

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 conditions under which the
10 department is authorized to issue such permits in
11 advance of the issuance of incidental take
12 authorizations as provided under the Endangered
13 Species Act; amending s. 166.033, F.S.; prohibiting a
14 municipality from requiring an applicant to obtain a
15 permit or approval from any state or federal agency as
16 a condition of processing a development permit under
17 certain conditions; authorizing a municipality to
18 attach certain disclaimers to the issuance of a
19 development permit; amending s. 218.075, F.S.;
20 providing for the reduction or waiver of permit
21 processing fees relating to projects that serve a
22 public purpose for certain entities created by special
23 act, local ordinance, or interlocal agreement;
24 amending s. 258.397, F.S.; providing an exemption from
25 a showing of extreme hardship relating to the sale,
26 transfer, or lease of sovereignty submerged lands in
27 the Biscayne Bay Aquatic Preserve for certain
28 municipal applicants; amending s. 373.026, F.S.;

29 requiring the department to expand its use of
30 Internet-based self-certification services for
31 exemptions and permits issued by the department and
32 water management districts; amending s. 373.326, F.S.;
33 exempting certain underground injection control wells
34 from permitting requirements under part III of chapter
35 373, F.S., relating to regulation of wells; providing
36 a requirement for the construction of such wells;
37 amending s. 373.4141, F.S.; reducing the time within
38 which a permit must be approved, denied, or subject to
39 notice of proposed agency action; prohibiting a state
40 agency or an agency of the state from requiring
41 additional permits or approval from a local, state, or
42 federal agency without explicit authority; amending s.
43 373.4144, F.S.; providing legislative intent with
44 respect to the coordination of regulatory duties among
45 specified state and federal agencies; encouraging
46 expanded use of the state programmatic general permit
47 or regional general permits; providing for a voluntary
48 state programmatic general permit for certain dredge
49 and fill activities; amending s. 376.3071, F.S.;
50 increasing the priority ranking score for
51 participation in the low-scored site initiative;
52 exempting program deductibles, copayments, and certain
53 assessment report requirements from expenditures under
54 the low-scored site initiative; amending s. 376.30715,
55 F.S.; providing that the transfer of a contaminated
56 site from an owner to a child of the owner or

57 corporate entity does not disqualify the site from the
58 innocent victim petroleum storage system restoration
59 financial assistance program; authorizing certain
60 applicants to reapply for financial assistance;
61 amending s. 380.0657, F.S.; authorizing expedited
62 permitting for certain intermodal logistics centers;
63 amending s. 403.061, F.S.; authorizing zones of
64 discharges to groundwater for specified installations;
65 providing for modification of such zones of discharge;
66 providing that exceedance of certain groundwater
67 standards does not create liability for site cleanup;
68 providing that exceedance of soil cleanup target
69 levels is not a basis for enforcement or cleanup;
70 amending s. 403.087, F.S.; revising conditions under
71 which the department is authorized to revoke permits
72 for sources of air and water pollution; amending s.
73 403.1838, F.S.; revising the definition of the term
74 "financially disadvantaged small community" for the
75 purposes of the Small Community Sewer Construction
76 Assistance Act; amending s. 403.7045, F.S.; providing
77 conditions under which sludge from an industrial waste
78 treatment works is not solid waste; amending s.
79 403.706, F.S.; reducing the amount of recycled
80 materials certain counties are required to apply
81 toward state recycling goals; providing that certain
82 renewable energy byproducts count toward state
83 recycling goals; amending s. 403.707, F.S.; providing
84 for waste-to-energy facilities to maximize acceptance

85 | and processing of nonhazardous solid and liquid waste;
86 | exempting the disposal of solid waste monitored by
87 | certain groundwater monitoring plans from specific
88 | authorization; specifying a permit term for solid
89 | waste management facilities designed with leachate
90 | control systems that meet department requirements;
91 | requiring permit fees to be adjusted; providing
92 | applicability; specifying a permit term for solid
93 | waste management facilities that do not have leachate
94 | control systems meeting department requirements under
95 | certain conditions; authorizing the department to
96 | adopt rules; providing that the department is not
97 | required to submit the rules to the Environmental
98 | Regulation Commission for approval; requiring permit
99 | fee caps to be prorated; amending s. 403.7125, F.S.;
100 | requiring the department to require by rule that
101 | owners or operators of solid waste management
102 | facilities receiving waste after October 9, 1993,
103 | provide financial assurance for the cost of completing
104 | certain corrective actions; amending s. 403.814, F.S.;
105 | providing for issuance of general permits for the
106 | construction, alteration, and maintenance of certain
107 | surface water management systems without the action of
108 | the department or a water management district;
109 | specifying conditions for the general permits;
110 | amending s. 403.853, F.S.; providing for the
111 | department, or a local county health department
112 | designated by the department, to perform sanitary

