467 and institutional establishments as defined by the local
468 government to establish programs for the separation of
469 recyclable materials designated by the local government, which
470 recyclable materials are specifically intended for purposes of
471 recycling and for which a market exists, and to provide for
472 their collection. Such ordinances may include, but are not
473 limited to, provisions that prohibit any person from knowingly
474 disposing of recyclable materials designated by the local
475 government and that ensure the collection of recovered materials
476 as necessary to protect public health and safety.

477 Section 11. Paragraphs (d) through (i) of subsection (3) of



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478 section 403.7061, Florida Statutes, are redesignated as
479 paragraphs (c) through (h), respectively, and present paragraph
480 (c) of that subsection is amended to read:

481 403.7061 Requirements for review of new waste-to-energy
482 facility capacity by the Department of Environmental
483 Protection.—

484 (3) An applicant must provide reasonable assurance that the
485 construction of a new waste-to-energy facility or the expansion
486 of an existing waste-to-energy facility will comply with the
487 following criteria:

488 ~~(c) The county in which the facility is located has~~
489 ~~implemented and maintains a solid waste management and recycling~~
490 ~~program that is designed to achieve the waste reduction goal set~~
491 ~~forth in s. 403.706(4). For the purposes of this section, the~~
492 ~~provisions of s. 403.706(4)(c) for counties having populations~~
493 ~~of 100,000 or fewer do not apply.~~

494 Section 12. Subsection (9) of section 403.707, Florida
495 Statutes, is amended to read:

496 403.707 Permits.—

497 (9) The department shall establish a separate category for
498 solid waste management facilities that accept only construction
499 and demolition debris for disposal or recycling. The department
500 shall establish a reasonable schedule for existing facilities to
501 comply with this section to avoid undue hardship to such
502 facilities. However, a permitted solid waste disposal unit that
503 receives a significant amount of waste prior to the compliance
504 deadline established in this schedule shall not be required to
505 be retrofitted with liners or leachate control systems.

506 (a) The department shall establish reasonable construction,



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507 operation, monitoring, recordkeeping, financial assurance, and
508 closure requirements for such facilities. The department shall
509 take into account the nature of the waste accepted at various
510 facilities when establishing these requirements, and may impose
511 less stringent requirements, including a system of general
512 permits or registration requirements, for facilities that accept
513 only a segregated waste stream which is expected to pose a
514 minimal risk to the environment and public health, such as clean
515 debris. The Legislature recognizes that incidental amounts of
516 other types of solid waste are commonly generated at
517 construction or demolition projects. In any enforcement action
518 taken pursuant to this section, the department shall consider
519 the difficulty of removing these incidental amounts from the
520 waste stream.

521 (b) The department shall ~~not~~ require liners and leachate
522 collection systems at individual disposal units and lateral
523 expansions of existing disposal units that have not received a
524 department permit authorizing construction or operation before
525 July 1, 2010 ~~facilities unless it demonstrates, based upon the~~
526 ~~types of waste received, the methods for controlling types of~~
527 ~~waste disposed of, the proximity of groundwater and surface~~
528 ~~water, and the results of the hydrogeological and geotechnical~~
529 ~~investigations, that the facility is reasonably expected to~~
530 ~~result in violations of groundwater standards and criteria~~
531 ~~otherwise.~~

532 (c) The owner or operator shall provide financial assurance
533 for closing of the facility in accordance with the requirements
534 of s. 403.7125. The financial assurance shall cover the cost of
535 closing the facility and 5 years of long-term care after



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536 closing, unless the department determines, based upon
537 hydrogeologic conditions, the types of wastes received, or the
538 groundwater monitoring results, that a different long-term care
539 period is appropriate. However, unless the owner or operator of
540 the facility is a local government, the escrow account described
541 in s. 403.7125(2) may not be used as a financial assurance
542 mechanism.

543 (d) The department shall establish training requirements
544 for operators of facilities, and shall work with the State
545 University System or other providers to assure that adequate
546 training courses are available. The department shall also assist
547 the Florida Home Builders Association in establishing a
548 component of its continuing education program to address proper
549 handling of construction and demolition debris, including best
550 management practices for reducing contamination of the
551 construction and demolition debris waste stream.

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

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

559 (g) By January 1, 2012, the amount of construction and
560 demolition debris processed and recycled before disposal at a
561 permitted materials recovery facility or at any other permitted
562 disposal facility shall be reported by the county of origin to
563 the department and to the county on an annual basis in
564 accordance with rules adopted by the department. The rules shall



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565 establish criteria to ensure accurate and consistent reporting
566 for purposes of determining the recycling rate in s. 403.706 and
567 shall also require that, to the extent economically feasible,
568 all construction and demolition debris must be processed before
569 disposal, either at a permitted materials recovery facility or
570 at a permitted disposal facility. This paragraph does not apply
571 to recovered materials, any materials that have been source
572 separated and offered for recycling, or materials that have been
573 previously processed. It is the policy of the Legislature to
574 encourage facilities to recycle. The department shall establish
575 criteria and guidelines that encourage recycling where practical
576 and provide for the use of recycled materials in a manner that
577 protects the public health and the environment. Facilities are
578 authorized to recycle, provided such activities do not conflict
579 with such criteria and guidelines.

580 (h) The department shall ensure that the requirements of
581 this section are applied and interpreted consistently throughout
582 the state. In accordance with s. 20.255, the Division of Waste
583 Management shall direct the district offices and bureaus on
584 matters relating to the interpretation and applicability of this
585 section.

586 (i) The department shall provide notice of receipt of a
587 permit application for the initial construction of a
588 construction and demolition debris disposal facility to the
589 local governments having jurisdiction where the facility is to
590 be located.

591 (j) The Legislature recognizes that recycling, waste
592 reduction, and resource recovery are important aspects of an
593 integrated solid waste management program and as such are



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594 necessary to protect the public health and the environment. If
595 necessary to promote such an integrated program, the county may
596 determine, after providing notice and an opportunity for a
597 hearing prior to April 30, 2008, that some or all of the
598 material described in s. 403.703(6)(b) shall be excluded from
599 the definition of "construction and demolition debris" in s.
600 403.703(6) within the jurisdiction of such county. The county
601 may make such a determination only if it finds that, prior to
602 June 1, 2007, the county has established an adequate method for
603 the use or recycling of such wood material at an existing or
604 proposed solid waste management facility that is permitted or
605 authorized by the department on June 1, 2007. The county is not
606 required to hold a hearing if the county represents that it
607 previously has held a hearing for such purpose, or if the county
608 represents that it previously has held a public meeting or
609 hearing that authorized such method for the use or recycling of
610 trash or other nonputrescible waste materials and that such
611 materials include those materials described in s. 403.703(6)(b).
612 The county shall provide written notice of its determination to
613 the department by no later than April 30, 2008; thereafter, the
614 materials described in s. 403.703(6) shall be excluded from the
615 definition of "construction and demolition debris" in s.
616 403.703(6) within the jurisdiction of such county. The county
617 may withdraw or revoke its determination at any time by
618 providing written notice to the department.

