

1                   A bill to be entitled  
2           An act relating to environmental regulation; amending  
3           s. 125.022, F.S.; prohibiting a county from requiring  
4           an applicant to obtain a permit or approval from any  
5           state or federal agency as a condition of processing a  
6           development permit under certain conditions;  
7           authorizing a county to attach certain disclaimers to  
8           the issuance of a development permit; amending s.  
9           161.041, F.S.; providing requirements for application  
10          for permits under the Beach and Shore Preservation  
11          Act; prohibiting the department from issuing specified  
12          guidelines unless adopted by rule; requiring the  
13          department to cite certain provisions in a request for  
14          additional information; providing legislative intent  
15          with respect to permitting for periodic maintenance of  
16          certain beach nourishment and inlet management  
17          projects; directing the department to amend specified  
18          rules relating to permitting for such projects;  
19          providing conditions under which the department is  
20          authorized to issue such permits in advance of the  
21          issuance of incidental take authorizations as provided  
22          under the Endangered Species Act; amending s. 166.033,  
23          F.S.; prohibiting a municipality from requiring an  
24          applicant to obtain a permit or approval from any  
25          state or federal agency as a condition of processing a  
26          development permit under certain conditions;  
27          authorizing a municipality to attach certain  
28          disclaimers to the issuance of a development permit;

29 | amending s. 218.075, F.S.; providing for the reduction  
30 | or waiver of permit processing fees relating to  
31 | projects that serve a public purpose for certain  
32 | entities created by special act, local ordinance, or  
33 | interlocal agreement; amending s. 258.397, F.S.;  
34 | providing an exemption from a showing of extreme  
35 | hardship relating to the sale, transfer, or lease of  
36 | sovereignty submerged lands in the Biscayne Bay  
37 | Aquatic Preserve for certain municipal applicants;  
38 | providing for additional dredging and filling  
39 | activities in the preserve; amending s. 373.026, F.S.;  
40 | requiring the department to expand its use of  
41 | Internet-based self-certification services for  
42 | exemptions and permits issued by the department and  
43 | water management districts; amending s. 373.4141,  
44 | F.S.; reducing the time within which a permit must be  
45 | approved, denied, or subject to notice of proposed  
46 | agency action; prohibiting a state agency or an agency  
47 | of the state from requiring additional permits or  
48 | approval from a local, state, or federal agency  
49 | without explicit authority; amending s. 373.4144,  
50 | F.S.; providing legislative intent with respect to the  
51 | coordination of regulatory duties among specified  
52 | state and federal agencies; encouraging expanded use  
53 | of the state programmatic general permit or regional  
54 | general permits; providing for a voluntary state  
55 | programmatic general permit for certain dredge and  
56 | fill activities; amending s. 373.441, F.S.; requiring

57 | that certain counties or municipalities apply by a  
58 | specified date to the department or water management  
59 | district for authority to require certain permits;  
60 | providing that following such delegation, the  
61 | department or district may not regulate activities  
62 | that are subject to the delegation; clarifying the  
63 | authority of local governments to adopt pollution  
64 | control programs under certain conditions; providing  
65 | applicability with respect to solid mineral mining;  
66 | amending s. 376.3071, F.S.; exempting program  
67 | deductibles, copayments, and certain assessment report  
68 | requirements from expenditures under the low-scored  
69 | site initiative; amending s. 376.30715, F.S.;  
70 | providing that the transfer of a contaminated site  
71 | from an owner to a child of the owner or corporate  
72 | entity does not disqualify the site from the innocent  
73 | victim petroleum storage system restoration financial  
74 | assistance program; authorizing certain applicants to  
75 | reapply for financial assistance; amending s.  
76 | 380.0657, F.S.; authorizing expedited permitting for  
77 | certain inland multimodal facilities that individually  
78 | or collectively will create a minimum number of jobs;  
79 | amending s. 381.0065, F.S.; limiting applicability of  
80 | the onsite sewage treatment and disposal system  
81 | evaluation and assessment program; amending s.  
82 | 403.061, F.S.; requiring the department to establish  
83 | reasonable zones of mixing for discharges into  
84 | specified waters; providing that exceedance of certain

85 | groundwater standards does not create liability for  
86 | site cleanup; providing that exceedance of soil  
87 | cleanup target levels is not a basis for enforcement  
88 | or cleanup; amending s. 403.087, F.S.; revising  
89 | conditions under which the department is authorized to  
90 | revoke permits for sources of air and water pollution;  
91 | amending s. 403.1838, F.S.; revising the definition of  
92 | the term "financially disadvantaged small community"  
93 | for the purposes of the Small Community Sewer  
94 | Construction Assistance Act; amending s. 403.7045,  
95 | F.S.; providing conditions under which sludge from an  
96 | industrial waste treatment works is not solid waste;  
97 | amending s. 403.707, F.S.; exempting the disposal of  
98 | solid waste monitored by certain groundwater  
99 | monitoring plans from specific authorization;  
100 | extending the duration of all permits issued to solid  
101 | waste management facilities that meet specified  
102 | criteria; providing an exception; providing for  
103 | prorated permit fees; providing applicability;  
104 | amending s. 403.814, F.S.; providing for issuance of  
105 | general permits for the construction, alteration, and  
106 | maintenance of certain surface water management  
107 | systems without the action of the department or a  
108 | water management district; specifying conditions for  
109 | the general permits; amending s. 403.853, F.S.;  
110 | providing for the department, or a local county health  
111 | department designated by the department, to perform  
112 | sanitary surveys for certain transient noncommunity

113 water systems; amending s. 403.973, F.S.; authorizing  
 114 expedited permitting for certain commercial or  
 115 industrial development projects that individually or  
 116 collectively will create a minimum number of jobs;  
 117 providing for a project-specific memorandum of  
 118 agreement to apply to a project subject to expedited  
 119 permitting; clarifying the authority of the department  
 120 to enter final orders for the issuance of certain  
 121 licenses; revising criteria for the review of certain  
 122 sites; amending s. 526.203, F.S.; revising the  
 123 definitions of the terms "blended gasoline" and  
 124 "unblended gasoline"; defining the term "renewable  
 125 fuel"; authorizing the sale of unblended fuels for  
 126 certain uses; providing an effective date.