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113 surveys for certain transient noncommunity water
114 systems; amending s. 403.973, F.S.; authorizing
115 expedited permitting for certain commercial or
116 industrial development projects that individually or
117 collectively will create a minimum number of jobs;
118 providing for a project-specific memorandum of
119 agreement to apply to a project subject to expedited
120 permitting; clarifying the authority of the department
121 to enter final orders for the issuance of certain
122 licenses; revising criteria for the review of certain
123 sites; amending s. 526.203, F.S.; revising the
124 definitions of the terms "blended gasoline" and
125 "unblended gasoline"; defining the term "alternative
126 fuel"; authorizing the sale of unblended gasoline for
127 certain uses; providing that holders of valid permits
128 or other authorizations are not required to make
129 payments to authorizing agencies for use of certain
130 extensions granted under chapter 2011-139, Laws of
131 Florida; providing retroactive applicability and
132 effect; providing an effective date.

133

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

135

136 Section 1. Section 125.022, Florida Statutes, is amended to
137 read:

138 125.022 Development permits.—When a county denies an
139 application for a development permit, the county shall give
140 written notice to the applicant. The notice must include a

141 citation to the applicable portions of an ordinance, rule,
 142 statute, or other legal authority for the denial of the permit.
 143 As used in this section, the term "development permit" has the
 144 same meaning as in s. 163.3164. For any development permit
 145 application filed with the county after July 1, 2012, a county
 146 may not require as a condition of processing or issuing a
 147 development permit that an applicant obtain a permit or approval
 148 from any state or federal agency unless the agency has issued a
 149 final agency action that denies the federal or state permit
 150 before the county action on the local development permit.
 151 Issuance of a development permit by a county does not in any way
 152 create any rights on the part of the applicant to obtain a
 153 permit from a state or federal agency and does not create any
 154 liability on the part of the county for issuance of the permit
 155 if the applicant fails to obtain requisite approvals or fulfill
 156 the obligations imposed by a state or federal agency or
 157 undertakes actions that result in a violation of state or
 158 federal law. A county may attach such a disclaimer to the
 159 issuance of a development permit and may include a permit
 160 condition that all other applicable state or federal permits be
 161 obtained before commencement of the development. This section
 162 does not prohibit a county from providing information to an
 163 applicant regarding what other state or federal permits may
 164 apply.

165 Section 2. Subsection (5) is added to section 161.041,
 166 Florida Statutes, to read:

167 161.041 Permits required.—

168 (5) Notwithstanding any other provision of law, the

169 department may issue a permit pursuant to this part in advance
170 of the issuance of an incidental take authorization as provided
171 under the Endangered Species Act and its implementing
172 regulations if the permit and authorization include a condition
173 requiring that authorized activities not begin until the
174 incidental take authorization is issued.

175 Section 3. Section 166.033, Florida Statutes, is amended
176 to read:

177 166.033 Development permits.—When a municipality denies an
178 application for a development permit, the municipality shall
179 give written notice to the applicant. The notice must include a
180 citation to the applicable portions of an ordinance, rule,
181 statute, or other legal authority for the denial of the permit.
182 As used in this section, the term "development permit" has the
183 same meaning as in s. 163.3164. For any development permit
184 application filed with the municipality after July 1, 2012, a
185 municipality may not require as a condition of processing or
186 issuing a development permit that an applicant obtain a permit
187 or approval from any state or federal agency unless the agency
188 has issued a final agency action that denies the federal or
189 state permit before the municipal action on the local
190 development permit. Issuance of a development permit by a
191 municipality does not in any way create any right on the part of
192 an applicant to obtain a permit from a state or federal agency
193 and does not create any liability on the part of the
194 municipality for issuance of the permit if the applicant fails
195 to obtain requisite approvals or fulfill the obligations imposed
196 by a state or federal agency or undertakes actions that result

197 in a violation of state or federal law. A municipality may
 198 attach such a disclaimer to the issuance of development permits
 199 and may include a permit condition that all other applicable
 200 state or federal permits be obtained before commencement of the
 201 development. This section does not prohibit a municipality from
 202 providing information to an applicant regarding what other state
 203 or federal permits may apply.