619 (k) Brazilian pepper and other invasive exotic plant
620 species as designated by the department resulting from
621 eradication projects may be processed at permitted construction
622 and demolition debris recycling facilities or disposed of at



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623 permitted construction and demolition debris disposal facilities
624 or Class III facilities. The department may adopt rules to
625 implement this paragraph.

626 Section 13. Paragraph (c) of subsection (12) of section
627 403.708, Florida Statutes, is amended to read:

628 403.708 Prohibition; penalty.—

629 (12) A person who knows or should know of the nature of the
630 following types of solid waste may not dispose of such solid
631 waste in landfills:

632 (c)1. Yard trash in lined landfills classified by
633 department rule as Class I landfills, unless the Class I
634 landfill uses an active gas-collection system to collect
635 landfill gas generated at the disposal facility and provides or
636 arranges for a beneficial use of the gas. A Class I landfill may
637 also accept yard trash for the purpose of mulching and using the
638 yard trash to provide landfill cover for municipal solid waste
639 disposed at the landfill. The department shall, by rule, develop
640 and adopt a methodology to award recycling credit for the use or
641 disposal of yard trash at a Class I landfill having a gas-
642 collection system that makes beneficial use of the collected
643 landfill gas. A qualifying permitted Class I landfill must
644 obtain a minor permit modification to its operating permit which
645 describes the beneficial use being made of the landfill gas and
646 modifies the facility's operation plan before receiving yard
647 trash as authorized under this subparagraph. The permittee must
648 certify that gas collection and beneficial use will continue
649 after closure of the disposal facility that is accepting yard
650 trash. If the landfill is located in a county that owns and
651 operates a compost facility, waste-to-energy facility, or



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652 biomass facility that sells renewable energy to a public utility
653 and that is authorized to accept yard trash, the department
654 shall provide the county with notice of, and opportunity to
655 comment on, the application for permit modification.

656 2. Yard trash that is source separated from solid waste may
657 be accepted at a solid waste disposal area ~~if where~~ separate
658 yard trash composting facilities are provided and maintained.
659 The department recognizes that incidental amounts of yard trash
660 may be disposed of in Class I landfills. In any enforcement
661 action taken pursuant to this paragraph, the department shall
662 consider the difficulty of removing incidental amounts of yard
663 trash from a mixed solid waste stream. This limited exception
664 applies in all units of local government, including, but not
665 limited to, municipalities, counties, and special districts.
666 However, the exception does not apply to a county that currently
667 operates under a constitutional home rule charter authorized in
668 1956 in a statewide referendum. The limited exception to the ban
669 on disposing of yard trash in a Class I landfill is not intended
670 to have a material impact on current operations at existing
671 waste-to-energy or biomass facilities.

672 Section 14. Paragraph (e) of subsection (1) of section
673 403.709, Florida Statutes, is amended to read:

674 403.709 Solid Waste Management Trust Fund; use of waste
675 tire fees.—There is created the Solid Waste Management Trust
676 Fund, to be administered by the department.

677 (1) From the annual revenues deposited in the trust fund,
678 unless otherwise specified in the General Appropriations Act:

679 (e) A minimum of 40 percent shall be used for funding a
680 solid waste management ~~competitive and innovative~~ grant program



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681 pursuant to s. 403.7095 for activities relating to recycling and
682 waste reduction, including waste tires requiring final disposal.

683 Section 15. Section 403.7095, Florida Statutes, is amended
684 to read:

685 403.7095 Solid waste management grant program.—

686 ~~(1) The department shall develop a competitive and~~
687 ~~innovative grant program for counties, municipalities, special~~
688 ~~districts, and nonprofit organizations that have legal~~
689 ~~responsibility for the provision of solid waste management~~
690 ~~services. For purposes of this program, "innovative" means that~~
691 ~~the process, technology, or activity for which funding is sought~~
692 ~~has not previously been implemented within the jurisdiction of~~
693 ~~the applicant. The applicant must:~~

694 ~~(a) Demonstrate technologies or processes that represent a~~
695 ~~novel application of an existing technology or process to~~
696 ~~recycle or reduce waste, or that overcome obstacles to recycling~~
697 ~~or waste reduction in new or innovative ways;~~

698 ~~(b) Demonstrate innovative processes to collect and recycle~~
699 ~~or reduce materials targeted by the department and the recycling~~
700 ~~industry; or~~

701 ~~(c) Demonstrate effective solutions to solving solid waste~~
702 ~~problems resulting from waste tires, particularly in the areas~~
703 ~~of enforcement and abatement of illegal tire dumping and~~
704 ~~activities to promote market development of waste tire products.~~

705
706 ~~Because the Legislature recognizes that input from the recycling~~
707 ~~industry is essential to the success of this grant program, the~~
708 ~~department shall cooperate with private sector entities to~~
709 ~~develop a process and define specific criteria for allowing~~



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710 ~~their participation with grant recipients.~~

711 ~~(2) The department shall evaluate and prioritize the annual~~
712 ~~grant proposals and present the annual prioritized list of~~
713 ~~projects to be funded to the Governor and the Legislature as~~
714 ~~part of its annual budget request submitted pursuant to chapter~~
715 ~~216. Potential grant recipients are encouraged to demonstrate~~
716 ~~local support for grant proposals by the commitment of cash or~~
717 ~~in-kind matching funds.~~

718 ~~(1)~~(3) The department shall develop a consolidated grant
719 program for small counties having populations fewer than
720 100,000, with grants to be distributed equally among eligible
721 counties. Programs to be supported with the small-county
722 consolidated grants include general solid waste management,
723 litter prevention and control, and recycling and education
724 programs.

725 ~~(2)~~(4) The department shall develop a waste tire grant
726 program making grants available to all counties. The department
727 shall ensure that at least 25 percent of the funding available
728 for waste tire grants is distributed equally to each county
729 having a population fewer than 100,000. Of the remaining funds
730 distributed to counties having a population of 100,000 or
731 greater, the department shall distribute those funds on the
732 basis of population.

