

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; providing for the  
42 creation of a voluntary recyclers certification program;  
43 amending s. 403.706, F.S.; requiring counties to meet  
44 specific recycling benchmarks; providing legislative  
45 intent; requiring certain multifamily residential and  
46 commercial properties to make certain provisions for  
47 recycling receptacles; providing applicability;  
48 authorizing the Department of Environmental Protection to  
49 require counties to develop a plan to expand recycling  
50 programs under certain conditions; requiring the  
51 Department of Environmental Protection to provide a report  
52 to the Legislature if a specified recycling rate is not  
53 met; eliminating a requirement that counties develop  
54 composting goals; providing for waste-to-energy production  
55 to be applied toward meeting recycling benchmarks;  
56 providing exceptions; providing deadlines for the

57 reporting of recycling data; amending s. 403.7061, F.S.;

58 revising requirements for review of new waste-to-energy

59 facility capacity by the Department of Environmental

60 Protection; amending s. 403.707, F.S.; requiring liners

61 for new construction and demolition debris landfills;

62 establishing recycling rates for source-separation

63 activities; providing an exception; amending s. 403.708,

64 F.S.; authorizing the disposal of yard trash at specified

65 Class I landfills; requiring such landfills to obtain a

66 modified operating permit; requiring permittees to certify

67 certain collection and beneficial use of landfill gas;

68 providing applicability and intent; amending s. 403.709,

69 F.S.; conforming a cross-reference; amending s. 403.7095,

70 F.S.; revising provisions relating to the solid waste

71 management grant program; deleting provisions requiring

72 the Department of Environmental Protection to develop a

73 competitive and innovative grant program for certain

74 counties, municipalities, special districts, and nonprofit

75 organizations; deleting application requirements for such

76 grant program; deleting a requirement for the Department

77 of Environmental Protection to evaluate and prioritize

78 grant proposals for inclusion in its annual budget

79 request; revising the distribution of funds for the small-

80 county consolidated grant program; deleting obsolete

81 provisions; amending s. 403.7145, F.S.; revising recycling

82 requirements for certain state buildings; providing for a

83 pilot project for the Capitol recycling area; amending s.

84 533.77, F.S.; requiring the Florida Building Commission to

85 | develop specified recommendations relating to recycling  
86 | and composting and the use of recyclable materials;  
87 | amending ss. 220.1845 and 376.30781, F.S.; providing  
88 | requirements for claiming certain site rehabilitation  
89 | costs in applications for contaminated site rehabilitation  
90 | tax credits; conforming cross-references; amending s.  
91 | 376.85, F.S.; revising requirements for the Department of  
92 | Environmental Protection's annual report to the  
93 | Legislature regarding site rehabilitation; amending s.  
94 | 403.973, F.S.; transferring certain authority over the  
95 | expedited permitting and comprehensive plan amendment  
96 | process from the Office of Tourism, Trade, and Economic  
97 | Development to the Secretary of Environmental Protection;  
98 | revising job-creation criteria for businesses to qualify  
99 | to submit permit applications and local comprehensive plan  
100 | amendments for expedited review; providing that permit  
101 | applications and local comprehensive plan amendments for  
102 | specified renewable energy projects are eligible for the  
103 | expedited permitting process; providing for the  
104 | establishment of regional permit action teams through the  
105 | execution of memoranda of agreement developed by permit  
106 | applicants and the secretary; revising provisions relating  
107 | to the memoranda of agreement developed by the secretary;  
108 | providing for the appeal of local government comprehensive  
109 | plan approvals for projects and requiring such appeals to  
110 | be consolidated with challenges to state agency actions;  
111 | requiring recommended orders relating to challenges to  
112 | state agency actions pursuant to summary hearing

113 provisions to include certain information; extending the  
 114 deadline for issuance of final orders relating to such  
 115 challenges; providing for challenges to state agency  
 116 action related to expedited permitting for specified  
 117 renewable energy projects; revising provisions relating to  
 118 the review of sites proposed for the location of  
 119 facilities eligible for the Innovation Incentive Program;  
 120 revising criteria for counties eligible to receive  
 121 technical assistance in preparing permit applications and  
 122 local comprehensive plan amendments; specifying expedited  
 123 review eligibility for certain electrical power projects;  
 124 amending s. 369.317, F.S.; providing that certain activity  
 125 relating to mitigation of certain environmental impacts in  
 126 the Wekiva Study Area or the Wekiva parkway alignment  
 127 corridor meets specified impact requirements under certain  
 128 conditions; repealing s. 288.1185, F.S., relating to the  
 129 Recycling Markets Advisory Committee; providing an  
 130 effective date.

131

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

133

134 Section 1. Subsection (9) is added to section 288.9015,  
 135 Florida Statutes, to read:

136 288.9015 Enterprise Florida, Inc.; purpose; duties.—

137 (9) Enterprise Florida, Inc., shall provide technical  
 138 assistance to the Department of Environmental Protection in the  
 139 creation of the Recycling Business Assistance Center pursuant to  
 140 s. 403.7032(5). As the state's primary organization devoted to

141 statewide economic development, Enterprise Florida, Inc., is  
142 encouraged to cooperate with the Department of Environmental  
143 Protection to ensure that the Recycling Business Assistance  
144 Center is positioned to succeed in helping to enhance and expand  
145 existing markets for recyclable materials in this state, other  
146 states, and foreign countries.

147 Section 2. Paragraph (a) of subsection (19) of section  
148 373.414, Florida Statutes, is amended to read:

149 373.414 Additional criteria for activities in surface  
150 waters and wetlands.—

151 (19) (a) Financial responsibility for mitigation for  
152 wetlands and other surface waters required by a permit issued  
153 pursuant to this part for activities associated with the  
154 extraction of limestone and phosphate are subject to approval by  
155 the department as part of permit application review. Financial  
156 responsibility for permitted activities which will occur over a  
157 period of 3 years or less of mining operations must be provided  
158 to the department prior to the commencement of mining operations  
159 and shall be in an amount equal to 110 percent of the estimated  
160 mitigation costs for wetlands and other surface waters affected  
161 under the permit. For permitted activities which will occur over  
162 a period of more than 3 years of mining operations, the initial  
163 financial responsibility demonstration shall be in an amount  
164 equal to 110 percent of the estimated mitigation costs for  
165 wetlands and other surface waters affected in the first 3 years  
166 of operation under the permit; and, for each year thereafter,  
167 the financial responsibility demonstration shall be updated,  
168 including to provide an amount equal to 110 percent of the

169 | estimated mitigation costs for the next year of operations under  
 170 | the permit for which financial responsibility has not already  
 171 | been demonstrated and to release portions of the financial  
 172 | responsibility mechanisms in accordance with applicable rules.

173 | Section 3. Subsection (2) of section 378.901, Florida  
 174 | Statutes, is amended to read:

175 | 378.901 Life-of-the-mine permit.—

176 | (2) As an alternative to, and in lieu of, separate  
 177 | applications for permits required by part IV of chapter 373 and  
 178 | part IV of this chapter, any each operator who mines or extracts  
 179 | or proposes to mine or extract heavy minerals, limestone, or  
 180 | fuller's earth clay may apply to the bureau for a life-of-the-  
 181 | mine permit. Nothing in this subsection limits or restricts the  
 182 | authority of a local government to approve, approve with  
 183 | conditions, deny, or impose a permit duration different from the  
 184 | duration of a permit issued pursuant to this section.

185 | Section 4. Subsections (5) through (8) of section 403.44,  
 186 | Florida Statutes, are renumbered as subsections (3) through (6),  
 187 | respectively, and present subsections (3) and (4) of that  
 188 | section are amended to read:

189 | 403.44 Florida Climate Protection Act.—

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

192 | ~~(4) The department shall establish the methodologies,~~  
 193 | ~~reporting periods, and reporting systems that shall be used when~~  
 194 | ~~major emitters report to The Climate Registry. The department~~  
 195 | ~~may require the use of quality-assured data from continuous~~  
 196 | ~~emissions monitoring systems.~~

197 Section 5. Section 403.7032, Florida Statutes, is amended  
 198 to read:

199 403.7032 Recycling.—

200 (1) The Legislature finds that the failure or inability to  
 201 economically recover material and energy resources from solid  
 202 waste results in the unnecessary waste and depletion of our  
 203 natural resources. As the state continues to grow, so will the  
 204 potential amount of discarded material that must be treated and  
 205 disposed of, necessitating the improvement of solid waste  
 206 collection and disposal. Therefore, the maximum recycling and  
 207 reuse of such resources are considered high-priority goals of  
 208 the state.