204 Section 4. Section 218.075, Florida Statutes, is amended
 205 to read:

206 218.075 Reduction or waiver of permit processing fees.—
 207 Notwithstanding any other provision of law, the Department of
 208 Environmental Protection and the water management districts
 209 shall reduce or waive permit processing fees for counties with a
 210 population of 50,000 or less on April 1, 1994, until such
 211 counties exceed a population of 75,000 and municipalities with a
 212 population of 25,000 or less, or for an entity created by
 213 special act, local ordinance, or interlocal agreement of such
 214 counties or municipalities, or for any county or municipality
 215 not included within a metropolitan statistical area. Fee
 216 reductions or waivers shall be approved on the basis of fiscal
 217 hardship or environmental need for a particular project or
 218 activity. The governing body must certify that the cost of the
 219 permit processing fee is a fiscal hardship due to one of the
 220 following factors:

221 (1) Per capita taxable value is less than the statewide
 222 average for the current fiscal year;

223 (2) Percentage of assessed property value that is exempt
 224 from ad valorem taxation is higher than the statewide average

225 for the current fiscal year;

226 (3) Any condition specified in s. 218.503(1) which results
 227 in the county or municipality being in a state of financial
 228 emergency;

229 (4) Ad valorem operating millage rate for the current
 230 fiscal year is greater than 8 mills; or

231 (5) A financial condition that is documented in annual
 232 financial statements at the end of the current fiscal year and
 233 indicates an inability to pay the permit processing fee during
 234 that fiscal year.

235

236 The permit applicant must be the governing body of a county or
 237 municipality or a third party under contract with a county or
 238 municipality or an entity created by special act, local
 239 ordinance, or interlocal agreement and the project for which the
 240 fee reduction or waiver is sought must serve a public purpose.
 241 If a permit processing fee is reduced, the total fee shall not
 242 exceed \$100.

243 Section 5. Paragraph (a) of subsection (3) of section
 244 258.397, Florida Statutes, is amended to read:

245 258.397 Biscayne Bay Aquatic Preserve.—

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

250 (a) ~~No further~~ Sale, transfer, or lease of sovereignty
 251 submerged lands in the preserve may not ~~shall~~ be approved or
 252 consummated by the board of trustees, except upon a showing of

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253 | extreme hardship on the part of the applicant and a
254 | determination by the board of trustees that such sale, transfer,
255 | or lease is in the public interest. A municipal applicant
256 | proposing a public waterfront promenade is exempt from showing
257 | extreme hardship.

258 | Section 6. Subsection (10) is added to section 373.026,
259 | Florida Statutes, to read:

260 | 373.026 General powers and duties of the department.—The
261 | department, or its successor agency, shall be responsible for
262 | the administration of this chapter at the state level. However,
263 | it is the policy of the state that, to the greatest extent
264 | possible, the department may enter into interagency or
265 | interlocal agreements with any other state agency, any water
266 | management district, or any local government conducting programs
267 | related to or materially affecting the water resources of the
268 | state. All such agreements shall be subject to the provisions of
269 | s. 373.046. In addition to its other powers and duties, the
270 | department shall, to the greatest extent possible:

271 | (10) Expand the use of Internet-based self-certification
272 | services for appropriate exemptions and general permits issued
273 | by the department and the water management districts, if such
274 | expansion is economically feasible. In addition to expanding the
275 | use of Internet-based self-certification services for
276 | appropriate exemptions and general permits, the department and
277 | water management districts shall identify and develop general
278 | permits for appropriate activities currently requiring
279 | individual review which could be expedited through the use of
280 | applicable professional certification.

281 Section 7. Subsection (3) is added to section 373.326,
 282 Florida Statutes, to read:

283 373.326 Exemptions.—

284 (3) A permit may not be required under this part for any
 285 well authorized pursuant to ss. 403.061 and 403.087 under the
 286 State Underground Injection Control Program identified in
 287 chapter 62-528, Florida Administrative Code, as Class I, Class
 288 II, Class III, Class IV, or Class V Groups 2-9. However, such
 289 wells must be constructed by persons who have obtained a license
 290 pursuant to s. 373.323 as otherwise required by law.