733 ~~(3)~~(5) From the funds made available pursuant to s.
734 403.709(1)(e) for the grant program created by this section, the
735 following distributions shall be made:

736 ~~(a) Up to 15 percent for the program described in~~
737 ~~subsection (1);~~

738 ~~(a)~~(b) Up to 50 ~~35~~ percent for the program described in



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739 subsection (1) ~~(3)~~; and

740 ~~(b)(e)~~ Up to 50 percent for the program described in
741 subsection (2) ~~(4)~~.

742 ~~(4)(6)~~ The department may adopt rules necessary to
743 administer this section, including, but not limited to, rules
744 governing timeframes for submitting grant applications, criteria
745 for prioritizing, matching criteria, maximum grant amounts, and
746 allocation of appropriated funds based upon project and
747 applicant size.

748 ~~(7) Notwithstanding any provision of this section to the~~
749 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~
750 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~
751 ~~grants equally to counties having populations of fewer than~~
752 ~~100,000 for waste tire and litter prevention, recycling~~
753 ~~education, and general solid waste programs. This subsection~~
754 ~~expires July 1, 2010.~~

755 ~~(8)(a) Notwithstanding any provision of this section to the~~
756 ~~contrary, and for the 2008-2009 fiscal year only, the Department~~
757 ~~of Environmental Protection shall award:~~

758 ~~1. The sum of \$9,428,773 in grants equally to counties~~
759 ~~having populations of fewer than 100,000 for waste tire and~~
760 ~~litter prevention, recycling education, and general solid waste~~
761 ~~programs.~~

762 ~~2. The sum of \$2,000,781 to be used for the Innovative~~
763 ~~Grant Program.~~

764 ~~(b) This subsection expires July 1, 2009.~~

765 Section 16. Subsection (1) of section 403.7145, Florida
766 Statutes, is amended, and subsection (3) is added to that
767 section, to read:



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768 403.7145 Recycling.—

769 (1) The Capitol and the House and Senate office buildings
770 constitute the Capitol recycling area. The Florida House of
771 Representatives, the Florida Senate, and the Office of the
772 Governor, the Secretary of State, and each Cabinet officer who
773 heads a department that occupies office space in the Capitol,
774 shall institute a recycling program for their respective offices
775 in the House and Senate office buildings and the Capitol.
776 Provisions shall be made to collect and sell wastepaper and
777 empty ~~aluminum~~ beverage containers ~~cans~~ generated by employee
778 activities in these offices. The collection and sale of such
779 materials shall be reported to Leon County using the
780 department's designated reporting format and coordinated with
781 Department of Management Services recycling activities to
782 maximize the efficiency and economy of this program. The
783 Governor, the Speaker of the House of Representatives, the
784 President of the Senate, the Secretary of State, and the Cabinet
785 officers may authorize the use of proceeds from recyclable
786 material sales for employee benefits and other purposes, in
787 order to provide incentives to their respective employees for
788 participation in the recycling program. Such proceeds may also
789 be used to offset any costs of the recycling program. As a
790 demonstration of leading by example, the Capitol Building's
791 recycling rates shall be posted on the website of the Department
792 of Management Services and shall include the details of the
793 recycling rates for each Department of Management Services pool
794 facility. The Department of Environmental Protection shall post
795 recycling rates of each state-owned facility reported to the
796 Department of Management Services.



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797 (3) The project shall be designed to collect recyclable
798 materials and create a more sustainable recycling system.
799 Components of the project shall be designed to increase
800 convenience, incentivize and measure participation, reduce
801 material volume, and assist in achieving the recycling goals
802 enumerated in s. 403.706.

803 Section 17. Paragraph (m) is added to subsection (1) of
804 section 553.77, Florida Statutes, to read:

805 553.77 Specific powers of the commission.—

806 (1) The commission shall:

807 (m) Develop recommendations that increase residential and
808 commercial recycling and composting and strongly encourage the
809 use of recyclable materials and the recycling of construction
810 and demolition debris.

811 Section 18. Subsections (1), (2), and (3) of section
812 220.1845, Florida Statutes, are renumbered as subsections (2),
813 (3), and (4), respectively, and a new subsection (1) is added to
814 that section to read:

815 220.1845 Contaminated site rehabilitation tax credit.—

816 (1) APPLICATION FOR TAX CREDIT.—A site rehabilitation
817 application must be received by the Division of Waste Management
818 of the Department of Environmental Protection by January 31 of
819 the year after the calendar year for which site rehabilitation
820 costs are being claimed in a tax credit application. All site
821 rehabilitation costs claimed must have been for work conducted
822 between January 1 and December 31 of the year for which the
823 application is being submitted. All payment requests must have
824 been received and all costs must have been paid before submittal
825 of the tax credit application, but no later than January 31 of



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826 the year after the calendar year for which site rehabilitation
827 costs are being claimed.

828 Section 19. Paragraph (a) of subsection (5), paragraph (c)
829 of subsection (6), and subsections (9) and (10) of section
830 376.30781, Florida Statutes, are amended to read:

831 376.30781 Tax credits for rehabilitation of drycleaning-
832 solvent-contaminated sites and brownfield sites in designated
833 brownfield areas; application process; rulemaking authority;
834 revocation authority.—

835 (5) To claim the credit for site rehabilitation or solid
836 waste removal, each tax credit applicant must apply to the
837 Department of Environmental Protection for an allocation of the
838 \$2 million annual credit by filing a tax credit application with
839 the Division of Waste Management on a form developed by the
840 Department of Environmental Protection in cooperation with the
841 Department of Revenue. The form shall include an affidavit from
842 each tax credit applicant certifying that all information
843 contained in the application, including all records of costs
844 incurred and claimed in the tax credit application, are true and
845 correct. If the application is submitted pursuant to
846 subparagraph (3)(a)2., the form must include an affidavit signed
847 by the real property owner stating that it is not, and has never
848 been, the owner or operator of the drycleaning facility where
849 the contamination exists. Approval of tax credits must be
850 accomplished on a first-come, first-served basis based upon the
851 date and time complete applications are received by the Division
852 of Waste Management, subject to the limitations of subsection
853 (14). To be eligible for a tax credit, the tax credit applicant
854 must:



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855 (a) For site rehabilitation tax credits, have entered into
856 a voluntary cleanup agreement with the Department of
857 Environmental Protection for a drycleaning-solvent-contaminated
858 site or a Brownfield Site Rehabilitation Agreement, as
859 applicable, and have paid all deductibles pursuant to s.
860 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program
861 sites, as applicable. A site rehabilitation tax credit applicant
862 must submit only a single completed application per site for
863 each calendar year's site rehabilitation costs. A site
864 rehabilitation application must be received by the Division of
865 Waste Management of the Department of Environmental Protection
866 by January 31 of the year after the calendar year for which site
867 rehabilitation costs are being claimed in a tax credit
868 application. All site rehabilitation costs claimed must have
869 been for work conducted between January 1 and December 31 of the
870 year for which the application is being submitted. All payment
871 requests must have been received and all costs must have been
872 paid before submittal of the tax credit application, but no
873 later than January 31 of the year after the calendar year for
874 which site rehabilitation costs are being claimed.