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

219 (3) All state agencies, K-12 public schools, public  
 220 institutions of higher learning, community colleges, and state  
 221 universities, all municipal, county, or other state entities  
 222 whose employees occupy buildings not owned by the municipality,  
 223 county, or state, and all entities occupying buildings that are  
 224 managed by the Department of Management Services must, at a



225 minimum, annually report all recycled materials to the county  
 226 using the department's designated reporting format. This  
 227 subsection does not apply to a fiscally constrained county, as  
 228 defined in s. 218.67(1), or to a municipality of special  
 229 financial concern, as defined in s. 200.185(1)(b), with a per  
 230 capita taxable value of assessed property that does not exceed  
 231 \$58,000 or to any municipality with a population under 20,000  
 232 and a per capita taxable value of assessed property that does  
 233 not exceed \$46,000. Private businesses, other than certified  
 234 recovered materials dealers, that recycle paper, metals, glass,  
 235 plastics, textiles, rubber materials, and mulch are encouraged  
 236 to annually report the amount of materials they recycle to the  
 237 county beginning January 1, 2011, using the department's  
 238 designated reporting format. Using the information provided, the  
 239 department shall recognize those private businesses that  
 240 demonstrate outstanding recycling efforts. Notwithstanding any  
 241 other provision of state or local law, private businesses, other  
 242 than certified recovered materials dealers, are not required to  
 243 report recycling rates.

244 (4)~~(3)~~ The Department of Environmental Protection shall  
 245 develop a comprehensive recycling program that is designed to  
 246 achieve the percentage under subsection (2) and submit the  
 247 program to the President of the Senate and the Speaker of the  
 248 House of Representatives by January 1, 2010. The program may not  
 249 be implemented until approved by the Legislature. The program  
 250 must be developed in coordination with input from state and  
 251 local entities, private businesses, and the public. Under the  
 252 program, recyclable materials shall include, but are not limited

253 to, metals, paper, glass, plastic, textile, rubber materials,  
254 and mulch. Components of the program shall include, but are not  
255 limited to:

256 (a) Programs to identify environmentally preferable  
257 purchasing practices to encourage the purchase of recycled,  
258 durable, and less toxic goods. The Department of Management  
259 Services shall modify its procurement system to report on green  
260 and recycled products purchased through the system by September  
261 30, 2011.

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

264 (c) Programs for statewide recognition of successful  
265 recycling efforts by schools, businesses, public groups, and  
266 private citizens.

267 (d) Programs for municipalities and counties to develop  
268 and implement efficient recycling efforts to return valuable  
269 materials to productive use, conserve energy, and protect  
270 natural resources.

271 (e) Programs by which the department can provide technical  
272 assistance to municipalities and counties in support of their  
273 recycling efforts.

274 (f) Programs to educate and train the public in proper  
275 recycling efforts.

276 (g) Evaluation of how financial assistance can best be  
277 provided to municipalities and counties in support of their  
278 recycling efforts.

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

281       (5) The Department of Environmental Protection shall  
282 create the Recycling Business Assistance Center by December 1,  
283 2010. In carrying out its duties under this subsection, the  
284 department shall consult with state agency personnel appointed  
285 to serve as economic development liaisons under s. 288.021 and  
286 seek technical assistance from Enterprise Florida, Inc., to  
287 ensure the Recycling Business Assistance Center is positioned to  
288 succeed. The purpose of the center shall be to serve as the  
289 mechanism for coordination among state agencies and the private  
290 sector in order to coordinate policy and overall strategic  
291 planning for developing new markets and expanding and enhancing  
292 existing markets for recyclable materials in this state, other  
293 states, and foreign countries. The duties of the center must  
294 include, at a minimum:

295       (a) Identifying and developing new markets and expanding  
296 and enhancing existing markets for recyclable materials.

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

298       (c) Targeting materials for concentrated market-  
299 development efforts.

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

302       (e) Providing guidance on issues such as permitting,  
303 finance options for recycling market development, site location,  
304 research and development, grant program criteria for recycled  
305 materials markets, recycling markets education and information,  
306 and minimum content.

307       (f) Coordinating the efforts of various governmental  
308 entities having market-development responsibilities in order to

309 optimize supply and demand for recyclable materials.

310 (g) Evaluating source-reduced products as they relate to  
311 state procurement policy. The evaluation shall include, but is  
312 not limited to, the environmental and economic impact of source-  
313 reduced product purchases to the state. For the purposes of this  
314 paragraph, the term "source-reduced" means any method, process,  
315 product, or technology that significantly or substantially  
316 reduces the volume or weight of a product while providing, at a  
317 minimum, equivalent or generally similar performance and service  
318 to and for the users of such materials.

319 (h) Providing evaluation of solid waste management grants,  
320 pursuant to s. 403.7095, to reduce the flow of solid waste to  
321 disposal facilities and encourage the sustainable recovery of  
322 materials from Florida's waste stream.

323 (i) Providing below-market financing for companies that  
324 manufacture products from recycled materials or convert  
325 recyclable materials into raw materials for use in manufacturing  
326 pursuant to the Florida Recycling Loan Program as administered  
327 by the Florida First Capital Finance Corporation.

328 (j) Maintaining a continuously updated online directory  
329 listing the public and private entities that collect, transport,  
330 broker, process, or remanufacture recyclable materials in the  
331 state.

332 (k) Providing information on the availability and benefits  
333 of using recycled materials to private entities and industries  
334 in the state.

335 (l) Distributing any materials prepared in implementing  
336 this subsection to the public, private entities, industries,

337 governmental entities, or other organizations upon request.

338 (m) Coordinating with the Agency for Workforce Innovation  
 339 and its partners to provide job-placement and job-training  
 340 services to job seekers through the state's workforce services  
 341 programs.

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

344 403.7046 Regulation of recovered materials.—

345 (1) Any person who handles, purchases, receives, recovers,  
 346 sells, or is an end user of recovered materials shall annually  
 347 certify to the department on forms provided by the department.  
 348 The department may by rule exempt from this requirement  
 349 generators of recovered materials; persons who handle or sell  
 350 recovered materials as an activity which is incidental to the  
 351 normal primary business activities of that person; or persons  
 352 who handle, purchase, receive, recover, sell, or are end users  
 353 of recovered materials in small quantities as defined by the  
 354 department. The department shall adopt rules for the  
 355 certification of and reporting by such persons and shall  
 356 establish criteria for revocation of such certification. ~~Prior~~  
 357 ~~to the adoption of such rules, the department shall appoint a~~  
 358 ~~technical advisory committee of no more than nine persons,~~  
 359 ~~including, at a minimum, representatives of the Florida~~  
 360 ~~Association of Counties, the Florida League of Cities, the~~  
 361 ~~Florida Recyclers Association, and the Florida Chapter of the~~  
 362 ~~National Solid Waste Management Association, to aid in the~~  
 363 ~~development of such rules.~~ Such rules shall be designed to  
 364 elicit, at a minimum, the amount and types of recovered

365 materials handled by registrants, and the amount and disposal  
 366 site, or name of person with whom such disposal was arranged, of  
 367 any solid waste generated by such facility. By February 1 of  
 368 each year, registrants shall report all required information to  
 369 the department and to all counties from which it received  
 370 materials. Such rules may provide for the department to conduct  
 371 periodic inspections. The department may charge a fee of up to  
 372 \$50 for each registration, which shall be deposited into the  
 373 Solid Waste Management Trust Fund for implementation of the  
 374 program.

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

377 403.7049 Determination of full cost for solid waste  
 378 management; local solid waste management fees.—

379 (5) In order to assist in achieving the municipal solid  
 380 waste reduction goal and the recycling provisions of s.  
 381 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns  
 382 or operates a solid waste management facility is hereby  
 383 authorized to charge solid waste disposal fees which may vary  
 384 based on a number of factors, including, but not limited to, the  
 385 amount, characteristics, and form of recyclable materials  
 386 present in the solid waste that is brought to the county's or  
 387 the municipality's facility for processing or disposal.

388 Section 8. Paragraph (c) of subsection (2) and subsection  
 389 (3) of section 403.705, Florida Statutes, are amended, and  
 390 subsection (4) is added to that section, to read:

391 403.705 State solid waste management program.—

392 (2) The state solid waste management program shall

393 include, at a minimum:

394 (c) Planning guidelines and technical assistance to  
 395 counties and municipalities to aid in meeting the municipal  
 396 solid waste recycling ~~reduction~~ goals established in s.  
 397 403.706(2) ~~s. 403.706(4)~~.

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

403 (4) The department shall adopt rules creating a voluntary  
 404 certification program for materials recovery facilities. The  
 405 certification criteria shall be based upon the amount and type  
 406 of materials recycled and the compliance record of the facility  
 407 and may vary depending on the location in the state and the  
 408 available markets for the materials that are processed. Any  
 409 materials recovery facility seeking certification shall file an  
 410 application to modify its permit, or shall include a  
 411 certification application as part of its original permit  
 412 application, which application shall not require an additional  
 413 fee. The department shall adopt a form for certification  
 414 applications, and shall require at least annual reports to  
 415 verify the continued qualification for certification. In order  
 416 to assist in the development of the certification program, the  
 417 department shall appoint a technical advisory committee.

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

420 403.706 Local government solid waste responsibilities.—

421           (2) (a) Each county shall implement a recyclable materials  
422 recycling program that shall have a goal of recycling recyclable  
423 solid waste by 40 percent by December 31, 2012, 50 percent by  
424 December 31, 2014, 60 percent by December 31, 2016, 70 percent  
425 by December 31, 2018, and 75 percent by December 31, 2020.

