

1 A bill to be entitled
2 An act relating to environmental control; amending s.
3 288.9015, F.S.; requiring Enterprise Florida, Inc., to
4 provide technical assistance to the Department of
5 Environmental Protection in the creation of the Recycling
6 Business Assistance Center; amending s. 373.414, F.S.;
7 providing that financial responsibility for mitigation for
8 wetlands and other surface waters required by a permit for
9 activities associated with the extraction of limestone are
10 subject to approval by the Department of Environmental
11 Protection as part of permit application review; amending
12 s. 378.901, F.S.; authorizing mine operators mining or
13 extracting or proposing to mine or extract heavy minerals,
14 limestone, or fuller's earth clay to apply for a life-of-
15 the-mine permit; clarifying the authority of local
16 governments to approve, approve with conditions, deny, or
17 impose certain permit durations; amending s. 403.44, F.S.;
18 eliminating a greenhouse gas registration and reporting
19 requirement for major emitters; eliminating a requirement
20 for the Department of Environmental Protection to
21 establish methodologies, reporting periods, and reporting
22 systems relating to greenhouse gas emissions; amending s.
23 403.7032, F.S.; requiring all public entities and those
24 entities occupying buildings managed by the Department of
25 Management Services to report recycling data; providing
26 exceptions; encouraging certain private entities to report
27 the disposal of recyclable materials; requiring the
28 Department of Management Services to report on green and

29 recycled products purchased through its procurement
30 system; directing the Department of Environmental
31 Protection to create the Recycling Business Assistance
32 Center; providing requirements for the center; amending s.
33 403.7046, F.S., relating to regulation of recovered
34 materials; deleting a requirement that the Department of
35 Environmental Protection appoint a technical advisory
36 committee; revising reporting requirements; amending s.
37 403.7049, F.S.; conforming a cross-reference; amending s.
38 403.705, F.S.; conforming a cross-reference; requiring
39 that the Department of Environmental Protection report
40 biennially to the Legislature on the state's success in
41 meeting solid waste reduction goals; amending s. 403.706,
42 F.S.; requiring counties to meet specific recycling
43 benchmarks; providing legislative intent; requiring
44 certain multifamily residential and commercial properties
45 to provide recycling receptacles; authorizing the
46 Department of Environmental Protection to require counties
47 to develop a plan to expand recycling programs under
48 certain conditions; requiring the Department of
49 Environmental Protection to provide a report to the
50 Legislature if a specified recycling rate is not met;
51 eliminating a requirement that counties develop composting
52 goals; providing for waste-to-energy production to be
53 applied toward meeting recycling benchmarks; providing
54 exceptions; providing deadlines for the reporting of
55 recycling data; amending s. 403.7061, F.S.; revising
56 requirements for review of new waste-to-energy facility

57 capacity by the Department of Environmental Protection;
58 amending s. 403.707, F.S.; requiring liners for new
59 construction and demolition debris landfills; establishing
60 recycling rates for source-separation activities;
61 providing an exception; amending s. 403.709, F.S.;
62 conforming a cross-reference; amending s. 403.7095, F.S.;
63 revising provisions relating to the solid waste management
64 grant program; deleting provisions requiring the
65 Department of Environmental Protection to develop a
66 competitive and innovative grant program for certain
67 counties, municipalities, special districts, and nonprofit
68 organizations; deleting application requirements for such
69 grant program; deleting a requirement for the Department
70 of Environmental Protection to evaluate and prioritize
71 grant proposals for inclusion in its annual budget
72 request; revising the distribution of funds for the small-
73 county consolidated grant program; deleting obsolete
74 provisions; amending s. 403.7145, F.S.; revising recycling
75 requirements for certain state buildings; providing for a
76 pilot project for the Capitol recycling area; requiring
77 each public airport in the state to collect aluminum
78 beverage cans and recyclable plastic and glass from the
79 entities doing business at the airport and to offer such
80 materials for recycling; amending s. 533.77, F.S.;
81 requiring the Florida Building Commission to develop
82 specified recommendations relating to recycling and
83 composting and the use of recyclable materials; amending
84 ss. 220.1845 and 376.30781, F.S.; providing requirements

85 | for claiming certain site rehabilitation costs in
86 | applications for contaminated site rehabilitation tax
87 | credits; conforming cross-references; amending s. 376.85,
88 | F.S.; revising requirements for the Department of
89 | Environmental Protection's annual report to the
90 | Legislature regarding site rehabilitation; amending s.
91 | 403.973, F.S.; transferring certain authority over the
92 | expedited permitting and comprehensive plan amendment
93 | process from the Office of Tourism, Trade, and Economic
94 | Development to the Secretary of Environmental Protection;
95 | revising job-creation criteria for businesses to qualify
96 | to submit permit applications and local comprehensive plan
97 | amendments for expedited review; providing that permit
98 | applications and local comprehensive plan amendments for
99 | specified renewable energy projects are eligible for the
100 | expedited permitting process; providing for the
101 | establishment of regional permit action teams through the
102 | execution of memoranda of agreement developed by permit
103 | applicants and the secretary; revising provisions relating
104 | to the memoranda of agreement developed by the secretary;
105 | providing for the appeal of local government comprehensive
106 | plan approvals for projects and requiring such appeals to
107 | be consolidated with challenges to state agency actions;
108 | requiring recommended orders relating to challenges to
109 | state agency actions pursuant to summary hearing
110 | provisions to include certain information; extending the
111 | deadline for issuance of final orders relating to such
112 | challenges; providing for challenges to state agency

113 | action related to expedited permitting for specified
 114 | renewable energy projects; revising provisions relating to
 115 | the review of sites proposed for the location of
 116 | facilities eligible for the Innovation Incentive Program;
 117 | revising criteria for counties eligible to receive
 118 | technical assistance in preparing permit applications and
 119 | local comprehensive plan amendments; specifying expedited
 120 | review eligibility for certain electrical power projects;
 121 | repealing s. 288.1185, F.S., relating to the Recycling
 122 | Markets Advisory Committee; providing an effective date.
 123 |

124 | Be It Enacted by the Legislature of the State of Florida:
 125 |

126 | Section 1. Subsection (9) is added to section 288.9015,
 127 | Florida Statutes, to read:

128 | 288.9015 Enterprise Florida, Inc.; purpose; duties.—

129 | (9) Enterprise Florida, Inc., shall provide technical
 130 | assistance to the Department of Environmental Protection in the
 131 | creation of the Recycling Business Assistance Center pursuant to
 132 | s. 403.7032(5). As the state's primary organization devoted to
 133 | statewide economic development, Enterprise Florida, Inc., is
 134 | encouraged to cooperate with the Department of Environmental
 135 | Protection to ensure that the Recycling Business Assistance
 136 | Center is positioned to succeed in helping to enhance and expand
 137 | existing markets for recyclable materials in this state, other
 138 | states, and foreign countries.

139 | Section 2. Paragraph (a) of subsection (19) of section
 140 | 373.414, Florida Statutes, is amended to read:

141 373.414 Additional criteria for activities in surface
142 waters and wetlands.—

143 (19) (a) Financial responsibility for mitigation for
144 wetlands and other surface waters required by a permit issued
145 pursuant to this part for activities associated with the
146 extraction of limestone and phosphate are subject to approval by
147 the department as part of permit application review. Financial
148 responsibility for permitted activities which will occur over a
149 period of 3 years or less of mining operations must be provided
150 to the department prior to the commencement of mining operations
151 and shall be in an amount equal to 110 percent of the estimated
152 mitigation costs for wetlands and other surface waters affected
153 under the permit. For permitted activities which will occur over
154 a period of more than 3 years of mining operations, the initial
155 financial responsibility demonstration shall be in an amount
156 equal to 110 percent of the estimated mitigation costs for
157 wetlands and other surface waters affected in the first 3 years
158 of operation under the permit; and, for each year thereafter,
159 the financial responsibility demonstration shall be updated,
160 including to provide an amount equal to 110 percent of the
161 estimated mitigation costs for the next year of operations under
162 the permit for which financial responsibility has not already
163 been demonstrated and to release portions of the financial
164 responsibility mechanisms in accordance with applicable rules.