875 (6) To obtain the tax credit certificate, the tax credit
876 applicant must provide all pertinent information requested on
877 the tax credit application form, including, at a minimum, the
878 name and address of the tax credit applicant and the address and
879 tracking identification number of the eligible site. Along with
880 the tax credit application form, the tax credit applicant must
881 submit the following:

882 (c) Proof that the documentation submitted pursuant to
883 paragraph (b) has been reviewed and verified by an independent



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884 certified public accountant in accordance with standards
885 established by the American Institute of Certified Public
886 Accountants. Specifically, a certified public accountant's
887 report must be submitted and the certified public accountant
888 must attest to the accuracy and validity of the costs claimed
889 ~~incurred and paid during the time period covered~~ in the
890 application by conducting an independent review of the data
891 presented by the tax credit applicant. Accuracy and validity of
892 costs incurred and paid shall be determined after the level of
893 effort is certified by an appropriate professional registered in
894 this state in each contributing technical discipline. The
895 certified public accountant's report must also attest that the
896 costs included in the application form are not duplicated within
897 the application, that all payment requests were received and all
898 costs were paid before submittal of the tax credit application,
899 and, for site rehabilitation tax credits, that all costs claimed
900 are for work conducted between January 1 and December 31 of the
901 year for which the application is being submitted. A copy of the
902 accountant's report shall be submitted to the Department of
903 Environmental Protection in addition to the accountant's
904 certification form in the tax credit application; and

905 (9) On or before May 1, the Department of Environmental
906 Protection shall inform each tax credit applicant that is
907 subject to the January 31 annual application deadline of the
908 applicant's eligibility status and the amount of any tax credit
909 due. The department shall provide each eligible tax credit
910 applicant with a tax credit certificate that must be submitted
911 with its tax return to the Department of Revenue to claim the
912 tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s.~~



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913 ~~220.1845(1)(g)~~. The May 1 deadline for annual site
914 rehabilitation tax credit certificate awards shall not apply to
915 any tax credit application for which the department has issued a
916 notice of deficiency pursuant to subsection (8). The department
917 shall respond within 90 days after receiving a response from the
918 tax credit applicant to such a notice of deficiency. Credits may
919 not result in the payment of refunds if total credits exceed the
920 amount of tax owed.

921 (10) For solid waste removal, new health care facility or
922 health care provider, and affordable housing tax credit
923 applications, the Department of Environmental Protection shall
924 inform the applicant of the department's determination within 90
925 days after the application is deemed complete. Each eligible tax
926 credit applicant shall be informed of the amount of its tax
927 credit and provided with a tax credit certificate that must be
928 submitted with its tax return to the Department of Revenue to
929 claim the tax credit or be transferred pursuant to s.

930 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. Credits may not result in the
931 payment of refunds if total credits exceed the amount of tax
932 owed.

933 Section 20. Section 376.85, Florida Statutes, is amended to
934 read:

935 376.85 Annual report.—The Department of Environmental
936 Protection shall prepare and submit an annual report to the
937 President of the Senate and the Speaker of the House of
938 Representatives by August 1 of each year a report that includes
939 Legislature, beginning in December 1998, which shall include,
940 but is not be limited to, the number, size, and locations of
941 brownfield sites: that have been remediated under the provisions



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942 of this act, ~~and~~ that are currently under rehabilitation pursuant
943 to a negotiated site rehabilitation agreement with the
944 department or a delegated local program, ~~and~~ where alternative
945 cleanup target levels have been established pursuant to s.
946 376.81(1)(g)3. ~~and~~ and ~~where~~ where engineering and institutional
947 control strategies are being employed as conditions of a "no
948 further action order" to maintain the protections provided in s.
949 376.81(1)(g)1. and 2.

950 Section 21. Section 403.973, Florida Statutes, is amended
951 to read:

952 403.973 Expedited permitting; amendments to comprehensive
953 plans ~~plan amendments~~.

954 (1) It is the intent of the Legislature to encourage and
955 facilitate the location and expansion of those types of economic
956 development projects which offer job creation and high wages,
957 strengthen and diversify the state's economy, and have been
958 thoughtfully planned to take into consideration the protection
959 of the state's environment. It is also the intent of the
960 Legislature to provide for an expedited permitting and
961 comprehensive plan amendment process for such projects.

962 (2) As used in this section, the term:

963 (a) "Duly noticed" means publication in a newspaper of
964 general circulation in the municipality or county with
965 jurisdiction. The notice shall appear on at least 2 separate
966 days, one of which shall be at least 7 days before the meeting.
967 The notice shall state the date, time, and place of the meeting
968 scheduled to discuss or enact the memorandum of agreement, and
969 the places within the municipality or county where such proposed
970 memorandum of agreement may be inspected by the public. The



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971 notice must be one-eighth of a page in size and must be
972 published in a portion of the paper other than the legal notices
973 section. The notice shall also advise that interested parties
974 may appear at the meeting and be heard with respect to the
975 memorandum of agreement.

976 (b) "Jobs" means permanent, full-time equivalent positions
977 not including construction jobs.

978 (c) "Office" means the Office of Tourism, Trade, and
979 Economic Development.

980 (d) "Permit applications" means state permits and licenses,
981 and at the option of a participating local government, local
982 development permits or orders.

983 (e) "Secretary" means the Secretary of Environmental
984 Protection or his or her designee.