426 Counties and municipalities are encouraged to form cooperative  
427 arrangements for implementing recycling programs.

428           (b) In order to assist counties in attaining the goals set  
429 forth in paragraph (a), the Legislature finds that the recycling  
430 of construction and demolition debris fulfills an important  
431 state interest. Therefore, each county must implement a program  
432 for recycling construction and demolition debris.

433           (c) In accordance with applicable local government  
434 ordinances, newly developed property receiving a certificate of  
435 occupancy, or its equivalent, on or after July 1, 2012, that is  
436 used for multifamily residential or commercial purposes, must  
437 provide adequate space and an adequate receptacle for recycling  
438 by tenants and owners of the property. This provision is limited  
439 to counties and municipalities that have an established  
440 residential, including multifamily, or commercial recycling  
441 program that provides recycling receptacles to residences and  
442 businesses and regular pick-up services for those receptacles.

443           (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,  
444 the county, as determined by the department in accordance with  
445 applicable rules, has not reached the recycling goals as set  
446 forth in paragraph (a), the department may direct the county to  
447 develop a plan to expand recycling programs to existing  
448 commercial and multifamily dwellings, including, but not limited



449 to, apartment complexes.

450 (e) If the state's recycling rate for the 2013 calendar  
451 year is below 40 percent, below 50 percent by January 1, 2015,  
452 below 60 percent by January 1, 2017, below 70 percent by January  
453 1, 2019, or below 75 percent by January 1, 2021, the department  
454 shall provide a report to the President of the Senate and the  
455 Speaker of the House of Representatives. The report shall  
456 identify those additional programs or statutory changes needed  
457 to achieve the goals set forth in paragraph (a). The report  
458 shall be provided no later than 30 days prior to the beginning  
459 of the Regular Session of the Legislature. The department is not  
460 required to provide a report to the Legislature if the state  
461 reaches its recycling goals as described in this paragraph.

462 (f) ~~(b)~~ Such programs shall be designed to recover a  
463 significant portion of at least four of the following materials  
464 from the solid waste stream prior to final disposal at a solid  
465 waste disposal facility and to offer these materials for  
466 recycling: newspaper, aluminum cans, steel cans, glass, plastic  
467 bottles, cardboard, office paper, and yard trash. Local  
468 governments which operate permitted waste-to-energy facilities  
469 may retrieve ferrous and nonferrous metal as a byproduct of  
470 combustion.

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

476 (h) The department shall adopt rules establishing the

477 method and criteria to be used by a county in calculating the  
478 recycling rates pursuant to this subsection.

479 ~~(d) By July 1, 2010, each county shall develop and~~  
480 ~~implement a plan to achieve a goal to compost organic materials~~  
481 ~~that would otherwise be disposed of in a landfill. The goal~~  
482 ~~shall provide that up to 10 percent and no less than 5 percent~~  
483 ~~of organic material would be composted within the county and the~~  
484 ~~municipalities within its boundaries. The department may reduce~~  
485 ~~or modify the compost goal if the county demonstrates to the~~  
486 ~~department that achievement of the goal would be impractical~~  
487 ~~given the county's unique demographic, urban density, or~~  
488 ~~inability to separate normally compostable material from the~~  
489 ~~solid waste stream. The composting plan is encouraged to address~~  
490 ~~partnership with the private sector.~~

491 (i)(e) Each county is encouraged to consider plans for  
492 composting or mulching organic materials that would otherwise be  
493 disposed of in a landfill. The composting or mulching plans are  
494 encouraged to address partnership with the private sector.

495 (4) (a) In order to promote the production of renewable  
496 energy from solid waste, each megawatt-hour produced by a  
497 renewable energy facility using solid waste as a fuel shall  
498 count as 1 ton of recycled material and shall be applied toward  
499 meeting the recycling goals set forth in this section. If a  
500 county creating renewable energy from solid waste implements and  
501 maintains a program to recycle at least 50 percent of municipal  
502 solid waste by a means other than creating renewable energy,  
503 that county shall count 2 tons of recycled material for each  
504 megawatt-hour produced. If waste originates from a county other

505 than the county in which the renewable energy facility resides,  
 506 the originating county shall receive such recycling credit. Any  
 507 county that has a debt service payment related to its waste-to-  
 508 energy facility shall receive 1 ton of recycled materials credit  
 509 for each ton of solid waste processed at the facility. Any  
 510 byproduct resulting from the creation of renewable energy does  
 511 not count as waste. A county's solid waste management and  
 512 ~~recycling programs shall be designed to provide for sufficient~~  
 513 ~~reduction of the amount of solid waste generated within the~~  
 514 ~~county and the municipalities within its boundaries in order to~~  
 515 ~~meet goals for the reduction of municipal solid waste prior to~~  
 516 ~~the final disposal or the incineration of such waste at a solid~~  
 517 ~~waste disposal facility. The goals shall provide, at a minimum,~~  
 518 ~~that the amount of municipal solid waste that would be disposed~~  
 519 ~~of within the county and the municipalities within its~~  
 520 ~~boundaries is reduced by at least 30 percent.~~

521 (b) A county may receive credit for one-half of the  
 522 recycling goal set forth in subsection (2) ~~for waste reduction~~  
 523 from the use of yard trash, or other clean wood waste or paper  
 524 waste, in innovative programs including, but not limited to,  
 525 programs that produce alternative clean-burning fuels such as  
 526 ethanol or that provide for the conversion of yard trash or  
 527 other clean wood waste or paper waste to clean-burning fuel for  
 528 the production of energy for use at facilities other than a  
 529 waste-to-energy facility as defined in s. 403.7061. The  
 530 provisions of this paragraph apply only if a county can  
 531 demonstrate that:

532 1. The county has implemented a yard trash mulching or

533 composting program, and

534 2. As part of the program, compost and mulch made from  
 535 yard trash is available to the general public and in use at  
 536 county-owned or maintained and municipally owned or maintained  
 537 facilities in the county and state agencies operating in the  
 538 county as required by this section.

539 (c) A county with a population of 100,000 or less or a  
 540 municipality with a population of 50,000 or less may provide its  
 541 residents with the opportunity to recycle in lieu of achieving  
 542 the goal set forth in this section ~~paragraph (a)~~. For the  
 543 purposes of this section subsection, the "opportunity to  
 544 recycle" means that the county:

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

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

550 2. Provides a public education and promotion program that  
 551 is conducted to inform its residents of the opportunity to  
 552 recycle, encourages source separation of recyclable materials,  
 553 and promotes the benefits of reducing, reusing, recycling, and  
 554 composting materials.

555 (6) The department may reduce or modify the municipal  
 556 solid waste recycling ~~reduction~~ goal that a county is required  
 557 to achieve pursuant to subsection (2) ~~(4)~~ if the county  
 558 demonstrates to the department that:

559 (a) The achievement of the goal set forth in subsection  
 560 (2) ~~(4)~~ would have an adverse effect on the financial

561 obligations of a county that are directly related to a waste-to-  
 562 energy facility owned or operated by or on behalf of the county;  
 563 and

564 (b) The county cannot remove normally combustible  
 565 materials from solid waste that is to be processed at a waste-  
 566 to-energy facility because of the need to maintain a sufficient  
 567 amount of solid waste to ensure the financial viability of the  
 568 facility.

569  
 570 The goal shall not be waived entirely and may only be reduced or  
 571 modified to the extent necessary to alleviate the adverse  
 572 effects of achieving the goal on the financial viability of a  
 573 county's waste-to-energy facility. Nothing in this subsection  
 574 shall exempt a county from developing and implementing a  
 575 recycling program pursuant to this act.

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

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

583 1. ~~(a)~~ The amount of municipal solid waste disposed of at  
 584 solid waste disposal facilities, by type of waste such as yard  
 585 trash, white goods, clean debris, tires, and unseparated solid  
 586 waste;

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

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

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

594           (21) Local governments are authorized to enact ordinances  
 595 that require and direct all residential properties, multifamily  
 596 dwelling, and apartment complexes and industrial, commercial,  
 597 and institutional establishments as defined by the local  
 598 government to establish programs for the separation of  
 599 recyclable materials designated by the local government, which  
 600 recyclable materials are specifically intended for purposes of  
 601 recycling and for which a market exists, and to provide for  
 602 their collection. Such ordinances may include, but are not  
 603 limited to, provisions that prohibit any person from knowingly  
 604 disposing of recyclable materials designated by the local  
 605 government and that ensure the collection of recovered materials  
 606 as necessary to protect public health and safety.