165 Section 3. Subsection (2) of section 378.901, Florida
166 Statutes, is amended to read:

167 378.901 Life-of-the-mine permit.—

168 (2) As an alternative to, and in lieu of, separate

169 applications for permits required by part IV of chapter 373 and
 170 part IV of this chapter, any ~~each~~ operator who mines or extracts
 171 or proposes to mine or extract heavy minerals, limestone, or
 172 fuller's earth clay may apply to the bureau for a life-of-the-
 173 mine permit. Nothing in this subsection limits or restricts the
 174 authority of a local government to approve, approve with
 175 conditions, deny, or impose a permit duration different from the
 176 duration of a permit issued pursuant to this section.

177 Section 4. Subsections (5) through (8) of section 403.44,
 178 Florida Statutes, are renumbered as subsections (3) through (6),
 179 respectively, and present subsections (3) and (4) of that
 180 section are amended to read:

181 403.44 Florida Climate Protection Act.—

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

184 ~~(4) The department shall establish the methodologies,~~
 185 ~~reporting periods, and reporting systems that shall be used when~~
 186 ~~major emitters report to The Climate Registry. The department~~
 187 ~~may require the use of quality-assured data from continuous~~
 188 ~~emissions monitoring systems.~~

189 Section 5. Section 403.7032, Florida Statutes, is amended
 190 to read:

191 403.7032 Recycling.—

192 (1) The Legislature finds that the failure or inability to
 193 economically recover material and energy resources from solid
 194 waste results in the unnecessary waste and depletion of our
 195 natural resources. As the state continues to grow, so will the
 196 potential amount of discarded material that must be treated and

197 disposed of, necessitating the improvement of solid waste
 198 collection and disposal. Therefore, the maximum recycling and
 199 reuse of such resources are considered high-priority goals of
 200 the state.

201 (2) By the year 2020, the long-term goal for the recycling
 202 efforts of state and local governmental entities, private
 203 companies and organizations, and the general public is to
 204 recycle at least 75 percent of the municipal solid waste that
 205 would otherwise be ~~reduce the amount of recyclable solid waste~~
 206 disposed of in waste management facilities, landfills, or
 207 incineration facilities ~~by a statewide average of at least 75~~
 208 ~~percent~~. However, any solid waste used for the production of
 209 renewable energy shall count toward the long-term recycling goal
 210 as set forth in this part ~~section~~.

211 (3) All state agencies, K-12 public schools, public
 212 institutions of higher learning, community colleges, and state
 213 universities, all municipal, county, or other state entities
 214 whose employees occupy buildings not owned by the municipality,
 215 county, or state, and all entities occupying buildings that are
 216 managed by the Department of Management Services must, at a
 217 minimum, annually report all recycled materials to the county
 218 using the department's designated reporting format. This
 219 subsection does not apply to a fiscally constrained county, as
 220 defined in s. 218.67(1), or to a municipality of special
 221 financial concern, as defined in s. 200.185(1)(b), with a per
 222 capita taxable value of assessed property that does not exceed
 223 \$58,000 or to any municipality with a population under 20,000
 224 and a per capita taxable value of assessed property that does

225 not exceed \$46,000. Private businesses, other than certified
226 recovered materials dealers, that recycle paper, metals, glass,
227 plastics, textiles, rubber materials, and mulch are encouraged
228 to annually report the amount of materials they recycle to the
229 county beginning January 1, 2011, using the department's
230 designated reporting format. Using the information provided, the
231 department shall recognize those private businesses that
232 demonstrate outstanding recycling efforts. Notwithstanding any
233 other provision of state or local law, private businesses, other
234 than certified recovered materials dealers, are not required to
235 report recycling rates.

236 ~~(4)~~(3) The Department of Environmental Protection shall
237 develop a comprehensive recycling program that is designed to
238 achieve the percentage under subsection (2) and submit the
239 program to the President of the Senate and the Speaker of the
240 House of Representatives by January 1, 2010. The program may not
241 be implemented until approved by the Legislature. The program
242 must be developed in coordination with input from state and
243 local entities, private businesses, and the public. Under the
244 program, recyclable materials shall include, but are not limited
245 to, metals, paper, glass, plastic, textile, rubber materials,
246 and mulch. Components of the program shall include, but are not
247 limited to:

248 (a) Programs to identify environmentally preferable
249 purchasing practices to encourage the purchase of recycled,
250 durable, and less toxic goods. The Department of Management
251 Services shall modify its procurement system to report on green
252 and recycled products purchased through the system by September

253 30, 2011.

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

256 (c) Programs for statewide recognition of successful
 257 recycling efforts by schools, businesses, public groups, and
 258 private citizens.

259 (d) Programs for municipalities and counties to develop
 260 and implement efficient recycling efforts to return valuable
 261 materials to productive use, conserve energy, and protect
 262 natural resources.

263 (e) Programs by which the department can provide technical
 264 assistance to municipalities and counties in support of their
 265 recycling efforts.

266 (f) Programs to educate and train the public in proper
 267 recycling efforts.

268 (g) Evaluation of how financial assistance can best be
 269 provided to municipalities and counties in support of their
 270 recycling efforts.

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

273 (5) The Department of Environmental Protection shall
 274 create the Recycling Business Assistance Center by December 1,
 275 2010. In carrying out its duties under this subsection, the
 276 department shall consult with state agency personnel appointed
 277 to serve as economic development liaisons under s. 288.021 and
 278 seek technical assistance from Enterprise Florida, Inc., to
 279 ensure the Recycling Business Assistance Center is positioned to
 280 succeed. The purpose of the center shall be to serve as the

281 mechanism for coordination among state agencies and the private
282 sector in order to coordinate policy and overall strategic
283 planning for developing new markets and expanding and enhancing
284 existing markets for recyclable materials in this state, other
285 states, and foreign countries. The duties of the center must
286 include, at a minimum:

287 (a) Identifying and developing new markets and expanding
288 and enhancing existing markets for recyclable materials.

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

290 (c) Targeting materials for concentrated market-
291 development efforts.

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

294 (e) Providing guidance on issues such as permitting,
295 finance options for recycling market development, site location,
296 research and development, grant program criteria for recycled
297 materials markets, recycling markets education and information,
298 and minimum content.

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

302 (g) Evaluating source-reduced products as they relate to
303 state procurement policy. The evaluation shall include, but is
304 not limited to, the environmental and economic impact of source-
305 reduced product purchases to the state. For the purposes of this
306 paragraph, the term "source-reduced" means any method, process,
307 product, or technology that significantly or substantially
308 reduces the volume or weight of a product while providing, at a

309 minimum, equivalent or generally similar performance and service
310 to and for the users of such materials.

311 (h) Providing evaluation of solid waste management grants,
312 pursuant to s. 403.7095, to reduce the flow of solid waste to
313 disposal facilities and encourage the sustainable recovery of
314 materials from Florida's waste stream.

315 (i) Providing below-market financing for companies that
316 manufacture products from recycled materials or convert
317 recyclable materials into raw materials for use in manufacturing
318 pursuant to the Florida Recycling Loan Program as administered
319 by the Florida First Capital Finance Corporation.

320 (j) Maintaining a continuously updated online directory
321 listing the public and private entities that collect, transport,
322 broker, process, or remanufacture recyclable materials in the
323 state.

324 (k) Providing information on the availability and benefits
325 of using recycled materials to private entities and industries
326 in the state.

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

330 (m) Coordinating with the Agency for Workforce Innovation
331 and its partners to provide job-placement and job-training
332 services to job seekers through the state's workforce services
333 programs.