291 Section 8. Subsection (2) of section 373.4141, Florida
 292 Statutes, is amended, and subsection (4) is added to that
 293 section, to read:

294 373.4141 Permits; processing.—

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

300 (4) A state agency or an agency of the state may not
 301 require as a condition of approval for a permit or as an item to
 302 complete a pending permit application that an applicant obtain a
 303 permit or approval from any other local, state, or federal
 304 agency without explicit statutory authority to require such
 305 permit or approval.

306 Section 9. Section 373.4144, Florida Statutes, is amended
 307 to read:

308 373.4144 Federal environmental permitting.—

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

310 (a) Facilitate coordination and a more efficient process
311 of implementing regulatory duties and functions between the
312 Department of Environmental Protection, the water management
313 districts, the United States Army Corps of Engineers, the United
314 States Fish and Wildlife Service, the National Marine Fisheries
315 Service, the United States Environmental Protection Agency, the
316 Fish and Wildlife Conservation Commission, and other relevant
317 federal and state agencies.

318 (b) Authorize the Department of Environmental Protection
319 to obtain issuance by the United States Army Corps of Engineers,
320 pursuant to state and federal law and as set forth in this
321 section, of an expanded state programmatic general permit, or a
322 series of regional general permits, for categories of activities
323 in waters of the United States governed by the Clean Water Act
324 and in navigable waters under the Rivers and Harbors Act of 1899
325 which are similar in nature, which will cause only minimal
326 adverse environmental effects when performed separately, and
327 which will have only minimal cumulative adverse effects on the
328 environment.

329 (c) Use the mechanism of such a state general permit or
330 such regional general permits to eliminate overlapping federal
331 regulations and state rules that seek to protect the same
332 resource and to avoid duplication of permitting between the
333 United States Army Corps of Engineers and the department for
334 minor work located in waters of the United States, including
335 navigable waters, thus eliminating, in appropriate cases, the
336 need for a separate individual approval from the United States

337 Army Corps of Engineers while ensuring the most stringent
338 protection of wetland resources.

339 (d) Direct the department not to seek issuance of or take
340 any action pursuant to any such permit or permits unless such
341 conditions are at least as protective of the environment and
342 natural resources as existing state law under this part and
343 federal law under the Clean Water Act and the Rivers and Harbors
344 Act of 1899. The department is directed to develop, on or before
345 October 1, 2005, a mechanism or plan to consolidate, to the
346 maximum extent practicable, the federal and state wetland
347 permitting programs. It is the intent of the Legislature that
348 all dredge and fill activities impacting 10 acres or less of
349 wetlands or waters, including navigable waters, be processed by
350 the state as part of the environmental resource permitting
351 program implemented by the department and the water management
352 districts. The resulting mechanism or plan shall analyze and
353 propose the development of an expanded state programmatic
354 general permit program in conjunction with the United States
355 Army Corps of Engineers pursuant to s. 404 of the Clean Water
356 Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,
357 and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,
358 or in combination with an expanded state programmatic general
359 permit, the mechanism or plan may propose the creation of a
360 series of regional general permits issued by the United States
361 Army Corps of Engineers pursuant to the referenced statutes. All
362 of the regional general permits must be administered by the
363 department or the water management districts or their designees.

364 (2) In order to effectuate efficient wetland permitting

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365 and avoid duplication, the department and water management
366 districts are authorized to implement a voluntary state
367 programmatic general permit for all dredge and fill activities
368 impacting 3 acres or less of wetlands or other surface waters,
369 including navigable waters, subject to agreement with the United
370 States Army Corps of Engineers, if the general permit is at
371 least as protective of the environment and natural resources as
372 existing state law under this part and federal law under the
373 Clean Water Act and the Rivers and Harbors Act of 1899. The
374 ~~department is directed to file with the Speaker of the House of~~
375 ~~Representatives and the President of the Senate a report~~
376 ~~proposing any required federal and state statutory changes that~~
377 ~~would be necessary to accomplish the directives listed in this~~
378 ~~section and to coordinate with the Florida Congressional~~
379 ~~Delegation on any necessary changes to federal law to implement~~
380 ~~the directives.~~

381 (3) ~~Nothing in~~ This section may not ~~shall~~ be construed to
382 preclude the department from pursuing a series of regional
383 general permits for construction activities in wetlands or
384 surface waters or complete assumption of federal permitting
385 programs regulating the discharge of dredged or fill material
386 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,
387 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers
388 and Harbors Act of 1899, so long as the assumption encompasses
389 all dredge and fill activities in, on, or over jurisdictional
390 wetlands or waters, including navigable waters, within the
391 state.