985 (3) (a) The secretary ~~Governor, through the office,~~ shall
986 direct the creation of regional permit action teams~~,~~ for the
987 purpose of expediting review of permit applications and local
988 comprehensive plan amendments submitted by:

- 989 1. Businesses creating at least 50 ~~100~~ jobs~~;~~ or
990 2. Businesses creating at least 25 ~~50~~ jobs if the project
991 is located in an enterprise zone, or in a county having a
992 population of fewer ~~less~~ than 75,000 or in a county having a
993 population of fewer ~~less~~ than 125,000 ~~100,000~~ which is
994 contiguous to a county having a population of fewer ~~less~~ than
995 75,000, as determined by the most recent decennial census,
996 residing in incorporated and unincorporated areas of the
997 county. ~~or~~

998 (b) On a case-by-case basis and at the request of a county
999 or municipal government, the office may certify as eligible for



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1000 expedited review a project not meeting the minimum job creation
1001 thresholds but creating a minimum of 10 jobs. The recommendation
1002 from the governing body of the county or municipality in which
1003 the project may be located is required in order for the office
1004 to certify that any project is eligible for expedited review
1005 under this paragraph. When considering projects that do not meet
1006 the minimum job creation thresholds but that are recommended by
1007 the governing body in which the project may be located, the
1008 office shall consider economic impact factors that include, but
1009 are not limited to:

1010 1. The proposed wage and skill levels relative to those
1011 existing in the area in which the project may be located;

1012 2. The project's potential to diversify and strengthen the
1013 area's economy;

1014 3. The amount of capital investment; and

1015 4. The number of jobs that will be made available for
1016 persons served by the welfare transition program.

1017 (c) At the request of a county or municipal government, the
1018 office or a Quick Permitting County may certify projects located
1019 in counties where the ratio of new jobs per participant in the
1020 welfare transition program, as determined by Workforce Florida,
1021 Inc., is less than one or otherwise critical, as eligible for
1022 the expedited permitting process. Such projects must meet the
1023 numerical job creation criteria of this subsection, but the jobs
1024 created by the project do not have to be high-wage jobs that
1025 diversify the state's economy.

1026 (d) Projects located in a designated brownfield area are
1027 eligible for the expedited permitting process.

1028 (e) Projects that are part of the state-of-the-art



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1029 biomedical research institution and campus to be established in
1030 this state by the grantee under s. 288.955 are eligible for the
1031 expedited permitting process, if the projects are designated as
1032 part of the institution or campus by the board of county
1033 commissioners of the county in which the institution and campus
1034 are established.

1035 (f) Projects resulting in the production of biofuels
1036 cultivated on lands that are 1,000 acres or more or in the
1037 construction of a biofuel or biodiesel processing facility or a
1038 facility generating renewable energy, as defined in s.
1039 366.91(2)(d), are eligible for the expedited permitting process.

1040 (4) The regional teams shall be established through the
1041 execution of memoranda of agreement developed by the applicant
1042 and the secretary, with input solicited from ~~between~~ the office
1043 and the respective heads of ~~the Department of Environmental~~
1044 ~~Protection~~, the Department of Community Affairs, the Department
1045 of Transportation and its district offices, the Department of
1046 Agriculture and Consumer Services, the Fish and Wildlife
1047 Conservation Commission, appropriate regional planning councils,
1048 appropriate water management districts, and voluntarily
1049 participating municipalities and counties. The memoranda of
1050 agreement should also accommodate participation in this
1051 expedited process by other local governments and federal
1052 agencies as circumstances warrant.

1053 (5) In order to facilitate local government's option to
1054 participate in this expedited review process, the secretary
1055 ~~office~~ shall, in cooperation with local governments and
1056 participating state agencies, create a standard form memorandum
1057 of agreement. A local government shall hold a duly noticed



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1058 public workshop to review and explain to the public the
1059 expedited permitting process and the terms and conditions of the
1060 standard form memorandum of agreement.

1061 (6) The local government shall hold a duly noticed public
1062 hearing to execute a memorandum of agreement for each qualified
1063 project. Notwithstanding any other provision of law, and at the
1064 option of the local government, the workshop provided for in
1065 subsection (5) may be conducted on the same date as the public
1066 hearing held under this subsection. The memorandum of agreement
1067 that a local government signs shall include a provision
1068 identifying necessary local government procedures and time
1069 limits that will be modified to allow for the local government
1070 decision on the project within 90 days. The memorandum of
1071 agreement applies to projects, on a case-by-case basis, that
1072 qualify for special review and approval as specified in this
1073 section. The memorandum of agreement must make it clear that
1074 this expedited permitting and review process does not modify,
1075 qualify, or otherwise alter existing local government
1076 nonprocedural standards for permit applications, unless
1077 expressly authorized by law.

1078 ~~(7) At the option of the participating local government,~~
1079 ~~Appeals of local government comprehensive plan approvals ~~its~~~~
1080 ~~final approval for a project shall ~~may~~ be pursuant to the~~
1081 ~~summary hearing provisions of s. 120.574, pursuant to subsection~~
1082 ~~(14), and consolidated with the challenge of any applicable~~
1083 ~~state agency actions ~~or pursuant to other appellate processes~~~~
1084 ~~available to the local government. The local government's~~
1085 ~~decision to enter into a summary hearing must be made as~~
1086 ~~provided in s. 120.574 or in the memorandum of agreement.~~



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1087 (8) Each memorandum of agreement shall include a process
1088 for final agency action on permit applications and local
1089 comprehensive plan amendment approvals within 90 days after
1090 receipt of a completed application, unless the applicant agrees
1091 to a longer time period or the secretary ~~office~~ determines that
1092 unforeseen or uncontrollable circumstances preclude final agency
1093 action within the 90-day timeframe. Permit applications governed
1094 by federally delegated or approved permitting programs whose
1095 requirements would prohibit or be inconsistent with the 90-day
1096 timeframe are exempt from this provision, but must be processed
1097 by the agency with federally delegated or approved program
1098 responsibility as expeditiously as possible.

1099 (9) The secretary ~~office~~ shall inform the Legislature by
1100 October 1 of each year which agencies have not entered into or
1101 implemented an agreement and identify any barriers to achieving
1102 success of the program.

1103 (10) The memoranda of agreement may provide for the waiver
1104 or modification of procedural rules prescribing forms, fees,
1105 procedures, or time limits for the review or processing of
1106 permit applications under the jurisdiction of those agencies
1107 that are party to the memoranda of agreement. Notwithstanding
1108 any other provision of law to the contrary, a memorandum of
1109 agreement must to the extent feasible provide for proceedings
1110 and hearings otherwise held separately by the parties to the
1111 memorandum of agreement to be combined into one proceeding or
1112 held jointly and at one location. Such waivers or modifications
1113 shall not be available for permit applications governed by
1114 federally delegated or approved permitting programs, the
1115 requirements of which would prohibit, or be inconsistent with,



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1116 such a waiver or modification.