334 Section 6. Subsection (1) of section 403.7046, Florida
335 Statutes, is amended to read:

336 403.7046 Regulation of recovered materials.—

337 (1) Any person who handles, purchases, receives, recovers,
338 sells, or is an end user of recovered materials shall annually
339 certify to the department on forms provided by the department.
340 The department may by rule exempt from this requirement
341 generators of recovered materials; persons who handle or sell
342 recovered materials as an activity which is incidental to the
343 normal primary business activities of that person; or persons
344 who handle, purchase, receive, recover, sell, or are end users
345 of recovered materials in small quantities as defined by the
346 department. The department shall adopt rules for the
347 certification of and reporting by such persons and shall
348 establish criteria for revocation of such certification. ~~Prior~~
349 ~~to the adoption of such rules, the department shall appoint a~~
350 ~~technical advisory committee of no more than nine persons,~~
351 ~~including, at a minimum, representatives of the Florida~~
352 ~~Association of Counties, the Florida League of Cities, the~~
353 ~~Florida Recyclers Association, and the Florida Chapter of the~~
354 ~~National Solid Waste Management Association, to aid in the~~
355 ~~development of such rules.~~ Such rules shall be designed to
356 elicit, at a minimum, the amount and types of recovered
357 materials handled by registrants, and the amount and disposal
358 site, or name of person with whom such disposal was arranged, of
359 any solid waste generated by such facility. By February 1 of
360 each year, registrants shall report all required information to
361 the department and to all counties from which it received
362 materials. Such rules may provide for the department to conduct
363 periodic inspections. The department may charge a fee of up to
364 \$50 for each registration, which shall be deposited into the

365 Solid Waste Management Trust Fund for implementation of the
 366 program.

367 Section 7. Subsection (5) of section 403.7049, Florida
 368 Statutes, is amended to read:

369 403.7049 Determination of full cost for solid waste
 370 management; local solid waste management fees.—

371 (5) In order to assist in achieving the municipal solid
 372 waste reduction goal and the recycling provisions of s.
 373 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
 374 or operates a solid waste management facility is hereby
 375 authorized to charge solid waste disposal fees which may vary
 376 based on a number of factors, including, but not limited to, the
 377 amount, characteristics, and form of recyclable materials
 378 present in the solid waste that is brought to the county's or
 379 the municipality's facility for processing or disposal.

380 Section 8. Paragraph (c) of subsection (2) and subsection
 381 (3) of section 403.705, Florida Statutes, are amended to read:

382 403.705 State solid waste management program.—

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

385 (c) Planning guidelines and technical assistance to
 386 counties and municipalities to aid in meeting the municipal
 387 solid waste reduction goals established in s. 403.706(2) ~~s.~~
 388 ~~403.706(4)~~.

389 (3) The department shall ~~periodically seek information~~
 390 ~~from counties to~~ evaluate and report biennially to the President
 391 of the Senate and the Speaker of the House of Representatives on

392 the state's success in meeting the solid waste reduction goal as
 393 described in s. 403.706(2).

394 Section 9. Subsections (2), (4), (6), (7), and (21) of
 395 section 403.706, Florida Statutes, are amended to read:

396 403.706 Local government solid waste responsibilities.—

397 (2) (a) Each county shall implement a recyclable materials
 398 recycling program that shall have a goal of recycling recyclable
 399 solid waste by 40 percent by December 31, 2012, 50 percent by
 400 December 31, 2014, 60 percent by December 31, 2016, 70 percent
 401 by December 31, 2018, and 75 percent by December 31, 2020.

402 Counties and municipalities are encouraged to form cooperative
 403 arrangements for implementing recycling programs.

404 (b) In order to assist counties in attaining the goals set
 405 forth in paragraph (a), the Legislature finds that the recycling
 406 of construction and demolition debris fulfills an important
 407 state interest. Therefore, each county must implement a program
 408 for recycling construction and demolition debris.

409 (c) All commercial and multifamily construction projects,
 410 including, but not limited to, apartment complexes, which begin
 411 construction on or after July 1, 2010, where counties provide
 412 litter receptacles, must provide an opportunity for the tenants
 413 and owners to recycle, including, if necessary, designated space
 414 for the placement of recycling receptacles.

415 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
 416 the county, as determined by the department in accordance with
 417 applicable rules, has not reached the recycling goals as set
 418 forth in paragraph (a), the department may direct the county to
 419 develop a plan to expand recycling programs to existing

420 commercial and multifamily dwellings, including, but not limited
421 to, apartment complexes.

422 (e) If the state's recycling rate for the 2013 calendar
423 year is below 40 percent, below 50 percent by January 1, 2015,
424 below 60 percent by January 1, 2017, below 70 percent by January
425 1, 2019, or below 75 percent by January 1, 2021, the department
426 shall provide a report to the President of the Senate and the
427 Speaker of the House of Representatives. The report shall
428 identify those additional programs or statutory changes needed
429 to achieve the goals set forth in paragraph (a). The report
430 shall be provided no later than 30 days prior to the beginning
431 of the Regular Session of the Legislature. The department is not
432 required to provide a report to the Legislature if the state
433 reaches its recycling goals as described in this paragraph.

434 (f) ~~(b)~~ Such programs shall be designed to recover a
435 significant portion of at least four of the following materials
436 from the solid waste stream prior to final disposal at a solid
437 waste disposal facility and to offer these materials for
438 recycling: newspaper, aluminum cans, steel cans, glass, plastic
439 bottles, cardboard, office paper, and yard trash. Local
440 governments which operate permitted waste-to-energy facilities
441 may retrieve ferrous and nonferrous metal as a byproduct of
442 combustion.

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

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

451 ~~(d) By July 1, 2010, each county shall develop and~~
452 ~~implement a plan to achieve a goal to compost organic materials~~
453 ~~that would otherwise be disposed of in a landfill. The goal~~
454 ~~shall provide that up to 10 percent and no less than 5 percent~~
455 ~~of organic material would be composted within the county and the~~
456 ~~municipalities within its boundaries. The department may reduce~~
457 ~~or modify the compost goal if the county demonstrates to the~~
458 ~~department that achievement of the goal would be impractical~~
459 ~~given the county's unique demographic, urban density, or~~
460 ~~inability to separate normally compostable material from the~~
461 ~~solid waste stream. The composting plan is encouraged to address~~
462 ~~partnership with the private sector.~~

463 (i)-(e) Each county is encouraged to consider plans for
464 composting or mulching organic materials that would otherwise be
465 disposed of in a landfill. The composting or mulching plans are
466 encouraged to address partnership with the private sector.

467 (4) (a) In order to promote the production of renewable
468 energy from solid waste, each megawatt-hour produced by a
469 renewable energy facility using solid waste as a fuel shall
470 count as 1 ton of recycled material and shall be applied toward
471 meeting the recycling goals set forth in this section. If a
472 county creating renewable energy from solid waste implements and
473 maintains a program to recycle at least 50 percent of municipal
474 solid waste by a means other than creating renewable energy,
475 that county shall count 2 tons of recycled material for each

476 megawatt-hour produced. If waste originates from a county other
 477 than the county in which the renewable energy facility resides,
 478 the originating county shall receive such recycling credit. Any
 479 county that has a debt service payment related to its waste-to-
 480 energy facility shall receive 1 ton of recycled materials credit
 481 for each ton of solid waste processed at the facility. Any
 482 byproduct resulting from the creation of renewable energy does
 483 not count as waste. ~~A county's solid waste management and~~
 484 ~~recycling programs shall be designed to provide for sufficient~~
 485 ~~reduction of the amount of solid waste generated within the~~
 486 ~~county and the municipalities within its boundaries in order to~~
 487 ~~meet goals for the reduction of municipal solid waste prior to~~
 488 ~~the final disposal or the incineration of such waste at a solid~~
 489 ~~waste disposal facility. The goals shall provide, at a minimum,~~
 490 ~~that the amount of municipal solid waste that would be disposed~~
 491 ~~of within the county and the municipalities within its~~
 492 ~~boundaries is reduced by at least 30 percent.~~

493 (b) A county may receive credit for one-half of the
 494 recycling goal set forth in subsection (2) ~~for waste reduction~~
 495 ~~from the use of yard trash, or other clean wood waste or paper~~
 496 ~~waste, in innovative programs including, but not limited to,~~
 497 ~~programs that produce alternative clean-burning fuels such as~~
 498 ~~ethanol or that provide for the conversion of yard trash or~~
 499 ~~other clean wood waste or paper waste to clean-burning fuel for~~
 500 ~~the production of energy for use at facilities other than a~~
 501 ~~waste-to-energy facility as defined in s. 403.7061. The~~
 502 ~~provisions of this paragraph apply only if a county can~~
 503 ~~demonstrate that:~~

504 1. The county has implemented a yard trash mulching or
505 composting program, and

506 2. As part of the program, compost and mulch made from
507 yard trash is available to the general public and in use at
508 county-owned or maintained and municipally owned or maintained
509 facilities in the county and state agencies operating in the
510 county as required by this section.