127  
 128 Be It Enacted by the Legislature of the State of Florida:

129  
 130 Section 1. Section 125.022, Florida Statutes, is amended  
 131 to read:

132 125.022 Development permits.—When a county denies an  
 133 application for a development permit, the county shall give  
 134 written notice to the applicant. The notice must include a  
 135 citation to the applicable portions of an ordinance, rule,  
 136 statute, or other legal authority for the denial of the permit.  
 137 As used in this section, the term "development permit" has the  
 138 same meaning as in s. 163.3164. A county may not require as a  
 139 condition of processing a development permit that an applicant  
 140 obtain a permit or approval from any state or federal agency

141 unless the agency has issued a notice of intent to deny the  
 142 federal or state permit before the county action on the local  
 143 development permit. Issuance of a development permit by a county  
 144 does not in any way create any rights on the part of the  
 145 applicant to obtain a permit from a state or federal agency and  
 146 does not create any liability on the part of the county for  
 147 issuance of the permit if the applicant fails to fulfill its  
 148 legal obligations to obtain requisite approvals or fulfill the  
 149 obligations imposed by a state or federal agency. A county may  
 150 attach such a disclaimer to the issuance of a development  
 151 permit, and may include a permit condition that all other  
 152 applicable state or federal permits be obtained before  
 153 commencement of the development. This section does not prohibit  
 154 a county from providing information to an applicant regarding  
 155 what other state or federal permits may apply.

156 Section 2. Subsections (5), (6), and (7) are added to  
 157 section 161.041, Florida Statutes, to read:

158 161.041 Permits required.—

159 (5) Application for permits shall be made to the  
 160 department upon such terms and conditions as set forth by rule.

161 (a) If the department requests additional information as  
 162 part of the permit process, the department must cite applicable  
 163 statutory and rule provisions that justify each item listed in  
 164 the request for additional information.

165 (b) The department may not issue guidelines that are  
 166 enforceable as standards for beach management, inlet management,  
 167 and other erosion control projects without adopting such  
 168 guidelines by rule.

169       (6) The Legislature intends to simplify the permitting  
170 process for the periodic maintenance of previously permitted and  
171 constructed beach nourishment and inlet management projects  
172 under the joint coastal permit process. A detailed review of a  
173 previously permitted project is not required if there have been  
174 no substantial changes in the scope of the project and past  
175 performance of the project indicates that it has performed  
176 according to design expectations. The department shall amend  
177 chapters 62B-41 and 62B-49 of the Florida Administrative Code to  
178 streamline the permitting process for periodic beach maintenance  
179 projects and inlet sand bypassing activities.

180       (7) Notwithstanding any other provision of law, the  
181 department may issue a permit pursuant to this part in advance  
182 of the issuance of an incidental take authorization as provided  
183 under the Endangered Species Act and its implementing  
184 regulations if the permit and authorization include a condition  
185 requiring that authorized activities not begin until the  
186 incidental take authorization is issued.

187       Section 3. Section 166.033, Florida Statutes, is amended  
188 to read:

189       166.033 Development permits.—When a municipality denies an  
190 application for a development permit, the municipality shall  
191 give written notice to the applicant. The notice must include a  
192 citation to the applicable portions of an ordinance, rule,  
193 statute, or other legal authority for the denial of the permit.  
194 As used in this section, the term "development permit" has the  
195 same meaning as in s. 163.3164. A municipality may not require  
196 as a condition of processing a development permit that an

197 applicant obtain a permit or approval from any state or federal  
 198 agency unless the agency has issued a notice of intent to deny  
 199 the federal or state permit before the municipal action on the  
 200 local development permit. Issuance of a development permit by a  
 201 municipality does not in any way create any right on the part of  
 202 an applicant to obtain a permit from a state or federal agency  
 203 and does not create any liability on the part of the  
 204 municipality for issuance of the permit if the applicant fails  
 205 to fulfill its legal obligations to obtain requisite approvals  
 206 or fulfill the obligations imposed by a state or federal agency.  
 207 A municipality may attach such a disclaimer to the issuance of  
 208 development permits and may include a permit condition that all  
 209 other applicable state or federal permits be obtained before  
 210 commencement of the development. This section does not prohibit  
 211 a municipality from providing information to an applicant  
 212 regarding what other state or federal permits may apply.

213 Section 4. Section 218.075, Florida Statutes, is amended  
 214 to read:

215 218.075 Reduction or waiver of permit processing fees.—  
 216 Notwithstanding any other provision of law, the Department of  
 217 Environmental Protection and the water management districts  
 218 shall reduce or waive permit processing fees for counties with a  
 219 population of 50,000 or less on April 1, 1994, until such  
 220 counties exceed a population of 75,000 and municipalities with a  
 221 population of 25,000 or less, or for an entity created by  
 222 special act, local ordinance, or interlocal agreement of such  
 223 counties or municipalities, or for any county or municipality  
 224 not included within a metropolitan statistical area. Fee

225 reductions or waivers shall be approved on the basis of fiscal  
 226 hardship or environmental need for a particular project or  
 227 activity. The governing body must certify that the cost of the  
 228 permit processing fee is a fiscal hardship due to one of the  
 229 following factors:

- 230 (1) Per capita taxable value is less than the statewide  
 231 average for the current fiscal year;
- 232 (2) Percentage of assessed property value that is exempt  
 233 from ad valorem taxation is higher than the statewide average  
 234 for the current fiscal year;
- 235 (3) Any condition specified in s. 218.503(1) which results  
 236 in the county or municipality being in a state of financial  
 237 emergency;
- 238 (4) Ad valorem operating millage rate for the current  
 239 fiscal year is greater than 8 mills; or
- 240 (5) A financial condition that is documented in annual  
 241 financial statements at the end of the current fiscal year and  
 242 indicates an inability to pay the permit processing fee during  
 243 that fiscal year.

244  
 245 The permit applicant must be the governing body of a county or  
 246 municipality or a third party under contract with a county or  
 247 municipality or an entity created by special act, local  
 248 ordinance, or interlocal agreement and the project for which the  
 249 fee reduction or waiver is sought must serve a public purpose.  
 250 If a permit processing fee is reduced, the total fee shall not  
 251 exceed \$100.