392 Section 10. Subsection (11) of section 376.3071, Florida

393 Statutes, is amended to read:

394 376.3071 Inland Protection Trust Fund; creation; purposes;
395 funding.—

396 (11) SITE CLEANUP.—

397 (a) Voluntary cleanup.—~~Nothing in~~ This section shall does
398 not be deemed to prohibit a person from conducting site
399 rehabilitation either through his or her own personnel or
400 through responsible response action contractors or
401 subcontractors when such person is not seeking site
402 rehabilitation funding from the fund. Such voluntary cleanups
403 must meet all applicable environmental standards.

404 (b) Low-scored site initiative.—Notwithstanding s.
405 376.30711, any site with a priority ranking score of 29 ~~10~~
406 points or less may voluntarily participate in the low-scored
407 site initiative, whether or not the site is eligible for state
408 restoration funding.

409 1. To participate in the low-scored site initiative, the
410 responsible party or property owner must affirmatively
411 demonstrate that the following conditions are met:

412 a. Upon reassessment pursuant to department rule, the site
413 retains a priority ranking score of 29 ~~10~~ points or less.

414 b. No excessively contaminated soil, as defined by
415 department rule, exists onsite as a result of a release of
416 petroleum products.

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

419 d. The release of petroleum products at the site does not
420 adversely affect adjacent surface waters, including their

421 effects on human health and the environment.

422 e. The area of groundwater containing the petroleum
423 products' chemicals of concern is less than one-quarter acre and
424 is confined to the source property boundaries of the real
425 property on which the discharge originated.

426 f. Soils onsite that are subject to human exposure found
427 between land surface and 2 feet below land surface meet the soil
428 cleanup target levels established by department rule or human
429 exposure is limited by appropriate institutional or engineering
430 controls.

431 2. Upon affirmative demonstration of the conditions under
432 subparagraph 1., the department shall issue a determination of
433 "No Further Action." Such determination acknowledges that
434 minimal contamination exists onsite and that such contamination
435 is not a threat to human health or the environment. If no
436 contamination is detected, the department may issue a site
437 rehabilitation completion order.

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

441 a. A responsible party or property owner may submit an
442 assessment plan designed to affirmatively demonstrate that the
443 site meets the conditions under subparagraph 1. Notwithstanding
444 the priority ranking score of the site, the department may
445 preapprove the cost of the assessment pursuant to s. 376.30711,
446 including 6 months of groundwater monitoring, not to exceed
447 \$30,000 for each site. The department may not pay the costs
448 associated with the establishment of institutional or

449 engineering controls.

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

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

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

461 Section 11. Section 376.30715, Florida Statutes, is
462 amended to read:

463 376.30715 Innocent victim petroleum storage system
464 restoration.—A contaminated site acquired by the current owner
465 prior to July 1, 1990, which has ceased operating as a petroleum
466 storage or retail business prior to January 1, 1985, is eligible
467 for financial assistance pursuant to s. 376.305(6),
468 notwithstanding s. 376.305(6) (a). For purposes of this section,
469 the term "acquired" means the acquisition of title to the
470 property; however, a subsequent transfer of the property to a
471 spouse or child of the owner, a surviving spouse or child of the
472 owner in trust or free of trust, ~~or~~ a revocable trust created
473 for the benefit of the settlor, or a corporate entity created by
474 the owner to hold title to the site does not disqualify the site
475 from financial assistance pursuant to s. 376.305(6) and
476 applicants previously denied coverage may reapply. Eligible

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477 sites shall be ranked in accordance with s. 376.3071(5).

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

480 380.0657 Expedited permitting process for economic
481 development projects.—

482 (1) The Department of Environmental Protection and, as
483 appropriate, the water management districts created under
484 chapter 373 shall adopt programs to expedite the processing of
485 wetland resource and environmental resource permits for economic
486 development projects that have been identified by a municipality
487 or county as meeting the definition of target industry
488 businesses under s. 288.106, or any intermodal logistics center
489 receiving or sending cargo to or from Florida ports, with the
490 exception of those projects requiring approval by the Board of
491 Trustees of the Internal Improvement Trust Fund.