511 (c) A county with a population of 100,000 or less or a
512 municipality with a population of 50,000 or less may provide its
513 residents with the opportunity to recycle in lieu of achieving
514 the goal set forth in this section ~~paragraph (a)~~. For the
515 purposes of this section subsection, the "opportunity to
516 recycle" means that the county:

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

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

522 2. Provides a public education and promotion program that
523 is conducted to inform its residents of the opportunity to
524 recycle, encourages source separation of recyclable materials,
525 and promotes the benefits of reducing, reusing, recycling, and
526 composting materials.

527 (6) The department may reduce or modify the municipal
528 solid waste recycling ~~reduction~~ goal that a county is required
529 to achieve pursuant to subsection (2) ~~(4)~~ if the county
530 demonstrates to the department that:

531 (a) The achievement of the goal set forth in subsection

532 (2) ~~(4)~~ would have an adverse effect on the financial
 533 obligations of a county that are directly related to a waste-to-
 534 energy facility owned or operated by or on behalf of the county;
 535 and

536 (b) The county cannot remove normally combustible
 537 materials from solid waste that is to be processed at a waste-
 538 to-energy facility because of the need to maintain a sufficient
 539 amount of solid waste to ensure the financial viability of the
 540 facility.

541
 542 The goal shall not be waived entirely and may only be reduced or
 543 modified to the extent necessary to alleviate the adverse
 544 effects of achieving the goal on the financial viability of a
 545 county's waste-to-energy facility. Nothing in this subsection
 546 shall exempt a county from developing and implementing a
 547 recycling program pursuant to this act.

548 (7) In order to assess the progress in meeting the goal
 549 set forth ~~established~~ in subsection (2) ~~(4)~~, each county shall,
 550 by April 1 ~~November~~ each year, provide information to the
 551 department regarding its annual solid waste management program
 552 and recycling activities.

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

555 1. ~~(a)~~ The amount of municipal solid waste disposed of at
 556 solid waste disposal facilities, by type of waste such as yard
 557 trash, white goods, clean debris, tires, and unseparated solid
 558 waste;

559 2. ~~(b)~~ The amount and type of materials from the municipal

560 solid waste stream that were recycled; and

561 3.~~(e)~~ The percentage of the population participating in
562 various types of recycling activities instituted.

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

566 (21) Local governments are authorized to enact ordinances
567 that require and direct all residential properties, multifamily
568 dwellings, and apartment complexes and industrial, commercial,
569 and institutional establishments as defined by the local
570 government to establish programs for the separation of
571 recyclable materials designated by the local government, which
572 recyclable materials are specifically intended for purposes of
573 recycling and for which a market exists, and to provide for
574 their collection. Such ordinances may include, but are not
575 limited to, provisions that prohibit any person from knowingly
576 disposing of recyclable materials designated by the local
577 government and that ensure the collection of recovered materials
578 as necessary to protect public health and safety.

579 Section 10. Paragraphs (d) through (i) of subsection (3)
580 of section 403.7061, Florida Statutes, are redesignated as
581 paragraphs (c) through (h), respectively, and present paragraph
582 (c) of that subsection is amended to read:

583 403.7061 Requirements for review of new waste-to-energy
584 facility capacity by the Department of Environmental
585 Protection.—

586 (3) An applicant must provide reasonable assurance that
587 the construction of a new waste-to-energy facility or the

588 expansion of an existing waste-to-energy facility will comply
 589 with the following criteria:

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

596 Section 11. Subsection (9) of section 403.707, Florida
 597 Statutes, is amended to read:

598 403.707 Permits.—

599 (9) The department shall establish a separate category for
 600 solid waste management facilities that accept only construction
 601 and demolition debris for disposal or recycling. The department
 602 shall establish a reasonable schedule for existing facilities to
 603 comply with this section to avoid undue hardship to such
 604 facilities. However, a permitted solid waste disposal unit that
 605 receives a significant amount of waste prior to the compliance
 606 deadline established in this schedule shall not be required to
 607 be retrofitted with liners or leachate control systems.

608 (a) The department shall establish reasonable
 609 construction, operation, monitoring, recordkeeping, financial
 610 assurance, and closure requirements for such facilities. The
 611 department shall take into account the nature of the waste
 612 accepted at various facilities when establishing these
 613 requirements, and may impose less stringent requirements,
 614 including a system of general permits or registration
 615 requirements, for facilities that accept only a segregated waste

616 stream which is expected to pose a minimal risk to the
617 environment and public health, such as clean debris. The
618 Legislature recognizes that incidental amounts of other types of
619 solid waste are commonly generated at construction or demolition
620 projects. In any enforcement action taken pursuant to this
621 section, the department shall consider the difficulty of
622 removing these incidental amounts from the waste stream.

623 (b) The department shall ~~not~~ require liners and leachate
624 collection systems at individual disposal units and lateral
625 expansions of existing disposal units that have not received a
626 department permit authorizing construction or operation before
627 July 1, 2010 ~~facilities unless it demonstrates, based upon the~~
628 ~~types of waste received, the methods for controlling types of~~
629 ~~waste disposed of, the proximity of groundwater and surface~~
630 ~~water, and the results of the hydrogeological and geotechnical~~
631 ~~investigations, that the facility is reasonably expected to~~
632 ~~result in violations of groundwater standards and criteria~~
633 ~~otherwise.~~

634 (c) The owner or operator shall provide financial
635 assurance for closing of the facility in accordance with the
636 requirements of s. 403.7125. The financial assurance shall cover
637 the cost of closing the facility and 5 years of long-term care
638 after closing, unless the department determines, based upon
639 hydrogeologic conditions, the types of wastes received, or the
640 groundwater monitoring results, that a different long-term care
641 period is appropriate. However, unless the owner or operator of
642 the facility is a local government, the escrow account described
643 in s. 403.7125(2) may not be used as a financial assurance

644 mechanism.

645 (d) The department shall establish training requirements
646 for operators of facilities, and shall work with the State
647 University System or other providers to assure that adequate
648 training courses are available. The department shall also assist
649 the Florida Home Builders Association in establishing a
650 component of its continuing education program to address proper
651 handling of construction and demolition debris, including best
652 management practices for reducing contamination of the
653 construction and demolition debris waste stream.

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

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

661 (g) By January 1, 2012, the amount of construction and
662 demolition debris processed and recycled prior to disposal at a
663 permitted materials recovery facility or at any other permitted
664 disposal facility shall be reported by the county of origin to
665 the department and to the county on an annual basis in
666 accordance with rules adopted by the department. The rules shall
667 establish criteria to ensure accurate and consistent reporting
668 for purposes of determining the recycling rate in s. 403.706
669 and shall also require that, to the extent economically
670 feasible, all construction and demolition debris must be
671 processed prior to disposal, either at a permitted materials

672 recovery facility or at a permitted disposal facility. This
 673 paragraph does not apply to recovered materials, any materials
 674 that have been source separated and offered for recycling, or
 675 materials that have been previously processed. It is the policy
 676 of the Legislature to encourage facilities to recycle. The
 677 department shall establish criteria and guidelines that
 678 encourage recycling where practical and provide for the use of
 679 recycled materials in a manner that protects the public health
 680 and the environment. Facilities are authorized to recycle,
 681 provided such activities do not conflict with such criteria and
 682 guidelines.

683 (h) The department shall ensure that the requirements of
 684 this section are applied and interpreted consistently throughout
 685 the state. In accordance with s. 20.255, the Division of Waste
 686 Management shall direct the district offices and bureaus on
 687 matters relating to the interpretation and applicability of this
 688 section.

689 (i) The department shall provide notice of receipt of a
 690 permit application for the initial construction of a
 691 construction and demolition debris disposal facility to the
 692 local governments having jurisdiction where the facility is to
 693 be located.