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

611           403.7061 Requirements for review of new waste-to-energy  
 612 facility capacity by the Department of Environmental  
 613 Protection.—

614           (3) An applicant must provide reasonable assurance that  
 615 the construction of a new waste-to-energy facility or the  
 616 expansion of an existing waste-to-energy facility will comply

617 with the following criteria:

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

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

626 403.707 Permits.—

627 (9) The department shall establish a separate category for  
 628 solid waste management facilities that accept only construction  
 629 and demolition debris for disposal or recycling. The department  
 630 shall establish a reasonable schedule for existing facilities to  
 631 comply with this section to avoid undue hardship to such  
 632 facilities. However, a permitted solid waste disposal unit that  
 633 receives a significant amount of waste prior to the compliance  
 634 deadline established in this schedule shall not be required to  
 635 be retrofitted with liners or leachate control systems.

636 (a) The department shall establish reasonable  
 637 construction, operation, monitoring, recordkeeping, financial  
 638 assurance, and closure requirements for such facilities. The  
 639 department shall take into account the nature of the waste  
 640 accepted at various facilities when establishing these  
 641 requirements, and may impose less stringent requirements,  
 642 including a system of general permits or registration  
 643 requirements, for facilities that accept only a segregated waste  
 644 stream which is expected to pose a minimal risk to the

645 environment and public health, such as clean debris. The  
646 Legislature recognizes that incidental amounts of other types of  
647 solid waste are commonly generated at construction or demolition  
648 projects. In any enforcement action taken pursuant to this  
649 section, the department shall consider the difficulty of  
650 removing these incidental amounts from the waste stream.

651 (b) The department shall ~~not~~ require liners and leachate  
652 collection systems at individual disposal units and lateral  
653 expansions of existing disposal units that have not received a  
654 department permit authorizing construction or operation before  
655 July 1, 2010 ~~facilities unless it demonstrates, based upon the~~  
656 ~~types of waste received, the methods for controlling types of~~  
657 ~~waste disposed of, the proximity of groundwater and surface~~  
658 ~~water, and the results of the hydrogeological and geotechnical~~  
659 ~~investigations, that the facility is reasonably expected to~~  
660 ~~result in violations of groundwater standards and criteria~~  
661 ~~otherwise.~~

662 (c) The owner or operator shall provide financial  
663 assurance for closing of the facility in accordance with the  
664 requirements of s. 403.7125. The financial assurance shall cover  
665 the cost of closing the facility and 5 years of long-term care  
666 after closing, unless the department determines, based upon  
667 hydrogeologic conditions, the types of wastes received, or the  
668 groundwater monitoring results, that a different long-term care  
669 period is appropriate. However, unless the owner or operator of  
670 the facility is a local government, the escrow account described  
671 in s. 403.7125(2) may not be used as a financial assurance  
672 mechanism.



673 (d) The department shall establish training requirements  
674 for operators of facilities, and shall work with the State  
675 University System or other providers to assure that adequate  
676 training courses are available. The department shall also assist  
677 the Florida Home Builders Association in establishing a  
678 component of its continuing education program to address proper  
679 handling of construction and demolition debris, including best  
680 management practices for reducing contamination of the  
681 construction and demolition debris waste stream.

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

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

689 (g) By January 1, 2012, the amount of construction and  
690 demolition debris processed and recycled prior to disposal at a  
691 permitted materials recovery facility or at any other permitted  
692 disposal facility shall be reported by the county of origin to  
693 the department and to the county on an annual basis in  
694 accordance with rules adopted by the department. The rules shall  
695 establish criteria to ensure accurate and consistent reporting  
696 for purposes of determining the recycling rate in s. 403.706  
697 and shall also require that, to the extent economically  
698 feasible, all construction and demolition debris must be  
699 processed prior to disposal, either at a permitted materials  
700 recovery facility or at a permitted disposal facility. This

701 paragraph does not apply to recovered materials, any materials  
702 that have been source separated and offered for recycling, or  
703 materials that have been previously processed. It is the policy  
704 ~~of the Legislature to encourage facilities to recycle. The~~  
705 ~~department shall establish criteria and guidelines that~~  
706 ~~encourage recycling where practical and provide for the use of~~  
707 ~~recycled materials in a manner that protects the public health~~  
708 ~~and the environment. Facilities are authorized to recycle,~~  
709 ~~provided such activities do not conflict with such criteria and~~  
710 ~~guidelines.~~

711 (h) The department shall ensure that the requirements of  
712 this section are applied and interpreted consistently throughout  
713 the state. In accordance with s. 20.255, the Division of Waste  
714 Management shall direct the district offices and bureaus on  
715 matters relating to the interpretation and applicability of this  
716 section.

717 (i) The department shall provide notice of receipt of a  
718 permit application for the initial construction of a  
719 construction and demolition debris disposal facility to the  
720 local governments having jurisdiction where the facility is to  
721 be located.

722 (j) The Legislature recognizes that recycling, waste  
723 reduction, and resource recovery are important aspects of an  
724 integrated solid waste management program and as such are  
725 necessary to protect the public health and the environment. If  
726 necessary to promote such an integrated program, the county may  
727 determine, after providing notice and an opportunity for a  
728 hearing prior to April 30, 2008, that some or all of the

729 material described in s. 403.703(6) (b) shall be excluded from  
730 the definition of "construction and demolition debris" in s.  
731 403.703(6) within the jurisdiction of such county. The county  
732 may make such a determination only if it finds that, prior to  
733 June 1, 2007, the county has established an adequate method for  
734 the use or recycling of such wood material at an existing or  
735 proposed solid waste management facility that is permitted or  
736 authorized by the department on June 1, 2007. The county is not  
737 required to hold a hearing if the county represents that it  
738 previously has held a hearing for such purpose, or if the county  
739 represents that it previously has held a public meeting or  
740 hearing that authorized such method for the use or recycling of  
741 trash or other nonputrescible waste materials and that such  
742 materials include those materials described in s. 403.703(6) (b).  
743 The county shall provide written notice of its determination to  
744 the department by no later than April 30, 2008; thereafter, the  
745 materials described in s. 403.703(6) shall be excluded from the  
746 definition of "construction and demolition debris" in s.  
747 403.703(6) within the jurisdiction of such county. The county  
748 may withdraw or revoke its determination at any time by  
749 providing written notice to the department.

750 (k) Brazilian pepper and other invasive exotic plant  
751 species as designated by the department resulting from  
752 eradication projects may be processed at permitted construction  
753 and demolition debris recycling facilities or disposed of at  
754 permitted construction and demolition debris disposal facilities  
755 or Class III facilities. The department may adopt rules to  
756 implement this paragraph.

757 Section 12. Paragraph (c) of subsection (12) of section  
 758 403.708, Florida Statutes, is amended to read:

759 403.708 Prohibition; penalty.—

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

763 (c) Yard trash in lined landfills classified by department  
 764 rule as Class I landfills, unless the Class I landfill uses an  
 765 active gas-collection system to collect landfill gas generated  
 766 at the disposal facility and provides or arranges for a  
 767 beneficial use of the gas. A Class I landfill may also accept  
 768 yard trash for the purpose of mulching and utilizing such yard  
 769 trash to provide landfill cover for municipal solid waste  
 770 disposed at the landfill. The department, by rule, shall develop  
 771 and adopt a methodology to award recycling credit for the use of  
 772 yard trash at a Class I landfill with a gas-collection system  
 773 that makes beneficial use of the collected landfill gas. A  
 774 qualifying permitted Class I landfill shall obtain a minor  
 775 permit modification to its operating permit which describes the  
 776 beneficial use being made of the landfill gas and modifies the  
 777 facility's operation plan before receiving yard trash as  
 778 authorized under this paragraph. The permittee must certify that  
 779 gas collection and beneficial use will continue after closure of  
 780 the disposal facility that is accepting yard trash. If the  
 781 landfill is located in a county that owns and operates a compost  
 782 facility, waste-to-energy facility, or biomass facility that  
 783 sells renewable energy to a public utility and that is  
 784 authorized to accept yard trash, the department shall provide to

785 the county notice of, and opportunity to comment on, the  
 786 application for permit modification. Yard trash that is source  
 787 separated from solid waste may be accepted at a solid waste  
 788 disposal area where separate yard trash composting facilities  
 789 are provided and maintained. The department recognizes that  
 790 incidental amounts of yard trash may be disposed of in Class I  
 791 landfills. In any enforcement action taken pursuant to this  
 792 paragraph, the department shall consider the difficulty of  
 793 removing incidental amounts of yard trash from a mixed solid  
 794 waste stream. This limited exception applies to all units of  
 795 local government, including, but not limited to, municipalities,  
 796 counties, and special districts. However, this limited exception  
 797 does not apply to any county that currently operates under a  
 798 constitutional home rule charter previously authorized in 1956  
 799 by the voters of Florida in a statewide referendum. This limited  
 800 exception to the ban on disposing of yard trash in a Class I  
 801 landfill is not intended to have a material impact on current  
 802 operations at existing waste-to-energy or biomass facilities.

803 Section 13. Paragraph (e) of subsection (1) of section  
 804 403.709, Florida Statutes, is amended to read:

805 403.709 Solid Waste Management Trust Fund; use of waste  
 806 tire fees.—There is created the Solid Waste Management Trust  
 807 Fund, to be administered by the department.