252 Section 5. Paragraphs (a) and (b) of subsection (3) of

253 section 258.397, Florida Statutes, are amended to read:

254 258.397 Biscayne Bay Aquatic Preserve.—

255 (3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the  
 256 Internal Improvement Trust Fund is authorized and directed to  
 257 maintain the aquatic preserve hereby created pursuant and  
 258 subject to the following provisions:

259 (a) ~~No further~~ Sale, transfer, or lease of sovereignty  
 260 submerged lands in the preserve may not ~~shall~~ be approved or  
 261 consummated by the board of trustees, except upon a showing of  
 262 extreme hardship on the part of the applicant and a  
 263 determination by the board of trustees that such sale, transfer,  
 264 or lease is in the public interest. A municipal applicant  
 265 proposing a project under paragraph (b) is exempt from showing  
 266 extreme hardship.

267 (b) ~~No further~~ Dredging or filling of submerged lands of  
 268 the preserve may not ~~shall~~ be approved or tolerated by the board  
 269 of trustees except:

270 1. Such minimum dredging and spoiling as may be authorized  
 271 for public navigation projects or for such minimum dredging and  
 272 spoiling as may be constituted as a public necessity or for  
 273 preservation of the bay according to the expressed intent of  
 274 this section.

275 2. Such other alteration of physical conditions, including  
 276 the placement of riprap, as may be necessary to enhance the  
 277 quality and utility of the preserve.

278 3. Such minimum dredging and filling as may be authorized  
 279 for the creation and maintenance of marinas, piers, and docks  
 280 and their attendant navigation channels and access roads. Such

281 projects may ~~only~~ be authorized only upon a specific finding by  
 282 the board of trustees that there is assurance that the project  
 283 will be constructed and operated in a manner that will not  
 284 adversely affect the water quality and utility of the preserve.  
 285 This subparagraph does ~~shall~~ not authorize the connection of  
 286 upland canals to the waters of the preserve.

287 4. Such dredging as is necessary for the purpose of  
 288 eliminating conditions hazardous to the public health or for the  
 289 purpose of eliminating stagnant waters, islands, and spoil  
 290 banks, the dredging of which would enhance the aesthetic and  
 291 environmental quality and utility of the preserve and be clearly  
 292 in the public interest as determined by the board of trustees.

293 5. Such dredging and filling as is necessary for the  
 294 creation of public waterfront promenades.

295  
 296 Any dredging or filling under this subsection or improvements  
 297 under subsection (5) may ~~shall~~ be approved only after public  
 298 notice as provided by s. 253.115.

299 Section 6. Subsection (10) is added to section 373.026,  
 300 Florida Statutes, to read:

301 373.026 General powers and duties of the department.—The  
 302 department, or its successor agency, shall be responsible for  
 303 the administration of this chapter at the state level. However,  
 304 it is the policy of the state that, to the greatest extent  
 305 possible, the department may enter into interagency or  
 306 interlocal agreements with any other state agency, any water  
 307 management district, or any local government conducting programs  
 308 related to or materially affecting the water resources of the

309 state. All such agreements shall be subject to the provisions of  
 310 s. 373.046. In addition to its other powers and duties, the  
 311 department shall, to the greatest extent possible:

312 (10) Expand the use of Internet-based self-certification  
 313 services for appropriate exemptions and general permits issued  
 314 by the department and the water management districts, if such  
 315 expansion is economically feasible. In addition to expanding the  
 316 use of Internet-based self-certification services for  
 317 appropriate exemptions and general permits, the department and  
 318 water management districts shall identify and develop general  
 319 permits for appropriate activities currently requiring  
 320 individual review which could be expedited through the use of  
 321 applicable professional certification.

322 Section 7. Subsection (2) of section 373.4141, Florida  
 323 Statutes, is amended, and subsection (4) is added to that  
 324 section, to read:

325 373.4141 Permits; processing.—

326 (2) A permit shall be approved, ~~or~~ subject to a  
 327 notice of proposed agency action within 60 ~~90~~ days after receipt  
 328 of the original application, the last item of timely requested  
 329 additional material, or the applicant's written request to begin  
 330 processing the permit application.

331 (4) A state agency or an agency of the state may not  
 332 require as a condition of approval for a permit or as an item to  
 333 complete a pending permit application that an applicant obtain a  
 334 permit or approval from any other local, state, or federal  
 335 agency without explicit statutory authority to require such  
 336 permit or approval.

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337 Section 8. Section 373.4144, Florida Statutes, is amended  
338 to read:

339 373.4144 Federal environmental permitting.—

340 (1) It is the intent of the Legislature to:

341 (a) Facilitate coordination and a more efficient process  
342 of implementing regulatory duties and functions between the  
343 Department of Environmental Protection, the water management  
344 districts, the United States Army Corps of Engineers, the United  
345 States Fish and Wildlife Service, the National Marine Fisheries  
346 Service, the United States Environmental Protection Agency, the  
347 Fish and Wildlife Conservation Commission, and other relevant  
348 federal and state agencies.

349 (b) Authorize the Department of Environmental Protection  
350 to obtain issuance by the United States Army Corps of Engineers,  
351 pursuant to state and federal law and as set forth in this  
352 section, of an expanded state programmatic general permit, or a  
353 series of regional general permits, for categories of activities  
354 in waters of the United States governed by the Clean Water Act  
355 and in navigable waters under the Rivers and Harbors Act of 1899  
356 which are similar in nature, which will cause only minimal  
357 adverse environmental effects when performed separately, and  
358 which will have only minimal cumulative adverse effects on the  
359 environment.

360 (c) Use the mechanism of such a state general permit or  
361 such regional general permits to eliminate overlapping federal  
362 regulations and state rules that seek to protect the same  
363 resource and to avoid duplication of permitting between the  
364 United States Army Corps of Engineers and the department for

365 minor work located in waters of the United States, including  
366 navigable waters, thus eliminating, in appropriate cases, the  
367 need for a separate individual approval from the United States  
368 Army Corps of Engineers while ensuring the most stringent  
369 protection of wetland resources.