694 (j) The Legislature recognizes that recycling, waste
 695 reduction, and resource recovery are important aspects of an
 696 integrated solid waste management program and as such are
 697 necessary to protect the public health and the environment. If
 698 necessary to promote such an integrated program, the county may
 699 determine, after providing notice and an opportunity for a

700 hearing prior to April 30, 2008, that some or all of the
701 material described in s. 403.703(6)(b) shall be excluded from
702 the definition of "construction and demolition debris" in s.
703 403.703(6) within the jurisdiction of such county. The county
704 may make such a determination only if it finds that, prior to
705 June 1, 2007, the county has established an adequate method for
706 the use or recycling of such wood material at an existing or
707 proposed solid waste management facility that is permitted or
708 authorized by the department on June 1, 2007. The county is not
709 required to hold a hearing if the county represents that it
710 previously has held a hearing for such purpose, or if the county
711 represents that it previously has held a public meeting or
712 hearing that authorized such method for the use or recycling of
713 trash or other nonputrescible waste materials and that such
714 materials include those materials described in s. 403.703(6)(b).
715 The county shall provide written notice of its determination to
716 the department by no later than April 30, 2008; thereafter, the
717 materials described in s. 403.703(6) shall be excluded from the
718 definition of "construction and demolition debris" in s.
719 403.703(6) within the jurisdiction of such county. The county
720 may withdraw or revoke its determination at any time by
721 providing written notice to the department.

722 (k) Brazilian pepper and other invasive exotic plant
723 species as designated by the department resulting from
724 eradication projects may be processed at permitted construction
725 and demolition debris recycling facilities or disposed of at
726 permitted construction and demolition debris disposal facilities

727 or Class III facilities. The department may adopt rules to
 728 implement this paragraph.

729 Section 12. Paragraph (e) of subsection (1) of section
 730 403.709, Florida Statutes, is amended to read:

731 403.709 Solid Waste Management Trust Fund; use of waste
 732 tire fees.—There is created the Solid Waste Management Trust
 733 Fund, to be administered by the department.

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

736 (e) A minimum of 40 percent shall be used for funding a
 737 solid waste management ~~competitive and innovative~~ grant program
 738 pursuant to s. 403.7095 for activities relating to recycling and
 739 waste reduction, including waste tires requiring final disposal.

740 Section 13. Section 403.7095, Florida Statutes, is amended
 741 to read:

742 403.7095 Solid waste management grant program.—

743 ~~(1) The department shall develop a competitive and~~
 744 ~~innovative grant program for counties, municipalities, special~~
 745 ~~districts, and nonprofit organizations that have legal~~
 746 ~~responsibility for the provision of solid waste management~~
 747 ~~services. For purposes of this program, "innovative" means that~~
 748 ~~the process, technology, or activity for which funding is sought~~
 749 ~~has not previously been implemented within the jurisdiction of~~
 750 ~~the applicant. The applicant must:~~

751 ~~(a) Demonstrate technologies or processes that represent a~~
 752 ~~novel application of an existing technology or process to~~
 753 ~~recycle or reduce waste, or that overcome obstacles to recycling~~
 754 ~~or waste reduction in new or innovative ways;~~

755 ~~(b) Demonstrate innovative processes to collect and~~
 756 ~~recycle or reduce materials targeted by the department and the~~
 757 ~~recycling industry; or~~

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

762
 763 ~~Because the Legislature recognizes that input from the recycling~~
 764 ~~industry is essential to the success of this grant program, the~~
 765 ~~department shall cooperate with private sector entities to~~
 766 ~~develop a process and define specific criteria for allowing~~
 767 ~~their participation with grant recipients.~~

768 ~~(2) The department shall evaluate and prioritize the~~
 769 ~~annual grant proposals and present the annual prioritized list~~
 770 ~~of projects to be funded to the Governor and the Legislature as~~
 771 ~~part of its annual budget request submitted pursuant to chapter~~
 772 ~~216. Potential grant recipients are encouraged to demonstrate~~
 773 ~~local support for grant proposals by the commitment of cash or~~
 774 ~~in-kind matching funds.~~

775 (1)~~(3)~~ The department shall develop a consolidated grant
 776 program for small counties having populations fewer than
 777 100,000, with grants to be distributed equally among eligible
 778 counties. Programs to be supported with the small-county
 779 consolidated grants include general solid waste management,
 780 litter prevention and control, and recycling and education
 781 programs.

782 (2)~~(4)~~ The department shall develop a waste tire grant

783 program making grants available to all counties. The department
 784 shall ensure that at least 25 percent of the funding available
 785 for waste tire grants is distributed equally to each county
 786 having a population fewer than 100,000. Of the remaining funds
 787 distributed to counties having a population of 100,000 or
 788 greater, the department shall distribute those funds on the
 789 basis of population.

790 (3)~~(5)~~ From the funds made available pursuant to s.
 791 403.709(1)(e) for the grant program created by this section, the
 792 following distributions shall be made:

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

795 (a)~~(b)~~ Up to 50 ~~35~~ percent for the program described in
 796 subsection (1) ~~(3)~~; and

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

799 (4)~~(6)~~ The department may adopt rules necessary to
 800 administer this section, including, but not limited to, rules
 801 governing timeframes for submitting grant applications, criteria
 802 for prioritizing, matching criteria, maximum grant amounts, and
 803 allocation of appropriated funds based upon project and
 804 applicant size.

805 ~~(7) Notwithstanding any provision of this section to the~~
 806 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~
 807 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~
 808 ~~grants equally to counties having populations of fewer than~~
 809 ~~100,000 for waste tire and litter prevention, recycling~~
 810 ~~education, and general solid waste programs. This subsection~~

811 ~~expires July 1, 2010.~~

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

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

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

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

822 Section 14. Subsection (1) of section 403.7145, Florida
 823 Statutes, is amended, and subsections (3) and (4) are added to
 824 that section, to read:

825 403.7145 Recycling.—

826 (1) The Capitol and the House and Senate office buildings
 827 constitute the Capitol recycling area. The Florida House of
 828 Representatives, the Florida Senate, and the Office of the
 829 Governor, the Secretary of State, and each Cabinet officer who
 830 heads a department that occupies office space in the Capitol,
 831 shall institute a recycling program for their respective offices
 832 in the House and Senate office buildings and the Capitol.

833 Provisions shall be made to collect and sell wastepaper and
 834 empty ~~aluminum~~ beverage containers ~~cans~~ generated by employee
 835 activities in these offices. The collection and sale of such
 836 materials shall be reported to Leon County using the
 837 department's designated reporting format and coordinated with
 838 Department of Management Services recycling activities to

839 maximize the efficiency and economy of this program. The
 840 Governor, the Speaker of the House of Representatives, the
 841 President of the Senate, the Secretary of State, and the Cabinet
 842 officers may authorize the use of proceeds from recyclable
 843 material sales for employee benefits and other purposes, in
 844 order to provide incentives to their respective employees for
 845 participation in the recycling program. Such proceeds may also
 846 be used to offset any costs of the recycling program. As a
 847 demonstration of leading by example, the Capitol Building's
 848 recycling rates shall be posted on the website of the Department
 849 of Management Services and shall include the details of the
 850 recycling rates for each Department of Management Services pool
 851 facility. The Department of Environmental Protection shall post
 852 recycling rates of each state-owned facility reported to the
 853 Department of Management Services.

854 (3) Prior to awarding any grants pursuant to s. 403.7095,
 855 the department shall develop and contract for an innovative
 856 recycling pilot project for the Capitol recycling area. The
 857 project shall be designed to collect recyclable materials and
 858 create a more sustainable recycling system. Components of the
 859 project shall be designed to increase convenience, incentivize
 860 and measure participation, reduce material volume, and assist in
 861 achieving the recycling goals enumerated in s. 403.706.

862 (4) Each public airport operating in this state shall, to
 863 the greatest extent practicable, collect aluminum beverage cans
 864 and recyclable plastic and glass from the airlines and other
 865 entities doing business at the airport and offer such materials
 866 for recycling and may retain the economic benefit of these

867 activities to offset the costs associated with such collection.
868 Airport administration offices, airport vendors, and airlines
869 are encouraged to coordinate the collection of recyclable waste
870 to the greatest extent practicable. The provisions of this
871 subsection are not intended to interfere with any established
872 recycling activity.

873 Section 15. Paragraph (m) is added to subsection (1) of
874 section 553.77, Florida Statutes, to read:

875 553.77 Specific powers of the commission.—

876 (1) The commission shall:

877 (m) Develop recommendations that increase residential and
878 commercial recycling and composting and strongly encourage the
879 use of recyclable materials and the recycling of construction
880 and demolition debris.