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

810 (e) A minimum of 40 percent shall be used for funding a  
 811 solid waste management ~~competitive and innovative grant program~~  
 812 pursuant to s. 403.7095 for activities relating to recycling and

813 waste reduction, including waste tires requiring final disposal.

814 Section 14. Section 403.7095, Florida Statutes, is amended  
815 to read:

816 403.7095 Solid waste management grant program.—

817 ~~(1) The department shall develop a competitive and~~  
818 ~~innovative grant program for counties, municipalities, special~~  
819 ~~districts, and nonprofit organizations that have legal~~  
820 ~~responsibility for the provision of solid waste management~~  
821 ~~services. For purposes of this program, "innovative" means that~~  
822 ~~the process, technology, or activity for which funding is sought~~  
823 ~~has not previously been implemented within the jurisdiction of~~  
824 ~~the applicant. The applicant must:~~

825 ~~(a) Demonstrate technologies or processes that represent a~~  
826 ~~novel application of an existing technology or process to~~  
827 ~~recycle or reduce waste, or that overcome obstacles to recycling~~  
828 ~~or waste reduction in new or innovative ways;~~

829 ~~(b) Demonstrate innovative processes to collect and~~  
830 ~~recycle or reduce materials targeted by the department and the~~  
831 ~~recycling industry; or~~

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

836  
837 ~~Because the Legislature recognizes that input from the recycling~~  
838 ~~industry is essential to the success of this grant program, the~~  
839 ~~department shall cooperate with private sector entities to~~  
840 ~~develop a process and define specific criteria for allowing~~

841 ~~their participation with grant recipients.~~

842 ~~(2) The department shall evaluate and prioritize the~~  
843 ~~annual grant proposals and present the annual prioritized list~~  
844 ~~of projects to be funded to the Governor and the Legislature as~~  
845 ~~part of its annual budget request submitted pursuant to chapter~~  
846 ~~216. Potential grant recipients are encouraged to demonstrate~~  
847 ~~local support for grant proposals by the commitment of cash or~~  
848 ~~in-kind matching funds.~~

849 (1)~~(3)~~ The department shall develop a consolidated grant  
850 program for small counties having populations fewer than  
851 100,000, with grants to be distributed equally among eligible  
852 counties. Programs to be supported with the small-county  
853 consolidated grants include general solid waste management,  
854 litter prevention and control, and recycling and education  
855 programs.

856 (2)~~(4)~~ The department shall develop a waste tire grant  
857 program making grants available to all counties. The department  
858 shall ensure that at least 25 percent of the funding available  
859 for waste tire grants is distributed equally to each county  
860 having a population fewer than 100,000. Of the remaining funds  
861 distributed to counties having a population of 100,000 or  
862 greater, the department shall distribute those funds on the  
863 basis of population.

864 (3)~~(5)~~ From the funds made available pursuant to s.  
865 403.709(1)(e) for the grant program created by this section, the  
866 following distributions shall be made:

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

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

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

873        ~~(4)(6)~~ The department may adopt rules necessary to  
874 administer this section, including, but not limited to, rules  
875 governing timeframes for submitting grant applications, criteria  
876 for prioritizing, matching criteria, maximum grant amounts, and  
877 allocation of appropriated funds based upon project and  
878 applicant size.

879        ~~(7)~~ Notwithstanding any provision of this section to the  
880 contrary, and for the 2009-2010 fiscal year only, the Department  
881 of Environmental Protection shall award the sum of \$2,600,000 in  
882 grants equally to counties having populations of fewer than  
883 100,000 for waste tire and litter prevention, recycling  
884 education, and general solid waste programs. This subsection  
885 expires July 1, 2010.

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

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

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

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

896        Section 15. Subsection (1) of section 403.7145, Florida



897 Statutes, is amended, and subsection (3) is added to that  
 898 section, to read:  
 899 403.7145 Recycling.—  
 900 (1) The Capitol and the House and Senate office buildings  
 901 constitute the Capitol recycling area. The Florida House of  
 902 Representatives, the Florida Senate, and the Office of the  
 903 Governor, the Secretary of State, and each Cabinet officer who  
 904 heads a department that occupies office space in the Capitol,  
 905 shall institute a recycling program for their respective offices  
 906 in the House and Senate office buildings and the Capitol.  
 907 Provisions shall be made to collect and sell wastepaper and  
 908 empty ~~aluminum~~ beverage containers  ~~cans~~ generated by employee  
 909 activities in these offices. The collection and sale of such  
 910 materials shall be reported to Leon County using the  
 911 department's designated reporting format and coordinated with  
 912 Department of Management Services recycling activities to  
 913 maximize the efficiency and economy of this program. The  
 914 Governor, the Speaker of the House of Representatives, the  
 915 President of the Senate, the Secretary of State, and the Cabinet  
 916 officers may authorize the use of proceeds from recyclable  
 917 material sales for employee benefits and other purposes, in  
 918 order to provide incentives to their respective employees for  
 919 participation in the recycling program. Such proceeds may also  
 920 be used to offset any costs of the recycling program. As a  
 921 demonstration of leading by example, the Capitol Building's  
 922 recycling rates shall be posted on the website of the Department  
 923 of Management Services and shall include the details of the  
 924 recycling rates for each Department of Management Services pool

925 facility. The Department of Environmental Protection shall post  
926 recycling rates of each state-owned facility reported to the  
927 Department of Management Services.

928 (3) Prior to awarding any grants pursuant to s. 403.7095,  
929 the department shall develop and contract for an innovative  
930 recycling pilot project for the Capitol recycling area. The  
931 project shall be designed to collect recyclable materials and  
932 create a more sustainable recycling system. Components of the  
933 project shall be designed to increase convenience, incentivize  
934 and measure participation, reduce material volume, and assist in  
935 achieving the recycling goals enumerated in s. 403.706.

936 Section 16. Paragraph (m) is added to subsection (1) of  
937 section 553.77, Florida Statutes, to read:

938 553.77 Specific powers of the commission.—

939 (1) The commission shall:

940 (m) Develop recommendations that increase residential and  
941 commercial recycling and composting and strongly encourage the  
942 use of recyclable materials and the recycling of construction  
943 and demolition debris.

944 Section 17. Subsections (1), (2), and (3) of section  
945 220.1845, Florida Statutes, are renumbered as subsections (2),  
946 (3), and (4), respectively, and a new subsection (1) is added to  
947 that section to read:

948 220.1845 Contaminated site rehabilitation tax credit.—

949 (1) APPLICATION FOR TAX CREDIT.—A site rehabilitation  
950 application must be received by the Division of Waste Management  
951 of the Department of Environmental Protection by January 31 of  
952 the year after the calendar year for which site rehabilitation

953 costs are being claimed in a tax credit application. All site  
 954 rehabilitation costs claimed must have been for work conducted  
 955 between January 1 and December 31 of the year for which the  
 956 application is being submitted. All payment requests must have  
 957 been received and all costs must have been paid prior to  
 958 submittal of the tax credit application, but no later than  
 959 January 31 of the year after the calendar year for which site  
 960 rehabilitation costs are being claimed.

961 Section 18. Paragraph (a) of subsection (5), paragraph (c)  
 962 of subsection (6), and subsections (9) and (10) of section  
 963 376.30781, Florida Statutes, are amended to read:

964 376.30781 Tax credits for rehabilitation of drycleaning-  
 965 solvent-contaminated sites and brownfield sites in designated  
 966 brownfield areas; application process; rulemaking authority;  
 967 revocation authority.—

968 (5) To claim the credit for site rehabilitation or solid  
 969 waste removal, each tax credit applicant must apply to the  
 970 Department of Environmental Protection for an allocation of the  
 971 \$2 million annual credit by filing a tax credit application with  
 972 the Division of Waste Management on a form developed by the  
 973 Department of Environmental Protection in cooperation with the  
 974 Department of Revenue. The form shall include an affidavit from  
 975 each tax credit applicant certifying that all information  
 976 contained in the application, including all records of costs  
 977 incurred and claimed in the tax credit application, are true and  
 978 correct. If the application is submitted pursuant to  
 979 subparagraph (3)(a)2., the form must include an affidavit signed  
 980 by the real property owner stating that it is not, and has never

981 been, the owner or operator of the drycleaning facility where  
 982 the contamination exists. Approval of tax credits must be  
 983 accomplished on a first-come, first-served basis based upon the  
 984 date and time complete applications are received by the Division  
 985 of Waste Management, subject to the limitations of subsection  
 986 (14). To be eligible for a tax credit, the tax credit applicant  
 987 must:

988 (a) For site rehabilitation tax credits, have entered into  
 989 a voluntary cleanup agreement with the Department of  
 990 Environmental Protection for a drycleaning-solvent-contaminated  
 991 site or a Brownfield Site Rehabilitation Agreement, as  
 992 applicable, and have paid all deductibles pursuant to s.  
 993 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program  
 994 sites, as applicable. A site rehabilitation tax credit applicant  
 995 must submit only a single completed application per site for  
 996 each calendar year's site rehabilitation costs. A site  
 997 rehabilitation application must be received by the Division of  
 998 Waste Management of the Department of Environmental Protection  
 999 by January 31 of the year after the calendar year for which site  
 1000 rehabilitation costs are being claimed in a tax credit  
 1001 application. All site rehabilitation costs claimed must have  
 1002 been for work conducted between January 1 and December 31 of the  
 1003 year for which the application is being submitted. All payment  
 1004 requests must have been received and all costs must have been  
 1005 paid prior to submittal of the tax credit application, but no  
 1006 later than January 31 of the year after the calendar year for  
 1007 which site rehabilitation costs are being claimed.