370 (d) Direct the department not to seek issuance of or take  
371 any action pursuant to any such permit or permits unless such  
372 conditions are at least as protective of the environment and  
373 natural resources as existing state law under this part and  
374 federal law under the Clean Water Act and the Rivers and Harbors  
375 Act of 1899. The department is directed to develop, on or before  
376 October 1, 2005, a mechanism or plan to consolidate, to the  
377 maximum extent practicable, the federal and state wetland  
378 permitting programs. It is the intent of the Legislature that  
379 all dredge and fill activities impacting 10 acres or less of  
380 wetlands or waters, including navigable waters, be processed by  
381 the state as part of the environmental resource permitting  
382 program implemented by the department and the water management  
383 districts. The resulting mechanism or plan shall analyze and  
384 propose the development of an expanded state programmatic  
385 general permit program in conjunction with the United States  
386 Army Corps of Engineers pursuant to s. 404 of the Clean Water  
387 Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,  
388 and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,  
389 or in combination with an expanded state programmatic general  
390 permit, the mechanism or plan may propose the creation of a  
391 series of regional general permits issued by the United States  
392 Army Corps of Engineers pursuant to the referenced statutes. All

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

395 (2) In order to effectuate efficient wetland permitting  
396 and avoid duplication, the department and water management  
397 districts are authorized to implement a voluntary state  
398 programmatic general permit for all dredge and fill activities  
399 impacting 3 acres or less of wetlands or other surface waters,  
400 including navigable waters, subject to agreement with the United  
401 States Army Corps of Engineers, if the general permit is at  
402 least as protective of the environment and natural resources as  
403 existing state law under this part and federal law under the  
404 Clean Water Act and the Rivers and Harbors Act of 1899. The  
405 ~~department is directed to file with the Speaker of the House of~~  
406 ~~Representatives and the President of the Senate a report~~  
407 ~~proposing any required federal and state statutory changes that~~  
408 ~~would be necessary to accomplish the directives listed in this~~  
409 ~~section and to coordinate with the Florida Congressional~~  
410 ~~Delegation on any necessary changes to federal law to implement~~  
411 ~~the directives.~~

412 (3) Nothing in This section may not shall be construed to  
413 preclude the department from pursuing a series of regional  
414 general permits for construction activities in wetlands or  
415 surface waters or complete assumption of federal permitting  
416 programs regulating the discharge of dredged or fill material  
417 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,  
418 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers  
419 and Harbors Act of 1899, so long as the assumption encompasses  
420 all dredge and fill activities in, on, or over jurisdictional

421 wetlands or waters, including navigable waters, within the  
422 state.

423 Section 9. Present subsections (3), (4), and (5) of  
424 section 373.441, Florida Statutes, are renumbered as subsections  
425 (7), (8), and (9), respectively, and new subsections (3), (4),  
426 (5), and (6) are added to that section to read:

427 373.441 Role of counties, municipalities, and local  
428 pollution control programs in permit processing; delegation.—

429 (3) A county or municipality having a population of  
430 400,000 or more that implements a local pollution control  
431 program regulating all or a portion of the wetlands or surface  
432 waters throughout its geographic boundary must apply for  
433 delegation of state environmental resource permitting authority  
434 on or before January 1, 2014. If such a county or municipality  
435 fails to receive delegation of all or a portion of state  
436 environmental resource permitting authority within 2 years after  
437 submitting its application for delegation or by January 1, 2016,  
438 at the latest, it may not require permits that in part or in  
439 full are substantially similar to the requirements needed to  
440 obtain an environmental resource permit. A county or  
441 municipality that has received delegation before January 1,  
442 2014, does not need to reapply.

443 (4) The department is responsible for all delegations of  
444 state environmental resource permitting authority to local  
445 governments. The department must grant or deny an application  
446 for delegation submitted by a county or municipality that meets  
447 the criteria in subsection (3) within 2 years after the receipt  
448 of the application. If an application for delegation is denied,

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449 any available legal challenge to such denial shall toll the  
450 preemption deadline until resolution of the legal challenge.  
451 Upon delegation to a qualified local government, the department  
452 and water management district may not regulate the activities  
453 subject to the delegation within that jurisdiction.

454 (5) This section does not prohibit or limit a local  
455 government that meets the criteria in subsection (3) from  
456 regulating wetlands or surface waters after January 1, 2014, if  
457 the local government receives delegation of all or a portion of  
458 state environmental resource permitting authority within 2 years  
459 after submitting its application for delegation.

460 (6) Notwithstanding subsections (3), (4), and (5), this  
461 section does not apply to environmental resource permitting or  
462 reclamation applications for solid mineral mining and does not  
463 prohibit the application of local government regulations to any  
464 new solid mineral mine or any proposed addition to, change to,  
465 or expansion of an existing solid mineral mine.

466 Section 10. Paragraph (b) of subsection (11) of section  
467 376.3071, Florida Statutes, is amended to read:

468 376.3071 Inland Protection Trust Fund; creation; purposes;  
469 funding.—

470 (11)

471 (b) Low-scored site initiative.—Notwithstanding s.  
472 376.30711, any site with a priority ranking score of 10 points  
473 or less may voluntarily participate in the low-scored site  
474 initiative, whether or not the site is eligible for state  
475 restoration funding.

476 1. To participate in the low-scored site initiative, the

477 responsible party or property owner must affirmatively  
478 demonstrate that the following conditions are met:

479 a. Upon reassessment pursuant to department rule, the site  
480 retains a priority ranking score of 10 points or less.

481 b. No excessively contaminated soil, as defined by  
482 department rule, exists onsite as a result of a release of  
483 petroleum products.

484 c. A minimum of 6 months of groundwater monitoring  
485 indicates that the plume is shrinking or stable.

486 d. The release of petroleum products at the site does not  
487 adversely affect adjacent surface waters, including their  
488 effects on human health and the environment.

489 e. The area of groundwater containing the petroleum  
490 products' chemicals of concern is less than one-quarter acre and  
491 is confined to the source property boundaries of the real  
492 property on which the discharge originated.

493 f. Soils onsite that are subject to human exposure found  
494 between land surface and 2 feet below land surface meet the soil  
495 cleanup target levels established by department rule or human  
496 exposure is limited by appropriate institutional or engineering  
497 controls.

498 2. Upon affirmative demonstration of the conditions under  
499 subparagraph 1., the department shall issue a determination of  
500 "No Further Action." Such determination acknowledges that  
501 minimal contamination exists onsite and that such contamination  
502 is not a threat to human health or the environment. If no  
503 contamination is detected, the department may issue a site  
504 rehabilitation completion order.

505           3. Sites that are eligible for state restoration funding  
 506 may receive payment of preapproved costs for the low-scored site  
 507 initiative as follows:

508           a. A responsible party or property owner may submit an  
 509 assessment plan designed to affirmatively demonstrate that the  
 510 site meets the conditions under subparagraph 1. Notwithstanding  
 511 the priority ranking score of the site, the department may  
 512 preapprove the cost of the assessment pursuant to s. 376.30711,  
 513 including 6 months of groundwater monitoring, not to exceed  
 514 \$30,000 for each site. The department may not pay the costs  
 515 associated with the establishment of institutional or  
 516 engineering controls.