881 Section 16. Subsections (1), (2), and (3) of section
882 220.1845, Florida Statutes, are renumbered as subsections (2),
883 (3), and (4), respectively, and a new subsection (1) is added to
884 that section to read:

885 220.1845 Contaminated site rehabilitation tax credit.—

886 (1) APPLICATION FOR TAX CREDIT.—A site rehabilitation
887 application must be received by the Division of Waste Management
888 of the Department of Environmental Protection by January 31 of
889 the year after the calendar year for which site rehabilitation
890 costs are being claimed in a tax credit application. All site
891 rehabilitation costs claimed must have been for work conducted
892 between January 1 and December 31 of the year for which the
893 application is being submitted. All payment requests must have
894 been received and all costs must have been paid prior to

895 submittal of the tax credit application, but no later than
 896 January 31 of the year after the calendar year for which site
 897 rehabilitation costs are being claimed.

898 Section 17. Paragraph (a) of subsection (5), paragraph (c)
 899 of subsection (6), and subsections (9) and (10) of section
 900 376.30781, Florida Statutes, are amended to read:

901 376.30781 Tax credits for rehabilitation of drycleaning-
 902 solvent-contaminated sites and brownfield sites in designated
 903 brownfield areas; application process; rulemaking authority;
 904 revocation authority.—

905 (5) To claim the credit for site rehabilitation or solid
 906 waste removal, each tax credit applicant must apply to the
 907 Department of Environmental Protection for an allocation of the
 908 \$2 million annual credit by filing a tax credit application with
 909 the Division of Waste Management on a form developed by the
 910 Department of Environmental Protection in cooperation with the
 911 Department of Revenue. The form shall include an affidavit from
 912 each tax credit applicant certifying that all information
 913 contained in the application, including all records of costs
 914 incurred and claimed in the tax credit application, are true and
 915 correct. If the application is submitted pursuant to
 916 subparagraph (3)(a)2., the form must include an affidavit signed
 917 by the real property owner stating that it is not, and has never
 918 been, the owner or operator of the drycleaning facility where
 919 the contamination exists. Approval of tax credits must be
 920 accomplished on a first-come, first-served basis based upon the
 921 date and time complete applications are received by the Division
 922 of Waste Management, subject to the limitations of subsection

923 (14). To be eligible for a tax credit, the tax credit applicant
 924 must:

925 (a) For site rehabilitation tax credits, have entered into
 926 a voluntary cleanup agreement with the Department of
 927 Environmental Protection for a drycleaning-solvent-contaminated
 928 site or a Brownfield Site Rehabilitation Agreement, as
 929 applicable, and have paid all deductibles pursuant to s.
 930 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program
 931 sites, as applicable. A site rehabilitation tax credit applicant
 932 must submit only a single completed application per site for
 933 each calendar year's site rehabilitation costs. A site
 934 rehabilitation application must be received by the Division of
 935 Waste Management of the Department of Environmental Protection
 936 by January 31 of the year after the calendar year for which site
 937 rehabilitation costs are being claimed in a tax credit
 938 application. All site rehabilitation costs claimed must have
 939 been for work conducted between January 1 and December 31 of the
 940 year for which the application is being submitted. All payment
 941 requests must have been received and all costs must have been
 942 paid prior to submittal of the tax credit application, but no
 943 later than January 31 of the year after the calendar year for
 944 which site rehabilitation costs are being claimed.

945 (6) To obtain the tax credit certificate, the tax credit
 946 applicant must provide all pertinent information requested on
 947 the tax credit application form, including, at a minimum, the
 948 name and address of the tax credit applicant and the address and
 949 tracking identification number of the eligible site. Along with
 950 the tax credit application form, the tax credit applicant must

951 submit the following:

952 (c) Proof that the documentation submitted pursuant to
 953 paragraph (b) has been reviewed and verified by an independent
 954 certified public accountant in accordance with standards
 955 established by the American Institute of Certified Public
 956 Accountants. Specifically, a certified public accountant's
 957 report must be submitted and the certified public accountant
 958 must attest to the accuracy and validity of the costs claimed
 959 ~~incurred and paid during the time period covered~~ in the
 960 application by conducting an independent review of the data
 961 presented by the tax credit applicant. Accuracy and validity of
 962 costs incurred and paid shall be determined after the level of
 963 effort is certified by an appropriate professional registered in
 964 this state in each contributing technical discipline. The
 965 certified public accountant's report must also attest that the
 966 costs included in the application form are not duplicated within
 967 the application, that all payment requests were received and all
 968 costs were paid prior to submittal of the tax credit
 969 application, and, for site rehabilitation tax credits, that all
 970 costs claimed are for work conducted between January 1 and
 971 December 31 of the year for which the application is being
 972 submitted. A copy of the accountant's report shall be submitted
 973 to the Department of Environmental Protection in addition to the
 974 accountant's certification form in the tax credit application;
 975 and

976 (9) On or before May 1, the Department of Environmental
 977 Protection shall inform each tax credit applicant that is
 978 subject to the January 31 annual application deadline of the

979 applicant's eligibility status and the amount of any tax credit
 980 due. The department shall provide each eligible tax credit
 981 applicant with a tax credit certificate that must be submitted
 982 with its tax return to the Department of Revenue to claim the
 983 tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s.~~
 984 ~~220.1845(1)(g)~~. The May 1 deadline for annual site
 985 rehabilitation tax credit certificate awards shall not apply to
 986 any tax credit application for which the department has issued a
 987 notice of deficiency pursuant to subsection (8). The department
 988 shall respond within 90 days after receiving a response from the
 989 tax credit applicant to such a notice of deficiency. Credits may
 990 not result in the payment of refunds if total credits exceed the
 991 amount of tax owed.

992 (10) For solid waste removal, new health care facility or
 993 health care provider, and affordable housing tax credit
 994 applications, the Department of Environmental Protection shall
 995 inform the applicant of the department's determination within 90
 996 days after the application is deemed complete. Each eligible tax
 997 credit applicant shall be informed of the amount of its tax
 998 credit and provided with a tax credit certificate that must be
 999 submitted with its tax return to the Department of Revenue to
 1000 claim the tax credit or be transferred pursuant to s.
 1001 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. Credits may not result in the
 1002 payment of refunds if total credits exceed the amount of tax
 1003 owed.

1004 Section 18. Section 376.85, Florida Statutes, is amended
 1005 to read:

1006 376.85 Annual report.—The Department of Environmental

1007 Protection shall prepare and submit ~~an annual report~~ to the
 1008 President of the Senate and the Speaker of the House of
 1009 Representatives by August 1 of each year a report that includes
 1010 ~~Legislature, beginning in December 1998, which shall include,~~
 1011 but is not ~~be~~ limited to, the number, size, and locations of
 1012 brownfield sites: that have been remediated under the provisions
 1013 of this act, ~~that~~ are currently under rehabilitation pursuant
 1014 to a negotiated site rehabilitation agreement with the
 1015 department or a delegated local program, ~~where~~ where alternative
 1016 cleanup target levels have been established pursuant to s.
 1017 376.81(1)(g)3. ~~and~~ and where engineering and institutional
 1018 control strategies are being employed as conditions of a "no
 1019 further action order" to maintain the protections provided in s.
 1020 376.81(1)(g)1. and 2.

1021 Section 19. Section 403.973, Florida Statutes, is amended
 1022 to read:

1023 403.973 Expedited permitting; amendments to comprehensive
 1024 plans ~~plan amendments.~~

1025 (1) It is the intent of the Legislature to encourage and
 1026 facilitate the location and expansion of those types of economic
 1027 development projects which offer job creation and high wages,
 1028 strengthen and diversify the state's economy, and have been
 1029 thoughtfully planned to take into consideration the protection
 1030 of the state's environment. It is also the intent of the
 1031 Legislature to provide for an expedited permitting and
 1032 comprehensive plan amendment process for such projects.