1008 (6) To obtain the tax credit certificate, the tax credit

1009 applicant must provide all pertinent information requested on  
 1010 the tax credit application form, including, at a minimum, the  
 1011 name and address of the tax credit applicant and the address and  
 1012 tracking identification number of the eligible site. Along with  
 1013 the tax credit application form, the tax credit applicant must  
 1014 submit the following:

1015 (c) Proof that the documentation submitted pursuant to  
 1016 paragraph (b) has been reviewed and verified by an independent  
 1017 certified public accountant in accordance with standards  
 1018 established by the American Institute of Certified Public  
 1019 Accountants. Specifically, a certified public accountant's  
 1020 report must be submitted and the certified public accountant  
 1021 must attest to the accuracy and validity of the costs claimed  
 1022 ~~incurred and paid during the time period covered~~ in the  
 1023 application by conducting an independent review of the data  
 1024 presented by the tax credit applicant. Accuracy and validity of  
 1025 costs incurred and paid shall be determined after the level of  
 1026 effort is certified by an appropriate professional registered in  
 1027 this state in each contributing technical discipline. The  
 1028 certified public accountant's report must also attest that the  
 1029 costs included in the application form are not duplicated within  
 1030 the application, that all payment requests were received and all  
 1031 costs were paid prior to submittal of the tax credit  
 1032 application, and, for site rehabilitation tax credits, that all  
 1033 costs claimed are for work conducted between January 1 and  
 1034 December 31 of the year for which the application is being  
 1035 submitted. A copy of the accountant's report shall be submitted  
 1036 to the Department of Environmental Protection in addition to the

1037 accountant's certification form in the tax credit application;  
 1038 and

1039 (9) On or before May 1, the Department of Environmental  
 1040 Protection shall inform each tax credit applicant that is  
 1041 subject to the January 31 annual application deadline of the  
 1042 applicant's eligibility status and the amount of any tax credit  
 1043 due. The department shall provide each eligible tax credit  
 1044 applicant with a tax credit certificate that must be submitted  
 1045 with its tax return to the Department of Revenue to claim the  
 1046 tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s.~~  
 1047 ~~220.1845(1)(g)~~. The May 1 deadline for annual site  
 1048 rehabilitation tax credit certificate awards shall not apply to  
 1049 any tax credit application for which the department has issued a  
 1050 notice of deficiency pursuant to subsection (8). The department  
 1051 shall respond within 90 days after receiving a response from the  
 1052 tax credit applicant to such a notice of deficiency. Credits may  
 1053 not result in the payment of refunds if total credits exceed the  
 1054 amount of tax owed.

1055 (10) For solid waste removal, new health care facility or  
 1056 health care provider, and affordable housing tax credit  
 1057 applications, the Department of Environmental Protection shall  
 1058 inform the applicant of the department's determination within 90  
 1059 days after the application is deemed complete. Each eligible tax  
 1060 credit applicant shall be informed of the amount of its tax  
 1061 credit and provided with a tax credit certificate that must be  
 1062 submitted with its tax return to the Department of Revenue to  
 1063 claim the tax credit or be transferred pursuant to s.  
 1064 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. Credits may not result in the

1065 payment of refunds if total credits exceed the amount of tax  
 1066 owed.

1067 Section 19. Section 376.85, Florida Statutes, is amended  
 1068 to read:

1069 376.85 Annual report.—The Department of Environmental  
 1070 Protection shall prepare and submit ~~an annual report~~ to the  
 1071 President of the Senate and the Speaker of the House of  
 1072 Representatives by August 1 of each year a report that includes  
 1073 ~~Legislature, beginning in December 1998, which shall include,~~  
 1074 but is ~~be~~ limited to, the number, size, and locations of  
 1075 brownfield sites: that have been remediated under the provisions  
 1076 of this act, † that are currently under rehabilitation pursuant  
 1077 to a negotiated site rehabilitation agreement with the  
 1078 department or a delegated local program, † where alternative  
 1079 cleanup target levels have been established pursuant to s.  
 1080 376.81(1)(g)3. † and ~~†~~ where engineering and institutional  
 1081 control strategies are being employed as conditions of a "no  
 1082 further action order" to maintain the protections provided in s.  
 1083 376.81(1)(g)1. and 2.

1084 Section 20. Section 403.973, Florida Statutes, is amended  
 1085 to read:

1086 403.973 Expedited permitting; amendments to comprehensive  
 1087 plans ~~plan amendments.~~—

1088 (1) It is the intent of the Legislature to encourage and  
 1089 facilitate the location and expansion of those types of economic  
 1090 development projects which offer job creation and high wages,  
 1091 strengthen and diversify the state's economy, and have been  
 1092 thoughtfully planned to take into consideration the protection

1093 of the state's environment. It is also the intent of the  
 1094 Legislature to provide for an expedited permitting and  
 1095 comprehensive plan amendment process for such projects.

1096 (2) As used in this section, the term:

1097 (a) "Duly noticed" means publication in a newspaper of  
 1098 general circulation in the municipality or county with  
 1099 jurisdiction. The notice shall appear on at least 2 separate  
 1100 days, one of which shall be at least 7 days before the meeting.  
 1101 The notice shall state the date, time, and place of the meeting  
 1102 scheduled to discuss or enact the memorandum of agreement, and  
 1103 the places within the municipality or county where such proposed  
 1104 memorandum of agreement may be inspected by the public. The  
 1105 notice must be one-eighth of a page in size and must be  
 1106 published in a portion of the paper other than the legal notices  
 1107 section. The notice shall also advise that interested parties  
 1108 may appear at the meeting and be heard with respect to the  
 1109 memorandum of agreement.

1110 (b) "Jobs" means permanent, full-time equivalent positions  
 1111 not including construction jobs.

1112 (c) "Office" means the Office of Tourism, Trade, and  
 1113 Economic Development.

1114 (d) "Permit applications" means state permits and  
 1115 licenses, and at the option of a participating local government,  
 1116 local development permits or orders.

1117 (e) "Secretary" means the Secretary of Environmental  
 1118 Protection or his or her designee.

1119 (3) (a) The secretary ~~Governor, through the office,~~ shall  
 1120 direct the creation of regional permit action teams~~7~~ for the



1121 purpose of expediting review of permit applications and local  
 1122 comprehensive plan amendments submitted by:

- 1123 1. Businesses creating at least 50 ~~100~~ jobs; ~~or~~
- 1124 2. Businesses creating at least 25 ~~50~~ jobs if the project
- 1125 is located in an enterprise zone, or in a county having a
- 1126 population of fewer ~~less~~ than 75,000 or in a county having a
- 1127 population of fewer ~~less~~ than 125,000 ~~100,000~~ which is
- 1128 contiguous to a county having a population of fewer ~~less~~ than
- 1129 75,000, as determined by the most recent decennial census,
- 1130 residing in incorporated and unincorporated areas of the
- 1131 county. ~~or~~

1132 (b) On a case-by-case basis and at the request of a county  
 1133 or municipal government, the office may certify as eligible for  
 1134 expedited review a project not meeting the minimum job creation  
 1135 thresholds but creating a minimum of 10 jobs. The recommendation  
 1136 from the governing body of the county or municipality in which  
 1137 the project may be located is required in order for the office  
 1138 to certify that any project is eligible for expedited review  
 1139 under this paragraph. When considering projects that do not meet  
 1140 the minimum job creation thresholds but that are recommended by  
 1141 the governing body in which the project may be located, the  
 1142 office shall consider economic impact factors that include, but  
 1143 are not limited to:

- 1144 1. The proposed wage and skill levels relative to those
- 1145 existing in the area in which the project may be located;
- 1146 2. The project's potential to diversify and strengthen the
- 1147 area's economy;
- 1148 3. The amount of capital investment; and

1149 4. The number of jobs that will be made available for  
 1150 persons served by the welfare transition program.

1151 (c) At the request of a county or municipal government,  
 1152 the office or a Quick Permitting County may certify projects  
 1153 located in counties where the ratio of new jobs per participant  
 1154 in the welfare transition program, as determined by Workforce  
 1155 Florida, Inc., is less than one or otherwise critical, as  
 1156 eligible for the expedited permitting process. Such projects  
 1157 must meet the numerical job creation criteria of this  
 1158 subsection, but the jobs created by the project do not have to  
 1159 be high-wage jobs that diversify the state's economy.

1160 (d) Projects located in a designated brownfield area are  
 1161 eligible for the expedited permitting process.