517           b. The assessment work shall be completed no later than 6  
 518 months after the department issues its approval.

519           c. No more than \$10 million for the low-scored site  
 520 initiative may ~~shall~~ be encumbered from the Inland Protection  
 521 Trust Fund in any fiscal year. Funds shall be made available on  
 522 a first-come, first-served basis and shall be limited to 10  
 523 sites in each fiscal year for each responsible party or property  
 524 owner.

525           d. Program deductibles, copayments, and the limited  
 526 contamination assessment report requirements under paragraph  
 527 (13) (c) do not apply to expenditures under this paragraph.

528           Section 11. Section 376.30715, Florida Statutes, is  
 529 amended to read:

530           376.30715 Innocent victim petroleum storage system  
 531 restoration.—A contaminated site acquired by the current owner  
 532 prior to July 1, 1990, which has ceased operating as a petroleum

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533 storage or retail business prior to January 1, 1985, is eligible  
 534 for financial assistance pursuant to s. 376.305(6),  
 535 notwithstanding s. 376.305(6)(a). For purposes of this section,  
 536 the term "acquired" means the acquisition of title to the  
 537 property; however, a subsequent transfer of the property to a  
 538 spouse or child of the owner, a surviving spouse or child of the  
 539 owner in trust or free of trust, ~~or~~ a revocable trust created  
 540 for the benefit of the settlor, or a corporate entity created by  
 541 the owner to hold title to the site does not disqualify the site  
 542 from financial assistance pursuant to s. 376.305(6) and  
 543 applicants previously denied coverage may reapply. Eligible  
 544 sites shall be ranked in accordance with s. 376.3071(5).

545 Section 12. Subsection (1) of section 380.0657, Florida  
 546 Statutes, is amended to read:

547 380.0657 Expedited permitting process for economic  
 548 development projects.-

549 (1) The Department of Environmental Protection and, as  
 550 appropriate, the water management districts created under  
 551 chapter 373 shall adopt programs to expedite the processing of  
 552 wetland resource and environmental resource permits for economic  
 553 development projects that have been identified by a municipality  
 554 or county as meeting the definition of target industry  
 555 businesses under s. 288.106, or any inland multimodal facility  
 556 receiving or sending cargo to or from Florida ports, with the  
 557 exception of those projects requiring approval by the Board of  
 558 Trustees of the Internal Improvement Trust Fund.

559 Section 13. Paragraph (j) is added to subsection (5) of  
 560 section 381.0065, Florida Statutes, to read:

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561 381.0065 Onsite sewage treatment and disposal systems;  
562 regulation.—

563 (5) EVALUATION AND ASSESSMENT.—

564 (j) This subsection only applies to owners of onsite  
565 sewage treatment and disposal systems in a county in which the  
566 board of county commissioners has adopted a resolution  
567 subjecting owners to the requirements of the program and  
568 submitted a copy of the resolution to the department.

569 Section 14. Subsection (11) of section 403.061, Florida  
570 Statutes, is amended to read:

571 403.061 Department; powers and duties.—The department  
572 shall have the power and the duty to control and prohibit  
573 pollution of air and water in accordance with the law and rules  
574 adopted and promulgated by it and, for this purpose, to:

575 (11) Establish ambient air quality and water quality  
576 standards for the state as a whole or for any part thereof, and  
577 also standards for the abatement of excessive and unnecessary  
578 noise. The department is authorized to establish reasonable  
579 zones of mixing for discharges into waters. For existing  
580 installations as defined by rule 62-520.200(10), Florida  
581 Administrative Code, effective July 12, 2009, zones of discharge  
582 to groundwater are authorized to a facility's or owner's  
583 property boundary and extending to the base of a specifically  
584 designated aquifer or aquifers. Exceedance of primary and  
585 secondary groundwater standards that occur within a zone of  
586 discharge does not create liability pursuant to this chapter or  
587 chapter 376 for site cleanup, and the exceedance of soil cleanup  
588 target levels is not a basis for enforcement or site cleanup.

589 (a) When a receiving body of water fails to meet a water  
 590 quality standard for pollutants set forth in department rules, a  
 591 steam electric generating plant discharge of pollutants that is  
 592 existing or licensed under this chapter on July 1, 1984, may  
 593 nevertheless be granted a mixing zone, provided that:

594 1. The standard would not be met in the water body in the  
 595 absence of the discharge;

596 2. The discharge is in compliance with all applicable  
 597 technology-based effluent limitations;

598 3. The discharge does not cause a measurable increase in  
 599 the degree of noncompliance with the standard at the boundary of  
 600 the mixing zone; and

601 4. The discharge otherwise complies with the mixing zone  
 602 provisions specified in department rules.

603 (b) ~~No~~ Mixing zones ~~zone~~ for point source discharges are  
 604 not shall be permitted in Outstanding Florida Waters except for:

605 1. Sources that have received permits from the department  
 606 prior to April 1, 1982, or the date of designation, whichever is  
 607 later;

608 2. Blowdown from new power plants certified pursuant to  
 609 the Florida Electrical Power Plant Siting Act;

610 3. Discharges of water necessary for water management  
 611 purposes which have been approved by the governing board of a  
 612 water management district and, if required by law, by the  
 613 secretary; and

614 4. The discharge of demineralization concentrate which has  
 615 been determined permissible under s. 403.0882 and which meets  
 616 the specific provisions of s. 403.0882(4)(a) and (b), if the

617 proposed discharge is clearly in the public interest.

618 (c) The department, by rule, shall establish water quality  
 619 criteria for wetlands which criteria give appropriate  
 620 recognition to the water quality of such wetlands in their  
 621 natural state.

622  
 623 ~~Nothing in~~ This act may not be ~~shall~~ be construed to invalidate  
 624 any existing department rule relating to mixing zones. The  
 625 department shall cooperate with the Department of Highway Safety  
 626 and Motor Vehicles in the development of regulations required by  
 627 s. 316.272(1).

628  
 629 The department shall implement such programs in conjunction with  
 630 its other powers and duties and shall place special emphasis on  
 631 reducing and eliminating contamination that presents a threat to  
 632 humans, animals or plants, or to the environment.