492 Section 13. Subsection (11) of section 403.061, Florida
493 Statutes, is amended to read:

494 403.061 Department; powers and duties.—The department
495 shall have the power and the duty to control and prohibit
496 pollution of air and water in accordance with the law and rules
497 adopted and promulgated by it and, for this purpose, to:

498 (11) Establish ambient air quality and water quality
499 standards for the state as a whole or for any part thereof, and
500 also standards for the abatement of excessive and unnecessary
501 noise. The department is authorized to establish reasonable
502 zones of mixing for discharges into waters. For existing
503 installations as defined by rule 62-520.200(10), Florida
504 Administrative Code, effective July 12, 2009, zones of discharge

505 to groundwater are authorized horizontally to a facility's or
 506 owner's property boundary and extending vertically to the base
 507 of a specifically designated aquifer or aquifers. Such zones of
 508 discharge may be modified in accordance with procedures
 509 specified in department rules. Exceedance of primary and
 510 secondary groundwater standards that occur within a zone of
 511 discharge does not create liability pursuant to this chapter or
 512 chapter 376 for site cleanup, and the exceedance of soil cleanup
 513 target levels is not a basis for enforcement or site cleanup.

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

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

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

523 3. The discharge does not cause a measurable increase in
 524 the degree of noncompliance with the standard at the boundary of
 525 the mixing zone; and

526 4. The discharge otherwise complies with the mixing zone
 527 provisions specified in department rules.

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

530 1. Sources that have received permits from the department
 531 prior to April 1, 1982, or the date of designation, whichever is
 532 later;

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

535 3. Discharges of water necessary for water management
 536 purposes which have been approved by the governing board of a
 537 water management district and, if required by law, by the
 538 secretary; and

539 4. The discharge of demineralization concentrate which has
 540 been determined permittable under s. 403.0882 and which meets
 541 the specific provisions of s. 403.0882(4)(a) and (b), if the
 542 proposed discharge is clearly in the public interest.

543 (c) The department, by rule, shall establish water quality
 544 criteria for wetlands which criteria give appropriate
 545 recognition to the water quality of such wetlands in their
 546 natural state.

547
 548 ~~Nothing in~~ This act may not shall be construed to invalidate any
 549 existing department rule relating to mixing zones. The
 550 department shall cooperate with the Department of Highway Safety
 551 and Motor Vehicles in the development of regulations required by
 552 s. 316.272(1).

553
 554 The department shall implement such programs in conjunction with
 555 its other powers and duties and shall place special emphasis on
 556 reducing and eliminating contamination that presents a threat to
 557 humans, animals or plants, or to the environment.

558 Section 14. Subsection (7) of section 403.087, Florida
 559 Statutes, is amended to read:

560 403.087 Permits; general issuance; denial; revocation;

561 prohibition; penalty.-

562 (7) A permit issued pursuant to this section does ~~shall~~
 563 not become a vested right in the permittee. The department may
 564 revoke any permit issued by it if it finds that the permit holder
 565 has:

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

568 (b) ~~Has~~ Violated law, department orders, rules, ~~or~~
 569 ~~regulations~~, or ~~permit~~ conditions which directly relate to the
 570 permit;

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

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

577 Section 15. Subsection (2) of section 403.1838, Florida
 578 Statutes, is amended to read:

579 403.1838 Small Community Sewer Construction Assistance
 580 Act.-

581 (2) The department shall use funds specifically
 582 appropriated to award grants under this section to assist
 583 financially disadvantaged small communities with their needs for
 584 adequate sewer facilities. For purposes of this section, the
 585 term "financially disadvantaged small community" means a
 586 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer
 587 ~~less~~, according to the latest decennial census and a per capita
 588 annual income less than the state per capita annual income as

589 determined by the United States Department of Commerce.

590 Section 16. Paragraph (f) of subsection (1) of section
591 403.7045, Florida Statutes, is amended to read:

592 403.7045 Application of act and integration with other
593 acts.—

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

596 (f) Industrial byproducts, if:

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

599 2. The industrial byproducts are not discharged,
600 deposited, injected, dumped, spilled, leaked, or placed upon any
601 land or water so that such industrial byproducts, or any
602 constituent thereof, may enter other lands or be emitted into
603 the air or discharged into any waters, including groundwaters,
604 or otherwise enter the environment such that a threat of
605 contamination in excess of applicable department standards and
606 criteria or a significant threat to public health is caused.

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

609
610 Sludge from an industrial waste treatment works that meets the
611 exemption requirements of this paragraph is not solid waste as
612 defined in s. 403.703(32).