1033 (2) As used in this section, the term:

1034 (a) "Duly noticed" means publication in a newspaper of

1035 general circulation in the municipality or county with
 1036 jurisdiction. The notice shall appear on at least 2 separate
 1037 days, one of which shall be at least 7 days before the meeting.
 1038 The notice shall state the date, time, and place of the meeting
 1039 scheduled to discuss or enact the memorandum of agreement, and
 1040 the places within the municipality or county where such proposed
 1041 memorandum of agreement may be inspected by the public. The
 1042 notice must be one-eighth of a page in size and must be
 1043 published in a portion of the paper other than the legal notices
 1044 section. The notice shall also advise that interested parties
 1045 may appear at the meeting and be heard with respect to the
 1046 memorandum of agreement.

1047 (b) "Jobs" means permanent, full-time equivalent positions
 1048 not including construction jobs.

1049 (c) "Office" means the Office of Tourism, Trade, and
 1050 Economic Development.

1051 (d) "Permit applications" means state permits and
 1052 licenses, and at the option of a participating local government,
 1053 local development permits or orders.

1054 (e) "Secretary" means the Secretary of Environmental
 1055 Protection or his or her designee.

1056 (3) (a) The secretary ~~Governor, through the office,~~ shall
 1057 direct the creation of regional permit action teams~~r~~ for the
 1058 purpose of expediting review of permit applications and local
 1059 comprehensive plan amendments submitted by:

- 1060 1. Businesses creating at least 50 ~~100~~ jobs;~~r~~ or
- 1061 2. Businesses creating at least 25 ~~50~~ jobs if the project
- 1062 is located in an enterprise zone, or in a county having a

1063 population of fewer ~~less~~ than 75,000 or in a county having a
 1064 population of fewer ~~less~~ than 125,000 ~~100,000~~ which is
 1065 contiguous to a county having a population of fewer ~~less~~ than
 1066 75,000, as determined by the most recent decennial census,
 1067 residing in incorporated and unincorporated areas of the
 1068 county. ~~or~~

1069 (b) On a case-by-case basis and at the request of a county
 1070 or municipal government, the office may certify as eligible for
 1071 expedited review a project not meeting the minimum job creation
 1072 thresholds but creating a minimum of 10 jobs. The recommendation
 1073 from the governing body of the county or municipality in which
 1074 the project may be located is required in order for the office
 1075 to certify that any project is eligible for expedited review
 1076 under this paragraph. When considering projects that do not meet
 1077 the minimum job creation thresholds but that are recommended by
 1078 the governing body in which the project may be located, the
 1079 office shall consider economic impact factors that include, but
 1080 are not limited to:

- 1081 1. The proposed wage and skill levels relative to those
- 1082 existing in the area in which the project may be located;
- 1083 2. The project's potential to diversify and strengthen the
- 1084 area's economy;
- 1085 3. The amount of capital investment; and
- 1086 4. The number of jobs that will be made available for
- 1087 persons served by the welfare transition program.

1088 (c) At the request of a county or municipal government,
 1089 the office or a Quick Permitting County may certify projects
 1090 located in counties where the ratio of new jobs per participant

1091 in the welfare transition program, as determined by Workforce
 1092 Florida, Inc., is less than one or otherwise critical, as
 1093 eligible for the expedited permitting process. Such projects
 1094 must meet the numerical job creation criteria of this
 1095 subsection, but the jobs created by the project do not have to
 1096 be high-wage jobs that diversify the state's economy.

1097 (d) Projects located in a designated brownfield area are
 1098 eligible for the expedited permitting process.

1099 (e) Projects that are part of the state-of-the-art
 1100 biomedical research institution and campus to be established in
 1101 this state by the grantee under s. 288.955 are eligible for the
 1102 expedited permitting process, if the projects are designated as
 1103 part of the institution or campus by the board of county
 1104 commissioners of the county in which the institution and campus
 1105 are established.

1106 (f) Projects resulting in the production of biofuels
 1107 cultivated on lands that are 1,000 acres or more or in the
 1108 construction of a biofuel or biodiesel processing facility or a
 1109 facility generating renewable energy, as defined in s.
 1110 366.91(2)(d), are eligible for the expedited permitting process.

1111 (4) The regional teams shall be established through the
 1112 execution of memoranda of agreement developed by the applicant
 1113 and the secretary, with input solicited from ~~between~~ the office
 1114 and the respective heads of ~~the Department of Environmental~~
 1115 ~~Protection,~~ the Department of Community Affairs, the Department
 1116 of Transportation and its district offices, the Department of
 1117 Agriculture and Consumer Services, the Fish and Wildlife
 1118 Conservation Commission, appropriate regional planning councils,

1119 appropriate water management districts, and voluntarily
 1120 participating municipalities and counties. The memoranda of
 1121 agreement should also accommodate participation in this
 1122 expedited process by other local governments and federal
 1123 agencies as circumstances warrant.

1124 (5) In order to facilitate local government's option to
 1125 participate in this expedited review process, the secretary
 1126 ~~office~~ shall, in cooperation with local governments and
 1127 participating state agencies, create a standard form memorandum
 1128 of agreement. A local government shall hold a duly noticed
 1129 public workshop to review and explain to the public the
 1130 expedited permitting process and the terms and conditions of the
 1131 standard form memorandum of agreement.

1132 (6) The local government shall hold a duly noticed public
 1133 hearing to execute a memorandum of agreement for each qualified
 1134 project. Notwithstanding any other provision of law, and at the
 1135 option of the local government, the workshop provided for in
 1136 subsection (5) may be conducted on the same date as the public
 1137 hearing held under this subsection. The memorandum of agreement
 1138 that a local government signs shall include a provision
 1139 identifying necessary local government procedures and time
 1140 limits that will be modified to allow for the local government
 1141 decision on the project within 90 days. The memorandum of
 1142 agreement applies to projects, on a case-by-case basis, that
 1143 qualify for special review and approval as specified in this
 1144 section. The memorandum of agreement must make it clear that
 1145 this expedited permitting and review process does not modify,
 1146 qualify, or otherwise alter existing local government

1147 nonprocedural standards for permit applications, unless
 1148 expressly authorized by law.

1149 ~~(7) At the option of the participating local government,~~
 1150 Appeals of local government comprehensive plan approvals ~~its~~
 1151 ~~final approval~~ for a project shall ~~may~~ be pursuant to the
 1152 summary hearing provisions of s. 120.574, pursuant to subsection
 1153 (14), and consolidated with the challenge of any applicable
 1154 state agency actions ~~or pursuant to other appellate processes~~
 1155 ~~available to the local government. The local government's~~
 1156 ~~decision to enter into a summary hearing must be made as~~
 1157 ~~provided in s. 120.574 or in the memorandum of agreement.~~

1158 (8) Each memorandum of agreement shall include a process
 1159 for final agency action on permit applications and local
 1160 comprehensive plan amendment approvals within 90 days after
 1161 receipt of a completed application, unless the applicant agrees
 1162 to a longer time period or the secretary ~~office~~ determines that
 1163 unforeseen or uncontrollable circumstances preclude final agency
 1164 action within the 90-day timeframe. Permit applications governed
 1165 by federally delegated or approved permitting programs whose
 1166 requirements would prohibit or be inconsistent with the 90-day
 1167 timeframe are exempt from this provision, but must be processed
 1168 by the agency with federally delegated or approved program
 1169 responsibility as expeditiously as possible.

1170 (9) The secretary ~~office~~ shall inform the Legislature by
 1171 October 1 of each year which agencies have not entered into or
 1172 implemented an agreement and identify any barriers to achieving
 1173 success of the program.

1174 (10) The memoranda of agreement may provide for the waiver

1175 or modification of procedural rules prescribing forms, fees,
1176 procedures, or time limits for the review or processing of
1177 permit applications under the jurisdiction of those agencies
1178 that are party to the memoranda of agreement. Notwithstanding
1179 any other provision of law to the contrary, a memorandum of
1180 agreement must to the extent feasible provide for proceedings
1181 and hearings otherwise held separately by the parties to the
1182 memorandum of agreement to be combined into one proceeding or
1183 held jointly and at one location. Such waivers or modifications
1184 shall not be available for permit applications governed by
1185 federally delegated or approved permitting programs, the
1186 requirements of which would prohibit, or be inconsistent with,
1187 such a waiver or modification.