633 Section 15. Subsection (7) of section 403.087, Florida  
 634 Statutes, is amended to read:

635 403.087 Permits; general issuance; denial; revocation;  
 636 prohibition; penalty.—

637 (7) A permit issued pursuant to this section does ~~shall~~  
 638 not become a vested right in the permittee. The department may  
 639 revoke any permit issued by it if it finds that the permitholder  
 640 has:

641 (a) ~~Has~~ Submitted false or inaccurate information in the  
 642 ~~his or her~~ application for the permit;

643 (b) ~~Has~~ Violated law, department orders, rules, ~~or~~  
 644 ~~regulations,~~ or ~~permit~~ conditions;

645 (c) ~~Has~~ Failed to submit operational reports or other  
 646 information required by department rule which directly relate to  
 647 the permit and has refused to correct or cure such violations  
 648 when requested to do so ~~or regulation~~; or

649 (d) ~~Has~~ Refused lawful inspection under s. 403.091 at the  
 650 facility authorized by the permit.

651 Section 16. Subsection (2) of section 403.1838, Florida  
 652 Statutes, is amended to read:

653 403.1838 Small Community Sewer Construction Assistance  
 654 Act.—

655 (2) The department shall use funds specifically  
 656 appropriated to award grants under this section to assist  
 657 financially disadvantaged small communities with their needs for  
 658 adequate sewer facilities. For purposes of this section, the  
 659 term "financially disadvantaged small community" means a  
 660 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer  
 661 ~~less~~, according to the latest decennial census and a per capita  
 662 annual income less than the state per capita annual income as  
 663 determined by the United States Department of Commerce.

664 Section 17. Paragraph (f) of subsection (1) of section  
 665 403.7045, Florida Statutes, is amended to read:

666 403.7045 Application of act and integration with other  
 667 acts.—

668 (1) The following wastes or activities shall not be  
 669 regulated pursuant to this act:

670 (f) Industrial byproducts, if:

671 1. A majority of the industrial byproducts are  
 672 demonstrated to be sold, used, or reused within 1 year.

673           2. The industrial byproducts are not discharged,  
 674 deposited, injected, dumped, spilled, leaked, or placed upon any  
 675 land or water so that such industrial byproducts, or any  
 676 constituent thereof, may enter other lands or be emitted into  
 677 the air or discharged into any waters, including groundwaters,  
 678 or otherwise enter the environment such that a threat of  
 679 contamination in excess of applicable department standards and  
 680 criteria or a significant threat to public health is caused.

681           3. The industrial byproducts are not hazardous wastes as  
 682 defined under s. 403.703 and rules adopted under this section.

683  
 684 Sludge from an industrial waste treatment works that meets the  
 685 exemption requirements of this paragraph is not solid waste as  
 686 defined in s. 403.703(32).

687           Section 18. Subsections (2) and (3) of section 403.707,  
 688 Florida Statutes, are amended to read:

689           403.707 Permits.—

690           (2) Except as provided in s. 403.722(6), a permit under  
 691 this section is not required for the following, ~~if the activity~~  
 692 ~~does not create a public nuisance or any condition adversely~~  
 693 ~~affecting the environment or public health and does not violate~~  
 694 ~~other state or local laws, ordinances, rules, regulations, or~~  
 695 ~~orders:~~

696           (a) Disposal by persons of solid waste resulting from  
 697 their own activities on their own property, if such waste is  
 698 ordinary household waste from their residential property or is  
 699 rocks, soils, trees, tree remains, and other vegetative matter  
 700 that normally result from land development operations. Disposal

701 of materials that could create a public nuisance or adversely  
 702 affect the environment or public health, such as white goods;  
 703 automotive materials, such as batteries and tires; petroleum  
 704 products; pesticides; solvents; or hazardous substances, is not  
 705 covered under this exemption.

706 (b) Storage in containers by persons of solid waste  
 707 resulting from their own activities on their property, leased or  
 708 rented property, or property subject to a homeowners' ~~homeowners~~  
 709 or maintenance association for which the person contributes  
 710 association assessments, if the solid waste in such containers  
 711 is collected at least once a week.

712 (c) Disposal by persons of solid waste resulting from  
 713 their own activities on their property, if the environmental  
 714 effects of such disposal on groundwater and surface waters are:

715 1. Addressed or authorized by a site certification order  
 716 issued under part II or a permit issued by the department under  
 717 this chapter or rules adopted pursuant to this chapter; or

718 2. Addressed or authorized by, or exempted from the  
 719 requirement to obtain, a groundwater monitoring plan approved by  
 720 the department. If a facility has a permit authorizing disposal  
 721 activity, new areas where solid waste is being disposed of which  
 722 are monitored by an existing or modified groundwater monitoring  
 723 plan are not required to be specifically authorized in a permit  
 724 or other certification.

725 (d) Disposal by persons of solid waste resulting from  
 726 their own activities on their own property, if such disposal  
 727 occurred prior to October 1, 1988.

728 (e) Disposal of solid waste resulting from normal farming

729 operations as defined by department rule. Polyethylene  
 730 agricultural plastic, damaged, nonsalvageable, untreated wood  
 731 pallets, and packing material that cannot be feasibly recycled,  
 732 which are used in connection with agricultural operations  
 733 related to the growing, harvesting, or maintenance of crops, may  
 734 be disposed of by open burning if a public nuisance or any  
 735 condition adversely affecting the environment or the public  
 736 health is not created by the open burning and state or federal  
 737 ambient air quality standards are not violated.

738 (f) The use of clean debris as fill material in any area.  
 739 However, this paragraph does not exempt any person from  
 740 obtaining any other required permits, and does not affect a  
 741 person's responsibility to dispose of clean debris appropriately  
 742 if it is not to be used as fill material.

743 (g) Compost operations that produce less than 50 cubic  
 744 yards of compost per year when the compost produced is used on  
 745 the property where the compost operation is located.

746 (3) (a) All applicable provisions of ss. 403.087 and  
 747 403.088, relating to permits, apply to the control of solid  
 748 waste management facilities.

749 (b) Any permit issued to a solid waste management facility  
 750 that is designed with a leachate control system that meets  
 751 department requirements shall be issued for a term of 20 years  
 752 unless the applicant requests a lesser permit term. Existing  
 753 permit fees for qualifying solid waste management facilities  
 754 shall be prorated to the permit term authorized by this section.  
 755 This paragraph applies to all qualifying solid waste management  
 756 facilities that apply for an operating or construction permit or

757 renew an existing operating or construction permit on or after  
 758 July 1, 2012.