1162 (e) Projects that are part of the state-of-the-art  
 1163 biomedical research institution and campus to be established in  
 1164 this state by the grantee under s. 288.955 are eligible for the  
 1165 expedited permitting process, if the projects are designated as  
 1166 part of the institution or campus by the board of county  
 1167 commissioners of the county in which the institution and campus  
 1168 are established.

1169 (f) Projects resulting in the production of biofuels  
 1170 cultivated on lands that are 1,000 acres or more or in the  
 1171 construction of a biofuel or biodiesel processing facility or a  
 1172 facility generating renewable energy, as defined in s.  
 1173 366.91(2)(d), are eligible for the expedited permitting process.

1174 (4) The regional teams shall be established through the  
 1175 execution of memoranda of agreement developed by the applicant  
 1176 and the secretary, with input solicited from ~~between~~ the office

1177 and the respective heads of ~~the Department of Environmental~~  
1178 ~~Protection~~, the Department of Community Affairs, the Department  
1179 of Transportation and its district offices, the Department of  
1180 Agriculture and Consumer Services, the Fish and Wildlife  
1181 Conservation Commission, appropriate regional planning councils,  
1182 appropriate water management districts, and voluntarily  
1183 participating municipalities and counties. The memoranda of  
1184 agreement should also accommodate participation in this  
1185 expedited process by other local governments and federal  
1186 agencies as circumstances warrant.

1187 (5) In order to facilitate local government's option to  
1188 participate in this expedited review process, the secretary  
1189 ~~office~~ shall, in cooperation with local governments and  
1190 participating state agencies, create a standard form memorandum  
1191 of agreement. A local government shall hold a duly noticed  
1192 public workshop to review and explain to the public the  
1193 expedited permitting process and the terms and conditions of the  
1194 standard form memorandum of agreement.

1195 (6) The local government shall hold a duly noticed public  
1196 hearing to execute a memorandum of agreement for each qualified  
1197 project. Notwithstanding any other provision of law, and at the  
1198 option of the local government, the workshop provided for in  
1199 subsection (5) may be conducted on the same date as the public  
1200 hearing held under this subsection. The memorandum of agreement  
1201 that a local government signs shall include a provision  
1202 identifying necessary local government procedures and time  
1203 limits that will be modified to allow for the local government  
1204 decision on the project within 90 days. The memorandum of

1205 agreement applies to projects, on a case-by-case basis, that  
 1206 qualify for special review and approval as specified in this  
 1207 section. The memorandum of agreement must make it clear that  
 1208 this expedited permitting and review process does not modify,  
 1209 qualify, or otherwise alter existing local government  
 1210 nonprocedural standards for permit applications, unless  
 1211 expressly authorized by law.

1212 ~~(7) At the option of the participating local government,~~  
 1213 Appeals of local government comprehensive plan approvals ~~its~~  
 1214 ~~final approval~~ for a project shall ~~may~~ be pursuant to the  
 1215 summary hearing provisions of s. 120.574, pursuant to subsection  
 1216 (14), and consolidated with the challenge of any applicable  
 1217 state agency actions ~~or pursuant to other appellate processes~~  
 1218 ~~available to the local government. The local government's~~  
 1219 ~~decision to enter into a summary hearing must be made as~~  
 1220 ~~provided in s. 120.574 or in the memorandum of agreement.~~

1221 (8) Each memorandum of agreement shall include a process  
 1222 for final agency action on permit applications and local  
 1223 comprehensive plan amendment approvals within 90 days after  
 1224 receipt of a completed application, unless the applicant agrees  
 1225 to a longer time period or the secretary ~~office~~ determines that  
 1226 unforeseen or uncontrollable circumstances preclude final agency  
 1227 action within the 90-day timeframe. Permit applications governed  
 1228 by federally delegated or approved permitting programs whose  
 1229 requirements would prohibit or be inconsistent with the 90-day  
 1230 timeframe are exempt from this provision, but must be processed  
 1231 by the agency with federally delegated or approved program  
 1232 responsibility as expeditiously as possible.

1233           (9) The secretary ~~office~~ shall inform the Legislature by  
 1234 October 1 of each year which agencies have not entered into or  
 1235 implemented an agreement and identify any barriers to achieving  
 1236 success of the program.

1237           (10) The memoranda of agreement may provide for the waiver  
 1238 or modification of procedural rules prescribing forms, fees,  
 1239 procedures, or time limits for the review or processing of  
 1240 permit applications under the jurisdiction of those agencies  
 1241 that are party to the memoranda of agreement. Notwithstanding  
 1242 any other provision of law to the contrary, a memorandum of  
 1243 agreement must to the extent feasible provide for proceedings  
 1244 and hearings otherwise held separately by the parties to the  
 1245 memorandum of agreement to be combined into one proceeding or  
 1246 held jointly and at one location. Such waivers or modifications  
 1247 shall not be available for permit applications governed by  
 1248 federally delegated or approved permitting programs, the  
 1249 requirements of which would prohibit, or be inconsistent with,  
 1250 such a waiver or modification.

1251           (11) The standard form for memoranda of agreement shall  
 1252 include guidelines to be used in working with state, regional,  
 1253 and local permitting authorities. Guidelines may include, but  
 1254 are not limited to, the following:

1255           (a) A central contact point for filing permit applications  
 1256 and local comprehensive plan amendments and for obtaining  
 1257 information on permit and local comprehensive plan amendment  
 1258 requirements;

1259           (b) Identification of the individual or individuals within  
 1260 each respective agency who will be responsible for processing

1261 the expedited permit application or local comprehensive plan  
 1262 amendment for that agency;

1263 (c) A mandatory preapplication review process to reduce  
 1264 permitting conflicts by providing guidance to applicants  
 1265 regarding the permits needed from each agency and governmental  
 1266 entity, site planning and development, site suitability and  
 1267 limitations, facility design, and steps the applicant can take  
 1268 to ensure expeditious permit application and local comprehensive  
 1269 plan amendment review. As a part of this process, the first  
 1270 interagency meeting to discuss a project shall be held within 14  
 1271 days after the secretary's ~~office's~~ determination that the  
 1272 project is eligible for expedited review. Subsequent interagency  
 1273 meetings may be scheduled to accommodate the needs of  
 1274 participating local governments that are unable to meet public  
 1275 notice requirements for executing a memorandum of agreement  
 1276 within this timeframe. This accommodation may not exceed 45 days  
 1277 from the secretary's ~~office's~~ determination that the project is  
 1278 eligible for expedited review;

1279 (d) The preparation of a single coordinated project  
 1280 description form and checklist and an agreement by state and  
 1281 regional agencies to reduce the burden on an applicant to  
 1282 provide duplicate information to multiple agencies;

1283 (e) Establishment of a process for the adoption and review  
 1284 of any comprehensive plan amendment needed by any certified  
 1285 project within 90 days after the submission of an application  
 1286 for a comprehensive plan amendment. However, the memorandum of  
 1287 agreement may not prevent affected persons as defined in s.  
 1288 163.3184 from appealing or participating in this expedited plan

1289 amendment process and any review or appeals of decisions made  
 1290 under this paragraph; and

1291 (f) Additional incentives for an applicant who proposes a  
 1292 project that provides a net ecosystem benefit.

1293 (12) The applicant, the regional permit action team, and  
 1294 participating local governments may agree to incorporate into a  
 1295 single document the permits, licenses, and approvals that are  
 1296 obtained through the expedited permit process. This consolidated  
 1297 permit is subject to the summary hearing provisions set forth in  
 1298 subsection (14).

1299 (13) Notwithstanding any other provisions of law:

1300 (a) Local comprehensive plan amendments for projects  
 1301 qualified under this section are exempt from the twice-a-year  
 1302 limits provision in s. 163.3187; and

1303 (b) Projects qualified under this section are not subject  
 1304 to interstate highway level-of-service standards adopted by the  
 1305 Department of Transportation for concurrency purposes. The  
 1306 memorandum of agreement specified in subsection (5) must include  
 1307 a process by which the applicant will be assessed a fair share  
 1308 of the cost of mitigating the project's significant traffic  
 1309 impacts, as defined in chapter 380 and related rules. The  
 1310 agreement must also specify whether the significant traffic  
 1311 impacts on the interstate system will be mitigated through the  
 1312 implementation of a project or payment of funds to the  
 1313 Department of Transportation. Where funds are paid, the  
 1314 Department of Transportation must include in the 5-year work  
 1315 program transportation projects or project phases, in an amount  
 1316 equal to the funds received, to mitigate the traffic impacts

1317 associated with the proposed project.