1188 (11) The standard form for memoranda of agreement shall
1189 include guidelines to be used in working with state, regional,
1190 and local permitting authorities. Guidelines may include, but
1191 are not limited to, the following:

1192 (a) A central contact point for filing permit applications
1193 and local comprehensive plan amendments and for obtaining
1194 information on permit and local comprehensive plan amendment
1195 requirements;

1196 (b) Identification of the individual or individuals within
1197 each respective agency who will be responsible for processing
1198 the expedited permit application or local comprehensive plan
1199 amendment for that agency;

1200 (c) A mandatory preapplication review process to reduce
1201 permitting conflicts by providing guidance to applicants
1202 regarding the permits needed from each agency and governmental

1203 entity, site planning and development, site suitability and
1204 limitations, facility design, and steps the applicant can take
1205 to ensure expeditious permit application and local comprehensive
1206 plan amendment review. As a part of this process, the first
1207 interagency meeting to discuss a project shall be held within 14
1208 days after the secretary's ~~office's~~ determination that the
1209 project is eligible for expedited review. Subsequent interagency
1210 meetings may be scheduled to accommodate the needs of
1211 participating local governments that are unable to meet public
1212 notice requirements for executing a memorandum of agreement
1213 within this timeframe. This accommodation may not exceed 45 days
1214 from the secretary's ~~office's~~ determination that the project is
1215 eligible for expedited review;

1216 (d) The preparation of a single coordinated project
1217 description form and checklist and an agreement by state and
1218 regional agencies to reduce the burden on an applicant to
1219 provide duplicate information to multiple agencies;

1220 (e) Establishment of a process for the adoption and review
1221 of any comprehensive plan amendment needed by any certified
1222 project within 90 days after the submission of an application
1223 for a comprehensive plan amendment. However, the memorandum of
1224 agreement may not prevent affected persons as defined in s.
1225 163.3184 from appealing or participating in this expedited plan
1226 amendment process and any review or appeals of decisions made
1227 under this paragraph; and

1228 (f) Additional incentives for an applicant who proposes a
1229 project that provides a net ecosystem benefit.

1230 (12) The applicant, the regional permit action team, and

1231 participating local governments may agree to incorporate into a
1232 single document the permits, licenses, and approvals that are
1233 obtained through the expedited permit process. This consolidated
1234 permit is subject to the summary hearing provisions set forth in
1235 subsection (14).

1236 (13) Notwithstanding any other provisions of law:

1237 (a) Local comprehensive plan amendments for projects
1238 qualified under this section are exempt from the twice-a-year
1239 limits provision in s. 163.3187; and

1240 (b) Projects qualified under this section are not subject
1241 to interstate highway level-of-service standards adopted by the
1242 Department of Transportation for concurrency purposes. The
1243 memorandum of agreement specified in subsection (5) must include
1244 a process by which the applicant will be assessed a fair share
1245 of the cost of mitigating the project's significant traffic
1246 impacts, as defined in chapter 380 and related rules. The
1247 agreement must also specify whether the significant traffic
1248 impacts on the interstate system will be mitigated through the
1249 implementation of a project or payment of funds to the
1250 Department of Transportation. Where funds are paid, the
1251 Department of Transportation must include in the 5-year work
1252 program transportation projects or project phases, in an amount
1253 equal to the funds received, to mitigate the traffic impacts
1254 associated with the proposed project.

1255 (14) (a) Challenges to state agency action in the expedited
1256 permitting process for projects processed under this section are
1257 subject to the summary hearing provisions of s. 120.574, except
1258 that the administrative law judge's decision, as provided in s.

1259 | 120.574(2)(f), shall be in the form of a recommended order and
 1260 | shall not constitute the final action of the state agency. In
 1261 | those proceedings where the action of only one agency of the
 1262 | state other than the Department of Environmental Protection is
 1263 | challenged, the agency of the state shall issue the final order
 1264 | within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
 1265 | law judge's recommended order, and the recommended order shall
 1266 | inform the parties of their right to file exceptions or
 1267 | responses to the recommended order in accordance with the
 1268 | uniform rules of procedure pursuant to s. 120.54. In those
 1269 | proceedings where the actions of more than one agency of the
 1270 | state are challenged, the Governor shall issue the final order
 1271 | within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
 1272 | law judge's recommended order, and the recommended order shall
 1273 | inform the parties of their right to file exceptions or
 1274 | responses to the recommended order in accordance with the
 1275 | uniform rules of procedure pursuant to s. 120.54. This paragraph
 1276 | does not apply to the issuance of department licenses required
 1277 | under any federally delegated or approved permit program. In
 1278 | such instances, the department shall enter the final order. The
 1279 | participating agencies of the state may opt at the preliminary
 1280 | hearing conference to allow the administrative law judge's
 1281 | decision to constitute the final agency action. If a
 1282 | participating local government agrees to participate in the
 1283 | summary hearing provisions of s. 120.574 for purposes of review
 1284 | of local government comprehensive plan amendments, s.
 1285 | 163.3184(9) and (10) apply.

1286 | (b) Projects identified in paragraph (3)(f) or challenges

1287 to state agency action in the expedited permitting process for
 1288 establishment of a state-of-the-art biomedical research
 1289 institution and campus in this state by the grantee under s.
 1290 288.955 are subject to the same requirements as challenges
 1291 brought under paragraph (a), except that, notwithstanding s.
 1292 120.574, summary proceedings must be conducted within 30 days
 1293 after a party files the motion for summary hearing, regardless
 1294 of whether the parties agree to the summary proceeding.

1295 (15) The office, working with the agencies providing
 1296 cooperative assistance and input regarding ~~participating in~~ the
 1297 memoranda of agreement, shall review sites proposed for the
 1298 location of facilities eligible for the Innovation Incentive
 1299 Program under s. 288.1089. Within 20 days after the request for
 1300 the review by the office, the agencies shall provide to the
 1301 office a statement as to each site's necessary permits under
 1302 local, state, and federal law and an identification of
 1303 significant permitting issues, which if unresolved, may result
 1304 in the denial of an agency permit or approval or any significant
 1305 delay caused by the permitting process.

1306 (16) This expedited permitting process shall not modify,
 1307 qualify, or otherwise alter existing agency nonprocedural
 1308 standards for permit applications or local comprehensive plan
 1309 amendments, unless expressly authorized by law. If it is
 1310 determined that the applicant is not eligible to use this
 1311 process, the applicant may apply for permitting of the project
 1312 through the normal permitting processes.

1313 (17) The office shall be responsible for certifying a
 1314 business as eligible for undergoing expedited review under this

1315 section. Enterprise Florida, Inc., a county or municipal
 1316 government, or the Rural Economic Development Initiative may
 1317 recommend to the Office of Tourism, Trade, and Economic
 1318 Development that a project meeting the minimum job creation
 1319 threshold undergo expedited review.

1320 (18) The office, working with the Rural Economic
 1321 Development Initiative and the agencies participating in the
 1322 memoranda of agreement, shall provide technical assistance in
 1323 preparing permit applications and local comprehensive plan
 1324 amendments for counties having a population of fewer ~~less~~ than
 1325 75,000 residents, or counties having fewer than 125,000 ~~100,000~~
 1326 residents which are contiguous to counties having fewer than
 1327 75,000 residents. Additional assistance may include, but not be
 1328 limited to, guidance in land development regulations and
 1329 permitting processes, working cooperatively with state,
 1330 regional, and local entities to identify areas within these
 1331 counties which may be suitable or adaptable for preclearance
 1332 review of specified types of land uses and other activities
 1333 requiring permits.

1334 (19) The following projects are ineligible for review
 1335 under this part:

1336 (a) A project funded and operated by a local government,
 1337 as defined in s. 377.709, and located within that government's
 1338 jurisdiction.

1339 (b) A project, the primary purpose of which is to:

1340 1. Effect the final disposal of solid waste, biomedical
 1341 waste, or hazardous waste in this state.

1342 2. Produce electrical power, unless the production of

1343 electricity is incidental and not the primary function of the
 1344 project or the electrical power is derived from a fuel source
 1345 for renewable energy as defined in s. 366.91(2)(d).

1346 3. Extract natural resources.

1347 4. Produce oil.

1348 5. Construct, maintain, or operate an oil, petroleum,
 1349 natural gas, or sewage pipeline.

1350 Section 20. Section 288.1185, Florida Statutes, is
 1351 repealed.

1352 Section 21. This act shall take effect July 1, 2010.