613 Section 17. Paragraph (a) of subsection (4) of section
614 403.706, Florida Statutes, is amended to read:

615 403.706 Local government solid waste responsibilities.—

616 (4) (a) In order to promote the production of renewable

617 energy from solid waste, each megawatt-hour produced by a
 618 renewable energy facility using solid waste as a fuel shall
 619 count as 1 ton of recycled material and shall be applied toward
 620 meeting the recycling goals set forth in this section. If a
 621 county creating renewable energy from solid waste implements and
 622 maintains a program to recycle at least 50 percent of municipal
 623 solid waste by a means other than creating renewable energy,
 624 that county shall count 1.25 ~~2~~ tons of recycled material for
 625 each megawatt-hour produced. If waste originates from a county
 626 other than the county in which the renewable energy facility
 627 resides, the originating county shall receive such recycling
 628 credit. ~~Any county that has a debt service payment related to~~
 629 ~~its waste-to-energy facility shall receive 1 ton of recycled~~
 630 ~~materials credit for each ton of solid waste processed at the~~
 631 ~~facility.~~ Any byproduct resulting from the creation of renewable
 632 energy that is recycled shall count towards the county recycling
 633 goals in accordance with the methods and criteria developed
 634 pursuant to paragraph (2) (h) ~~does not count as waste.~~

635 Section 18. Subsections (1), (2), and (3) of section
 636 403.707, Florida Statutes, are amended to read:

637 403.707 Permits.—

638 (1) A solid waste management facility may not be operated,
 639 maintained, constructed, expanded, modified, or closed without
 640 an appropriate and currently valid permit issued by the
 641 department. The department may by rule exempt specified types of
 642 facilities from the requirement for a permit under this part if
 643 it determines that construction or operation of the facility is
 644 not expected to create any significant threat to the environment

645 or public health. For purposes of this part, and only when
646 specified by department rule, a permit may include registrations
647 as well as other forms of licenses as defined in s. 120.52.
648 Solid waste construction permits issued under this section may
649 include any permit conditions necessary to achieve compliance
650 with the recycling requirements of this act. The department
651 shall pursue reasonable timeframes for closure and construction
652 requirements, considering pending federal requirements and
653 implementation costs to the permittee. The department shall
654 adopt a rule establishing performance standards for construction
655 and closure of solid waste management facilities. The standards
656 shall allow flexibility in design and consideration for site-
657 specific characteristics. For the purpose of permitting under
658 this chapter, the department shall allow waste-to-energy
659 facilities to maximize acceptance and processing of nonhazardous
660 solid and liquid waste.

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

667 (a) Disposal by persons of solid waste resulting from
668 their own activities on their own property, if such waste is
669 ordinary household waste from their residential property or is
670 rocks, soils, trees, tree remains, and other vegetative matter
671 that normally result from land development operations. Disposal
672 of materials that could create a public nuisance or adversely

673 affect the environment or public health, such as white goods;
 674 automotive materials, such as batteries and tires; petroleum
 675 products; pesticides; solvents; or hazardous substances, is not
 676 covered under this exemption.

677 (b) Storage in containers by persons of solid waste
 678 resulting from their own activities on their property, leased or
 679 rented property, or property subject to a homeowners' ~~homeowners~~
 680 or maintenance association for which the person contributes
 681 association assessments, if the solid waste in such containers
 682 is collected at least once a week.

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

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

689 2. Addressed or authorized by, or exempted from the
 690 requirement to obtain, a groundwater monitoring plan approved by
 691 the department. If a facility has a permit authorizing disposal
 692 activity, new areas where solid waste is being disposed of which
 693 are monitored by an existing or modified groundwater monitoring
 694 plan are not required to be specifically authorized in a permit
 695 or other certification.

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

699 (e) Disposal of solid waste resulting from normal farming
 700 operations as defined by department rule. Polyethylene

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701 agricultural plastic, damaged, nonsalvageable, untreated wood
702 pallets, and packing material that cannot be feasibly recycled,
703 which are used in connection with agricultural operations
704 related to the growing, harvesting, or maintenance of crops, may
705 be disposed of by open burning if a public nuisance or any
706 condition adversely affecting the environment or the public
707 health is not created by the open burning and state or federal
708 ambient air quality standards are not violated.

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

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

717 (3) (a) All applicable provisions of ss. 403.087 and
718 403.088, relating to permits, apply to the control of solid
719 waste management facilities.

720 (b) A permit, including a general permit, issued to a
721 solid waste management facility that is designed with a leachate
722 control system meeting department requirements shall be issued
723 for a term of 20 years unless the applicant requests a shorter
724 permit term. This paragraph applies to a qualifying solid waste
725 management facility that applies for an operating or
726 construction permit or renews an existing operating or
727 construction permit on or after October 1, 2012.