1318 (14) (a) Challenges to state agency action in the expedited  
 1319 permitting process for projects processed under this section are  
 1320 subject to the summary hearing provisions of s. 120.574, except  
 1321 that the administrative law judge's decision, as provided in s.  
 1322 120.574(2)(f), shall be in the form of a recommended order and  
 1323 shall not constitute the final action of the state agency. In  
 1324 those proceedings where the action of only one agency of the  
 1325 state other than the Department of Environmental Protection is  
 1326 challenged, the agency of the state shall issue the final order  
 1327 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative  
 1328 law judge's recommended order, and the recommended order shall  
 1329 inform the parties of their right to file exceptions or  
 1330 responses to the recommended order in accordance with the  
 1331 uniform rules of procedure pursuant to s. 120.54. In those  
 1332 proceedings where the actions of more than one agency of the  
 1333 state are challenged, the Governor shall issue the final order  
 1334 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative  
 1335 law judge's recommended order, and the recommended order shall  
 1336 inform the parties of their right to file exceptions or  
 1337 responses to the recommended order in accordance with the  
 1338 uniform rules of procedure pursuant to s. 120.54. This paragraph  
 1339 does not apply to the issuance of department licenses required  
 1340 under any federally delegated or approved permit program. In  
 1341 such instances, the department shall enter the final order. The  
 1342 participating agencies of the state may opt at the preliminary  
 1343 hearing conference to allow the administrative law judge's  
 1344 decision to constitute the final agency action. If a



1345 participating local government agrees to participate in the  
 1346 summary hearing provisions of s. 120.574 for purposes of review  
 1347 of local government comprehensive plan amendments, s.  
 1348 163.3184(9) and (10) apply.

1349 (b) Projects identified in paragraph (3)(f) or challenges  
 1350 to state agency action in the expedited permitting process for  
 1351 establishment of a state-of-the-art biomedical research  
 1352 institution and campus in this state by the grantee under s.  
 1353 288.955 are subject to the same requirements as challenges  
 1354 brought under paragraph (a), except that, notwithstanding s.  
 1355 120.574, summary proceedings must be conducted within 30 days  
 1356 after a party files the motion for summary hearing, regardless  
 1357 of whether the parties agree to the summary proceeding.

1358 (15) The office, working with the agencies providing  
 1359 cooperative assistance and input regarding ~~participating in~~ the  
 1360 memoranda of agreement, shall review sites proposed for the  
 1361 location of facilities eligible for the Innovation Incentive  
 1362 Program under s. 288.1089. Within 20 days after the request for  
 1363 the review by the office, the agencies shall provide to the  
 1364 office a statement as to each site's necessary permits under  
 1365 local, state, and federal law and an identification of  
 1366 significant permitting issues, which if unresolved, may result  
 1367 in the denial of an agency permit or approval or any significant  
 1368 delay caused by the permitting process.

1369 (16) This expedited permitting process shall not modify,  
 1370 qualify, or otherwise alter existing agency nonprocedural  
 1371 standards for permit applications or local comprehensive plan  
 1372 amendments, unless expressly authorized by law. If it is

1373 | determined that the applicant is not eligible to use this  
 1374 | process, the applicant may apply for permitting of the project  
 1375 | through the normal permitting processes.

1376 |         (17) The office shall be responsible for certifying a  
 1377 | business as eligible for undergoing expedited review under this  
 1378 | section. Enterprise Florida, Inc., a county or municipal  
 1379 | government, or the Rural Economic Development Initiative may  
 1380 | recommend to the Office of Tourism, Trade, and Economic  
 1381 | Development that a project meeting the minimum job creation  
 1382 | threshold undergo expedited review.

1383 |         (18) The office, working with the Rural Economic  
 1384 | Development Initiative and the agencies participating in the  
 1385 | memoranda of agreement, shall provide technical assistance in  
 1386 | preparing permit applications and local comprehensive plan  
 1387 | amendments for counties having a population of fewer ~~less~~ than  
 1388 | 75,000 residents, or counties having fewer than 125,000 ~~100,000~~  
 1389 | residents which are contiguous to counties having fewer than  
 1390 | 75,000 residents. Additional assistance may include, but not be  
 1391 | limited to, guidance in land development regulations and  
 1392 | permitting processes, working cooperatively with state,  
 1393 | regional, and local entities to identify areas within these  
 1394 | counties which may be suitable or adaptable for preclearance  
 1395 | review of specified types of land uses and other activities  
 1396 | requiring permits.

1397 |         (19) The following projects are ineligible for review  
 1398 | under this part:

1399 |         (a) A project funded and operated by a local government,  
 1400 | as defined in s. 377.709, and located within that government's

1401 jurisdiction.

1402 (b) A project, the primary purpose of which is to:

1403 1. Effect the final disposal of solid waste, biomedical  
1404 waste, or hazardous waste in this state.

1405 2. Produce electrical power, unless the production of  
1406 electricity is incidental and not the primary function of the  
1407 project or the electrical power is derived from a fuel source  
1408 for renewable energy as defined in s. 366.91(2)(d).

1409 3. Extract natural resources.

1410 4. Produce oil.

1411 5. Construct, maintain, or operate an oil, petroleum,  
1412 natural gas, or sewage pipeline.

1413 Section 21. Subsection (6) of section 369.317, Florida  
1414 Statutes, is amended to read:

1415 369.317 Wekiva Parkway.—

1416 (6) The Orlando-Orange County Expressway Authority is  
1417 hereby granted the authority to act as a third-party acquisition  
1418 agent, pursuant to s. 259.041 on behalf of the Board of Trustees  
1419 or chapter 373 on behalf of the governing board of the St. Johns  
1420 River Water Management District, for the acquisition of all  
1421 necessary lands, property and all interests in property  
1422 identified herein, including fee simple or less-than-fee simple  
1423 interests. The lands subject to this authority are identified in  
1424 paragraph 10.a., State of Florida, Office of the Governor,  
1425 Executive Order 03-112 of July 1, 2003, and in Recommendation 16  
1426 of the Wekiva Basin Area Task Force created by Executive Order  
1427 2002-259, such lands otherwise known as Neighborhood Lakes, a  
1428 1,587+/- acre parcel located in Orange and Lake Counties within

1429 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,  
 1430 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;  
 1431 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake  
 1432 County within Section 37, Township 19 South, Range 28 East; New  
 1433 Garden Coal; a 1,605+/- acre parcel in Lake County within  
 1434 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28  
 1435 East; Pine Plantation, a 617+/- acre tract consisting of eight  
 1436 individual parcels within the Apopka City limits. The Department  
 1437 of Transportation, the Department of Environmental Protection,  
 1438 the St. Johns River Water Management District, and other land  
 1439 acquisition entities shall participate and cooperate in  
 1440 providing information and support to the third-party acquisition  
 1441 agent. The land acquisition process authorized by this paragraph  
 1442 shall begin no later than December 31, 2004. Acquisition of the  
 1443 properties identified as Neighborhood Lakes, Pine Plantation,  
 1444 and New Garden Coal, or approval as a mitigation bank shall be  
 1445 concluded no later than December 31, 2010. Department of  
 1446 Transportation and Orlando-Orange County Expressway Authority  
 1447 funds expended to purchase an interest in those lands identified  
 1448 in this subsection shall be eligible as environmental mitigation  
 1449 for road construction related impacts in the Wekiva Study Area.  
 1450 If any of the lands identified in this subsection are used as  
 1451 environmental mitigation for road-construction-related impacts  
 1452 incurred by the Department of Transportation or Orlando-Orange  
 1453 County Expressway Authority, or for other impacts incurred by  
 1454 other entities, within the Wekiva Study Area or within the  
 1455 Wekiva parkway alignment corridor and, if the mitigation offsets  
 1456 these impacts, the St. Johns River Water Management District and

1457 the Department of Environmental Protection shall consider the  
 1458 activity regulated under part IV of chapter 373 to meet the  
 1459 cumulative impact requirements of s. 373.414(8) (a).

1460 (a) Acquisition of the land described in this section is  
 1461 required to provide right of way for the Wekiva Parkway, a  
 1462 limited access roadway linking State Road 429 to Interstate 4,  
 1463 an essential component in meeting regional transportation needs  
 1464 to provide regional connectivity, improve safety, accommodate  
 1465 projected population and economic growth, and satisfy critical  
 1466 transportation requirements caused by increased traffic volume  
 1467 growth and travel demands.

1468 (b) Acquisition of the lands described in this section is  
 1469 also required to protect the surface water and groundwater  
 1470 resources of Lake, Orange, and Seminole counties, otherwise  
 1471 known as the Wekiva Study Area, including recharge within the  
 1472 springshed that provides for the Wekiva River system. Protection  
 1473 of this area is crucial to the long term viability of the Wekiva  
 1474 River and springs and the central Florida region's water supply.  
 1475 Acquisition of the lands described in this section is also  
 1476 necessary to alleviate pressure from growth and development  
 1477 affecting the surface and groundwater resources within the  
 1478 recharge area.

1479 (c) Lands acquired pursuant to this section that are  
 1480 needed for transportation facilities for the Wekiva Parkway  
 1481 shall be determined not necessary for conservation purposes  
 1482 pursuant to ss. 253.034(6) and 373.089(5) and shall be  
 1483 transferred to or retained by the Orlando-Orange County  
 1484 Expressway Authority or the Department of Transportation upon

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1485 reimbursement of the full purchase price and acquisition costs.

1486 Section 22. Section 288.1185, Florida Statutes, is  
1487 repealed.

1488 Section 23. This act shall take effect July 1, 2010.