1117 (11) The standard form for memoranda of agreement shall
1118 include guidelines to be used in working with state, regional,
1119 and local permitting authorities. Guidelines may include, but
1120 are not limited to, the following:

1121 (a) A central contact point for filing permit applications
1122 and local comprehensive plan amendments and for obtaining
1123 information on permit and local comprehensive plan amendment
1124 requirements;

1125 (b) Identification of the individual or individuals within
1126 each respective agency who will be responsible for processing
1127 the expedited permit application or local comprehensive plan
1128 amendment for that agency;

1129 (c) A mandatory preapplication review process to reduce
1130 permitting conflicts by providing guidance to applicants
1131 regarding the permits needed from each agency and governmental
1132 entity, site planning and development, site suitability and
1133 limitations, facility design, and steps the applicant can take
1134 to ensure expeditious permit application and local comprehensive
1135 plan amendment review. As a part of this process, the first
1136 interagency meeting to discuss a project shall be held within 14
1137 days after the secretary's office's ~~office's~~ determination that the
1138 project is eligible for expedited review. Subsequent interagency
1139 meetings may be scheduled to accommodate the needs of
1140 participating local governments that are unable to meet public
1141 notice requirements for executing a memorandum of agreement
1142 within this timeframe. This accommodation may not exceed 45 days
1143 from the secretary's office's ~~office's~~ determination that the project is
1144 eligible for expedited review;



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1145 (d) The preparation of a single coordinated project
1146 description form and checklist and an agreement by state and
1147 regional agencies to reduce the burden on an applicant to
1148 provide duplicate information to multiple agencies;

1149 (e) Establishment of a process for the adoption and review
1150 of any comprehensive plan amendment needed by any certified
1151 project within 90 days after the submission of an application
1152 for a comprehensive plan amendment. However, the memorandum of
1153 agreement may not prevent affected persons as defined in s.
1154 163.3184 from appealing or participating in this expedited plan
1155 amendment process and any review or appeals of decisions made
1156 under this paragraph; and

1157 (f) Additional incentives for an applicant who proposes a
1158 project that provides a net ecosystem benefit.

1159 (12) The applicant, the regional permit action team, and
1160 participating local governments may agree to incorporate into a
1161 single document the permits, licenses, and approvals that are
1162 obtained through the expedited permit process. This consolidated
1163 permit is subject to the summary hearing provisions set forth in
1164 subsection (14).

1165 (13) Notwithstanding any other provisions of law:

1166 (a) Local comprehensive plan amendments for projects
1167 qualified under this section are exempt from the twice-a-year
1168 limits provision in s. 163.3187; and

1169 (b) Projects qualified under this section are not subject
1170 to interstate highway level-of-service standards adopted by the
1171 Department of Transportation for concurrency purposes. The
1172 memorandum of agreement specified in subsection (5) must include
1173 a process by which the applicant will be assessed a fair share



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1174 of the cost of mitigating the project's significant traffic
1175 impacts, as defined in chapter 380 and related rules. The
1176 agreement must also specify whether the significant traffic
1177 impacts on the interstate system will be mitigated through the
1178 implementation of a project or payment of funds to the
1179 Department of Transportation. Where funds are paid, the
1180 Department of Transportation must include in the 5-year work
1181 program transportation projects or project phases, in an amount
1182 equal to the funds received, to mitigate the traffic impacts
1183 associated with the proposed project.

1184 (14) (a) Challenges to state agency action in the expedited
1185 permitting process for projects processed under this section are
1186 subject to the summary hearing provisions of s. 120.574, except
1187 that the administrative law judge's decision, as provided in s.
1188 120.574(2) (f), shall be in the form of a recommended order and
1189 shall not constitute the final action of the state agency. In
1190 those proceedings where the action of only one agency of the
1191 state other than the Department of Environmental Protection is
1192 challenged, the agency of the state shall issue the final order
1193 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
1194 law judge's recommended order, and the recommended order shall
1195 inform the parties of their right to file exceptions or
1196 responses to the recommended order in accordance with the
1197 uniform rules of procedure pursuant to s. 120.54. In those
1198 proceedings where the actions of more than one agency of the
1199 state are challenged, the Governor shall issue the final order
1200 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
1201 law judge's recommended order, and the recommended order shall
1202 inform the parties of their right to file exceptions or



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1203 responses to the recommended order in accordance with the
1204 uniform rules of procedure pursuant to s. 120.54. This paragraph
1205 does not apply to the issuance of department licenses required
1206 under any federally delegated or approved permit program. In
1207 such instances, the department shall enter the final order. The
1208 participating agencies of the state may opt at the preliminary
1209 hearing conference to allow the administrative law judge's
1210 decision to constitute the final agency action. If a
1211 participating local government agrees to participate in the
1212 summary hearing provisions of s. 120.574 for purposes of review
1213 of local government comprehensive plan amendments, s.

1214 163.3184(9) and (10) apply.

1215 (b) Projects identified in paragraph (3)(f) or challenges
1216 to state agency action in the expedited permitting process for
1217 establishment of a state-of-the-art biomedical research
1218 institution and campus in this state by the grantee under s.
1219 288.955 are subject to the same requirements as challenges
1220 brought under paragraph (a), except that, notwithstanding s.
1221 120.574, summary proceedings must be conducted within 30 days
1222 after a party files the motion for summary hearing, regardless
1223 of whether the parties agree to the summary proceeding.

1224 (15) The office, working with the agencies providing
1225 cooperative assistance and input regarding ~~participating in~~ the
1226 memoranda of agreement, shall review sites proposed for the
1227 location of facilities eligible for the Innovation Incentive
1228 Program under s. 288.1089. Within 20 days after the request for
1229 the review by the office, the agencies shall provide to the
1230 office a statement as to each site's necessary permits under
1231 local, state, and federal law and an identification of



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1232 significant permitting issues, which if unresolved, may result
1233 in the denial of an agency permit or approval or any significant
1234 delay caused by the permitting process.

1235 (16) This expedited permitting process shall not modify,
1236 qualify, or otherwise alter existing agency nonprocedural
1237 standards for permit applications or local comprehensive plan
1238 amendments, unless expressly authorized by law. If it is
1239 determined that the applicant is not eligible to use this
1240 process, the applicant may apply for permitting of the project
1241 through the normal permitting processes.