759 Section 19. Subsection (12) is added to section 403.814,  
 760 Florida Statutes, to read:

761 403.814 General permits; delegation.—

762 (12) A general permit shall be granted for the  
 763 construction, alteration, and maintenance of a surface water  
 764 management system serving a total project area of up to 10  
 765 acres. The construction of such a system may proceed without any  
 766 agency action by the department or water management district if:

767 (a) The total project area is less than 10 acres;

768 (b) The total project area involves less than 2 acres of  
 769 impervious surface;

770 (c) No activities will impact wetlands or other surface  
 771 waters;

772 (d) No activities are conducted in, on, or over wetlands  
 773 or other surface waters;

774 (e) Drainage facilities will not include pipes having  
 775 diameters greater than 24 inches, or the hydraulic equivalent,  
 776 and will not use pumps in any manner;

777 (f) The project is not part of a larger common plan,  
 778 development, or sale;

779 (g) The project does not:

780 1. Cause adverse water quantity or flooding impacts to  
 781 receiving water and adjacent lands;

782 2. Cause adverse impacts to existing surface water storage  
 783 and conveyance capabilities;

784 3. Cause a violation of state water quality standards; or

785 4. Cause an adverse impact to the maintenance of surface  
 786 or ground water levels or surface water flows established  
 787 pursuant to s. 373.042 or a work of the district established  
 788 pursuant to s. 373.086; and

789 (h) The surface water management system design plans are  
 790 signed and sealed by a Florida registered professional who  
 791 attests that the system will perform and function as proposed  
 792 and has been designed in accordance with appropriate, generally  
 793 accepted performance standards and scientific principles.

794 Section 20. Subsection (6) of section 403.853, Florida  
 795 Statutes, is amended to read:

796 403.853 Drinking water standards.—

797 (6) Upon the request of the owner or operator of a  
 798 transient noncommunity water system using groundwater as a  
 799 source of supply and serving religious institutions or  
 800 businesses, other than restaurants or other public food service  
 801 establishments or religious institutions with school or day care  
 802 services, ~~and using groundwater as a source of supply,~~ the  
 803 department, or a local county health department designated by  
 804 the department, shall perform a sanitary survey of the facility.  
 805 Upon receipt of satisfactory survey results according to  
 806 department criteria, the department shall reduce the  
 807 requirements of such owner or operator from monitoring and  
 808 reporting on a quarterly basis to performing these functions on  
 809 an annual basis. Any revised monitoring and reporting schedule  
 810 approved by the department under this subsection shall apply  
 811 until such time as a violation of applicable state or federal  
 812 primary drinking water standards is determined by the system

813 owner or operator, by the department, or by an agency designated  
 814 by the department, after a random or routine sanitary survey.  
 815 Certified operators are not required for transient noncommunity  
 816 water systems of the type and size covered by this subsection.  
 817 Any reports required of such system shall be limited to the  
 818 minimum as required by federal law. When not contrary to the  
 819 provisions of federal law, the department may, upon request and  
 820 by rule, waive additional provisions of state drinking water  
 821 regulations for such systems.

822 Section 21. Paragraph (a) of subsection (3) and  
 823 subsections (4), (5), (10), (11), (14), (15), and (18) of  
 824 section 403.973, Florida Statutes, are amended to read:

825 403.973 Expedited permitting; amendments to comprehensive  
 826 plans.—

827 (3)(a) The secretary shall direct the creation of regional  
 828 permit action teams for the purpose of expediting review of  
 829 permit applications and local comprehensive plan amendments  
 830 submitted by:

831 1. Businesses creating at least 50 jobs or a commercial or  
 832 industrial development project that will be occupied by  
 833 businesses that would individually or collectively create at  
 834 least 50 jobs; or

835 2. Businesses creating at least 25 jobs if the project is  
 836 located in an enterprise zone, or in a county having a  
 837 population of fewer than 75,000 or in a county having a  
 838 population of fewer than 125,000 which is contiguous to a county  
 839 having a population of fewer than 75,000, as determined by the  
 840 most recent decennial census, residing in incorporated and

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841 unincorporated areas of the county.

842 (4) The regional teams shall be established through the  
843 execution of a project-specific memoranda of agreement developed  
844 and executed by the applicant and the secretary, with input  
845 solicited from ~~the Department of Economic Opportunity~~ and the  
846 respective heads of the Department of Transportation and its  
847 district offices, the Department of Agriculture and Consumer  
848 Services, the Fish and Wildlife Conservation Commission,  
849 appropriate regional planning councils, appropriate water  
850 management districts, and voluntarily participating  
851 municipalities and counties. The memoranda of agreement should  
852 also accommodate participation in this expedited process by  
853 other local governments and federal agencies as circumstances  
854 warrant.

855 (5) In order to facilitate local government's option to  
856 participate in this expedited review process, the secretary  
857 shall, in cooperation with local governments and participating  
858 state agencies, create a standard form memorandum of agreement.  
859 The standard form of the memorandum of agreement shall be used  
860 only if the local government participates in the expedited  
861 review process. In the absence of local government  
862 participation, only the project-specific memorandum of agreement  
863 executed pursuant to subsection (4) applies. A local government  
864 shall hold a duly noticed public workshop to review and explain  
865 to the public the expedited permitting process and the terms and  
866 conditions of the standard form memorandum of agreement.

867 (10) The memoranda of agreement may provide for the waiver  
868 or modification of procedural rules prescribing forms, fees,

869 procedures, or time limits for the review or processing of  
 870 permit applications under the jurisdiction of those agencies  
 871 that are members of the regional permit action team ~~party to the~~  
 872 ~~memoranda of agreement~~. Notwithstanding any other provision of  
 873 law to the contrary, a memorandum of agreement must to the  
 874 extent feasible provide for proceedings and hearings otherwise  
 875 held separately ~~by the parties to the memorandum of agreement~~ to  
 876 be combined into one proceeding or held jointly and at one  
 877 location. Such waivers or modifications are not authorized ~~shall~~  
 878 ~~not be available~~ for permit applications governed by federally  
 879 delegated or approved permitting programs, the requirements of  
 880 which would prohibit, or be inconsistent with, such a waiver or  
 881 modification.