1242 (17) The office shall be responsible for certifying a
1243 business as eligible for undergoing expedited review under this
1244 section. Enterprise Florida, Inc., a county or municipal
1245 government, or the Rural Economic Development Initiative may
1246 recommend to the Office of Tourism, Trade, and Economic
1247 Development that a project meeting the minimum job creation
1248 threshold undergo expedited review.

1249 (18) The office, working with the Rural Economic
1250 Development Initiative and the agencies participating in the
1251 memoranda of agreement, shall provide technical assistance in
1252 preparing permit applications and local comprehensive plan
1253 amendments for counties having a population of fewer ~~less~~ than
1254 75,000 residents, or counties having fewer than 125,000 ~~100,000~~
1255 residents which are contiguous to counties having fewer than
1256 75,000 residents. Additional assistance may include, but not be
1257 limited to, guidance in land development regulations and
1258 permitting processes, working cooperatively with state,
1259 regional, and local entities to identify areas within these
1260 counties which may be suitable or adaptable for preclearance



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1261 review of specified types of land uses and other activities
1262 requiring permits.

1263 (19) The following projects are ineligible for review under
1264 this part:

1265 (a) A project funded and operated by a local government, as
1266 defined in s. 377.709, and located within that government's
1267 jurisdiction.

1268 (b) A project, the primary purpose of which is to:

1269 1. Effect the final disposal of solid waste, biomedical
1270 waste, or hazardous waste in this state.

1271 2. Produce electrical power, unless the production of
1272 electricity is incidental and not the primary function of the
1273 project or the electrical power is derived from a fuel source
1274 for renewable energy as defined in s. 366.91(2) (d).

1275 3. Extract natural resources.

1276 4. Produce oil.

1277 5. Construct, maintain, or operate an oil, petroleum,
1278 natural gas, or sewage pipeline.

1279 Section 22. Subsection (6) of section 369.317, Florida
1280 Statutes, is amended to read:

1281 369.317 Wekiva Parkway.—

1282 (6) The Orlando-Orange County Expressway Authority is
1283 hereby granted the authority to act as a third-party acquisition
1284 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
1285 or chapter 373 on behalf of the governing board of the St. Johns
1286 River Water Management District, for the acquisition of all
1287 necessary lands, property and all interests in property
1288 identified herein, including fee simple or less-than-fee simple
1289 interests. The lands subject to this authority are identified in



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1290 paragraph 10.a., State of Florida, Office of the Governor,
1291 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
1292 of the Wekiva Basin Area Task Force created by Executive Order
1293 2002-259, such lands otherwise known as Neighborhood Lakes, a
1294 1,587+/- acre parcel located in Orange and Lake Counties within
1295 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
1296 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
1297 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
1298 County within Section 37, Township 19 South, Range 28 East; New
1299 Garden Coal; a 1,605+/- acre parcel in Lake County within
1300 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
1301 East; Pine Plantation, a 617+/- acre tract consisting of eight
1302 individual parcels within the Apopka City limits. The Department
1303 of Transportation, the Department of Environmental Protection,
1304 the St. Johns River Water Management District, and other land
1305 acquisition entities shall participate and cooperate in
1306 providing information and support to the third-party acquisition
1307 agent. The land acquisition process authorized by this paragraph
1308 shall begin no later than December 31, 2004. Acquisition of the
1309 properties identified as Neighborhood Lakes, Pine Plantation,
1310 and New Garden Coal, or approval as a mitigation bank shall be
1311 concluded no later than December 31, 2010. Department of
1312 Transportation and Orlando-Orange County Expressway Authority
1313 funds expended to purchase an interest in those lands identified
1314 in this subsection shall be eligible as environmental mitigation
1315 for road construction related impacts in the Wekiva Study Area.
1316 If any of the lands identified in this subsection are used as
1317 environmental mitigation for road-construction-related impacts
1318 incurred by the Department of Transportation or Orlando-Orange



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1319 County Expressway Authority, or for other impacts incurred by
1320 other entities, within the Wekiva Study Area or within the
1321 Wekiva parkway alignment corridor and, if the mitigation offsets
1322 these impacts, the St. Johns River Water Management District and
1323 the Department of Environmental Protection shall consider the
1324 activity regulated under part IV of chapter 373 to meet the
1325 cumulative impact requirements of s. 373.414(8) (a).

1326 (a) Acquisition of the land described in this section is
1327 required to provide right of way for the Wekiva Parkway, a
1328 limited access roadway linking State Road 429 to Interstate 4,
1329 an essential component in meeting regional transportation needs
1330 to provide regional connectivity, improve safety, accommodate
1331 projected population and economic growth, and satisfy critical
1332 transportation requirements caused by increased traffic volume
1333 growth and travel demands.

1334 (b) Acquisition of the lands described in this section is
1335 also required to protect the surface water and groundwater
1336 resources of Lake, Orange, and Seminole counties, otherwise
1337 known as the Wekiva Study Area, including recharge within the
1338 springshed that provides for the Wekiva River system. Protection
1339 of this area is crucial to the long term viability of the Wekiva
1340 River and springs and the central Florida region's water supply.
1341 Acquisition of the lands described in this section is also
1342 necessary to alleviate pressure from growth and development
1343 affecting the surface and groundwater resources within the
1344 recharge area.

1345 (c) Lands acquired pursuant to this section that are needed
1346 for transportation facilities for the Wekiva Parkway shall be
1347 determined not necessary for conservation purposes pursuant to



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1348 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1349 retained by the Orlando-Orange County Expressway Authority or
1350 the Department of Transportation upon reimbursement of the full
1351 purchase price and acquisition costs.

1352 Section 23. Section 288.1185, Florida Statutes, is
1353 repealed.

1354
1355 ===== T I T L E A M E N D M E N T =====

1356 And the title is amended as follows:

1357 Delete lines 2 - 7

1358 and insert:

1359 An act relating to environmental control; amending s.
1360 403.708, F.S.; authorizing the disposal of yard trash
1361 at specified Class I landfills; requiring such
1362 landfills to obtain a modified operating permit;
1363 requiring permittees to certify certain collection and
1364 beneficial use of landfill gas; providing
1365 applicability; amending s. 288.9015, F.S.; requiring
1366 Enterprise Florida, Inc., to provide technical
1367 assistance to the Department of Environmental
1368 Protection in the creation of the Recycling Business
1369 Assistance Center; amending s. 373.414, F.S.;
1370 providing that financial responsibility for mitigation
1371 for wetlands and other surface waters required by a
1372 permit for activities associated with the extraction
1373 of limestone are subject to approval by the Department
1374 of Environmental Protection as part of permit
1375 application review; amending s. 378.901, F.S.;
1376 authorizing mine operators mining or extracting or