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

886 (a) A central contact point for filing permit applications  
 887 and local comprehensive plan amendments and for obtaining  
 888 information on permit and local comprehensive plan amendment  
 889 requirements. †

890 (b) Identification of the individual or individuals within  
 891 each respective agency who will be responsible for processing  
 892 the expedited permit application or local comprehensive plan  
 893 amendment for that agency. †

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

897 entity, site planning and development, site suitability and  
 898 limitations, facility design, and steps the applicant can take  
 899 to ensure expeditious permit application and local comprehensive  
 900 plan amendment review. As a part of this process, the first  
 901 interagency meeting to discuss a project shall be held within 14  
 902 days after the secretary's determination that the project is  
 903 eligible for expedited review. Subsequent interagency meetings  
 904 may be scheduled to accommodate the needs of participating local  
 905 governments that are unable to meet public notice requirements  
 906 for executing a memorandum of agreement within this timeframe.  
 907 This accommodation may not exceed 45 days from the secretary's  
 908 determination that the project is eligible for expedited  
 909 review.†

910 (d) The preparation of a single coordinated project  
 911 description form and checklist and an agreement by state and  
 912 regional agencies to reduce the burden on an applicant to  
 913 provide duplicate information to multiple agencies.†

914 (e) Establishment of a process for the adoption and review  
 915 of any comprehensive plan amendment needed by any certified  
 916 project within 90 days after the submission of an application  
 917 for a comprehensive plan amendment. However, the memorandum of  
 918 agreement may not prevent affected persons as defined in s.  
 919 163.3184 from appealing or participating in this expedited plan  
 920 amendment process and any review or appeals of decisions made  
 921 under this paragraph.†—and

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

924 (14) (a) Challenges to state agency action in the expedited

925 | permitting process for projects processed under this section are  
 926 | subject to the summary hearing provisions of s. 120.574, except  
 927 | that the administrative law judge's decision, as provided in s.  
 928 | 120.574(2)(f), shall be in the form of a recommended order and  
 929 | do not constitute the final action of the state agency. In those  
 930 | proceedings where the action of only one agency of the state  
 931 | other than the Department of Environmental Protection is  
 932 | challenged, the agency of the state shall issue the final order  
 933 | within 45 working days after receipt of the administrative law  
 934 | judge's recommended order, and the recommended order shall  
 935 | inform the parties of their right to file exceptions or  
 936 | responses to the recommended order in accordance with the  
 937 | uniform rules of procedure pursuant to s. 120.54. In those  
 938 | proceedings where the actions of more than one agency of the  
 939 | state are challenged, the Governor shall issue the final order  
 940 | within 45 working days after receipt of the administrative law  
 941 | judge's recommended order, and the recommended order shall  
 942 | inform the parties of their right to file exceptions or  
 943 | responses to the recommended order in accordance with the  
 944 | uniform rules of procedure pursuant to s. 120.54. For ~~This~~  
 945 | ~~paragraph does not apply to~~ the issuance of department licenses  
 946 | required under any federally delegated or approved permit  
 947 | program. ~~In such instances,~~ the department, and not the  
 948 | Governor, shall enter the final order. The participating  
 949 | agencies of the state may opt at the preliminary hearing  
 950 | conference to allow the administrative law judge's decision to  
 951 | constitute the final agency action.

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

953 to state agency action in the expedited permitting process for  
 954 establishment of a state-of-the-art biomedical research  
 955 institution and campus in this state by the grantee under s.  
 956 288.955 are subject to the same requirements as challenges  
 957 brought under paragraph (a), except that, notwithstanding s.  
 958 120.574, summary proceedings must be conducted within 30 days  
 959 after a party files the motion for summary hearing, regardless  
 960 of whether the parties agree to the summary proceeding.

961 (15) The Department of Economic Opportunity, working with  
 962 the agencies providing cooperative assistance and input  
 963 regarding the memoranda of agreement, shall review sites  
 964 proposed for the location of facilities that the Department of  
 965 Economic Opportunity has certified to be eligible for the  
 966 Innovation Incentive Program under s. 288.1089. Within 20 days  
 967 after the request for the review by the Department of Economic  
 968 Opportunity, the agencies shall provide to the Department of  
 969 Economic Opportunity a statement as to each site's necessary  
 970 permits under local, state, and federal law and an  
 971 identification of significant permitting issues, which if  
 972 unresolved, may result in the denial of an agency permit or  
 973 approval or any significant delay caused by the permitting  
 974 process.

975 (18) The Department of Economic Opportunity, working with  
 976 the Rural Economic Development Initiative ~~and the agencies~~  
 977 ~~participating in the memoranda of agreement~~, shall provide  
 978 technical assistance in preparing permit applications and local  
 979 comprehensive plan amendments for counties having a population  
 980 of fewer than 75,000 residents, or counties having fewer than

981 125,000 residents which are contiguous to counties having fewer  
 982 than 75,000 residents. Additional assistance may include, but  
 983 not be limited to, guidance in land development regulations and  
 984 permitting processes, working cooperatively with state,  
 985 regional, and local entities to identify areas within these  
 986 counties which may be suitable or adaptable for preclearance  
 987 review of specified types of land uses and other activities  
 988 requiring permits.

989 Section 22. Subsection (1) of section 526.203, Florida  
 990 Statutes, is amended, and subsection (5) is added to that  
 991 section, to read:

992 526.203 Renewable fuel standard.—

993 (1) DEFINITIONS.—As used in this act:

994 (a) "Blender," "importer," "terminal supplier," and  
 995 "wholesaler" are defined as provided in s. 206.01.

996 (b) "Blended gasoline" means a mixture of 90 to 91 percent  
 997 gasoline and 9 to 10 percent fuel ethanol or other renewable  
 998 fuel, by volume, that meets the specifications as adopted by the  
 999 department. The fuel ethanol portion may be derived from any  
 1000 agricultural source.

1001 (c) "Fuel ethanol" means an anhydrous denatured alcohol  
 1002 produced by the conversion of carbohydrates that meets the  
 1003 specifications as adopted by the department.

1004 (d) "Renewable fuel" means a fuel produced from renewable  
 1005 biomass that is used to replace or reduce the quantity of fossil  
 1006 fuel present in a transportation fuel.

1007 (e) ~~(d)~~ "Unblended gasoline" means gasoline that has not  
 1008 been blended ~~with fuel ethanol~~ and that meets the specifications

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1009 | as adopted by the department.

1010 |       (5) SALE OF UNBLENDED FUELS.—This section does not  
1011 | prohibit the sale of unblended fuels for the uses exempted under  
1012 | subsection (3).

1013 |       Section 23. This act shall take effect July 1, 2012.