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1377 proposing to mine or extract heavy minerals,
1378 limestone, or fuller's earth clay to apply for a life-
1379 of-the-mine permit; clarifying the authority of local
1380 governments to approve, approve with conditions, deny,
1381 or impose certain permit durations; amending s.
1382 403.44, F.S.; eliminating a greenhouse gas
1383 registration and reporting requirement for major
1384 emitters; eliminating a requirement for the Department
1385 of Environmental Protection to establish
1386 methodologies, reporting periods, and reporting
1387 systems relating to greenhouse gas emissions; amending
1388 s. 403.7032, F.S.; requiring all public entities and
1389 those entities occupying buildings managed by the
1390 Department of Management Services to report recycling
1391 data; providing exceptions; encouraging certain
1392 private entities to report the disposal of recyclable
1393 materials; requiring the Department of Management
1394 Services to report on green and recycled products
1395 purchased through its procurement system; directing
1396 the Department of Environmental Protection to create
1397 the Recycling Business Assistance Center; providing
1398 requirements for the center; amending s. 403.7046,
1399 F.S., relating to regulation of recovered materials;
1400 deleting a requirement that the Department of
1401 Environmental Protection appoint a technical advisory
1402 committee; revising reporting requirements; amending
1403 s. 403.7049, F.S.; conforming a cross-reference;
1404 amending s. 403.705, F.S.; conforming a cross-
1405 reference; requiring that the Department of



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1406 Environmental Protection report biennially to the
1407 Legislature on the state's success in meeting solid
1408 waste reduction goals; providing for the creation of a
1409 voluntary recyclers certification program; amending s.
1410 403.706, F.S.; requiring counties to meet specific
1411 recycling benchmarks; providing legislative intent;
1412 requiring certain multifamily residential and
1413 commercial properties to make certain provisions for
1414 recycling receptacles; providing applicability;
1415 authorizing the Department of Environmental Protection
1416 to require counties to develop a plan to expand
1417 recycling programs under certain conditions; requiring
1418 the Department of Environmental Protection to provide
1419 a report to the Legislature if a specified recycling
1420 rate is not met; eliminating a requirement that
1421 counties develop composting goals; providing for
1422 waste-to-energy production to be applied toward
1423 meeting recycling benchmarks; providing exceptions;
1424 providing deadlines for the reporting of recycling
1425 data; amending s. 403.7061, F.S.; revising
1426 requirements for review of new waste-to-energy
1427 facility capacity by the Department of Environmental
1428 Protection; amending s. 403.707, F.S.; requiring
1429 liners for new construction and demolition debris
1430 landfills; establishing recycling rates for source-
1431 separation activities; providing an exception;
1432 amending s. 403.708, F.S.; authorizing the disposal of
1433 yard trash at a Class I landfill if the landfill has a
1434 system for collecting landfill gas and arranging for



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1435 the reuse of the gas; requiring the Department of
1436 Environmental Protection to develop and adopt a
1437 methodology to award recycling credit for such use;
1438 requiring the landfill to obtain a minor permit
1439 modification to its operating permit before receiving
1440 yard trash; specifying which entities of local
1441 government may accept incidental amounts of yard trash
1442 at a landfill; amending s. 403.709, F.S.; conforming a
1443 cross-reference; amending s. 403.7095, F.S.; revising
1444 provisions relating to the solid waste management
1445 grant program; deleting provisions requiring the
1446 Department of Environmental Protection to develop a
1447 competitive and innovative grant program for certain
1448 counties, municipalities, special districts, and
1449 nonprofit organizations; deleting application
1450 requirements for such grant program; deleting a
1451 requirement for the Department of Environmental
1452 Protection to evaluate and prioritize grant proposals
1453 for inclusion in its annual budget request; revising
1454 the distribution of funds for the small-county
1455 consolidated grant program; deleting obsolete
1456 provisions; amending s. 403.7145, F.S.; revising
1457 recycling requirements for certain state buildings;
1458 providing for a pilot project for the Capitol
1459 recycling area; amending s. 533.77, F.S.; requiring
1460 the Florida Building Commission to develop specified
1461 recommendations relating to recycling and composting
1462 and the use of recyclable materials; amending ss.
1463 220.1845 and 376.30781, F.S.; providing requirements



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1464 for claiming certain site rehabilitation costs in
1465 applications for contaminated site rehabilitation tax
1466 credits; conforming cross-references; amending s.
1467 376.85, F.S.; revising requirements for the Department
1468 of Environmental Protection's annual report to the
1469 Legislature regarding site rehabilitation; amending s.
1470 403.973, F.S.; transferring certain authority over the
1471 expedited permitting and comprehensive plan amendment
1472 process from the Office of Tourism, Trade, and
1473 Economic Development to the Secretary of Environmental
1474 Protection; revising job-creation criteria for
1475 businesses to qualify to submit permit applications
1476 and local comprehensive plan amendments for expedited
1477 review; providing that permit applications and local
1478 comprehensive plan amendments for specified renewable
1479 energy projects are eligible for the expedited
1480 permitting process; providing for the establishment of
1481 regional permit action teams through the execution of
1482 memoranda of agreement developed by permit applicants
1483 and the secretary; revising provisions relating to the
1484 memoranda of agreement developed by the secretary;
1485 providing for the appeal of local government
1486 comprehensive plan approvals for projects and
1487 requiring such appeals to be consolidated with
1488 challenges to state agency actions; requiring
1489 recommended orders relating to challenges to state
1490 agency actions pursuant to summary hearing provisions
1491 to include certain information; extending the deadline
1492 for issuance of final orders relating to such



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1493 challenges; providing for challenges to state agency
1494 action related to expedited permitting for specified
1495 renewable energy projects; revising provisions
1496 relating to the review of sites proposed for the
1497 location of facilities eligible for the Innovation
1498 Incentive Program; revising criteria for counties
1499 eligible to receive technical assistance in preparing
1500 permit applications and local comprehensive plan
1501 amendments; specifying expedited review eligibility
1502 for certain electrical power projects; amending s.
1503 369.317, F.S.; providing that certain activity
1504 relating to mitigation of certain environmental
1505 impacts in the Wekiva Study Area or the Wekiva parkway
1506 alignment corridor meets specified impact requirements
1507 under certain conditions; repealing s. 288.1185, F.S.,
1508 relating to the Recycling Markets Advisory Committee;
1509 providing an effective date.