728 (c) A permit, including a general permit, but not

729 including a registration, issued to a solid waste management
730 facility that does not have a leachate control system meeting
731 department requirements shall be renewed for a term of 10 years,
732 unless the applicant requests a shorter permit term, if the
733 following conditions are met:

734 1. The applicant has conducted the regulated activity at
735 the same site for which the renewal is sought for at least 4
736 years and 6 months before the date that the permit application
737 is received by the department; and

738 2. At the time of applying for the renewal permit:

739 a. The applicant is not subject to a notice of violation,
740 consent order, or administrative order issued by the department
741 for violation of an applicable law or rule;

742 b. The department has not notified the applicant that it
743 is required to implement assessment or evaluation monitoring as
744 a result of exceedances of applicable groundwater standards or
745 criteria or, if applicable, the applicant is completing
746 corrective actions in accordance with applicable department
747 rules; and

748 c. The applicant is in compliance with the applicable
749 financial assurance requirements.

750 (d) The department may adopt rules to administer this
751 subsection. However, the department is not required to submit
752 such rules to the Environmental Regulation Commission for
753 approval. Notwithstanding the limitations of s. 403.087(6)(a),
754 permit fee caps for solid waste management facilities shall be
755 prorated to reflect the extended permit term authorized by this
756 subsection.

757 Section 19. Section 403.7125, Florida Statutes, is amended
 758 to read:

759 403.7125 Financial assurance ~~for closure.~~

760 (1) Every owner or operator of a landfill is jointly and
 761 severally liable for the improper operation and closure of the
 762 landfill, as provided by law. As used in this section, the term
 763 "owner or operator" means any owner of record of any interest in
 764 land wherein a landfill is or has been located and any person or
 765 corporation that owns a majority interest in any other
 766 corporation that is the owner or operator of a landfill.

767 (2) The owner or operator of a landfill owned or operated
 768 by a local or state government or the Federal Government shall
 769 establish a fee, or a surcharge on existing fees or other
 770 appropriate revenue-producing mechanism, to ensure the
 771 availability of financial resources for the proper closure of
 772 the landfill. However, the disposal of solid waste by persons on
 773 their own property, as described in s. 403.707(2), is exempt
 774 from this section.

775 (a) The revenue-producing mechanism must produce revenue
 776 at a rate sufficient to generate funds to meet state and federal
 777 landfill closure requirements.

778 (b) The revenue shall be deposited in an interest-bearing
 779 escrow account to be held and administered by the owner or
 780 operator. The owner or operator shall file with the department
 781 an annual audit of the account. The audit shall be conducted by
 782 an independent certified public accountant. Failure to collect
 783 or report such revenue, except as allowed in subsection (3), is
 784 a noncriminal violation punishable by a fine of not more than

785 \$5,000 for each offense. The owner or operator may make
786 expenditures from the account and its accumulated interest only
787 for the purpose of landfill closure and, if such expenditures do
788 not deplete the fund to the detriment of eventual closure, for
789 planning and construction of resource recovery or landfill
790 facilities. Any moneys remaining in the account after paying for
791 proper and complete closure, as determined by the department,
792 shall, if the owner or operator does not operate a landfill, be
793 deposited by the owner or operator into the general fund or the
794 appropriate solid waste fund of the local government of
795 jurisdiction.

796 (c) The revenue generated under this subsection and any
797 accumulated interest thereon may be applied to the payment of,
798 or pledged as security for, the payment of revenue bonds issued
799 in whole or in part for the purpose of complying with state and
800 federal landfill closure requirements. Such application or
801 pledge may be made directly in the proceedings authorizing such
802 bonds or in an agreement with an insurer of bonds to assure such
803 insurer of additional security therefor.

804 (d) The provisions of s. 212.055 which relate to raising
805 of revenues for landfill closure or long-term maintenance do not
806 relieve a landfill owner or operator from the obligations of
807 this section.

808 (e) The owner or operator of any landfill that had
809 established an escrow account in accordance with this section
810 and the conditions of its permit prior to January 1, 2007, may
811 continue to use that escrow account to provide financial
812 assurance for closure of that landfill, even if that landfill is

813 | not owned or operated by a local or state government or the
 814 | Federal Government.

815 | (3) An owner or operator of a landfill owned or operated
 816 | by a local or state government or by the Federal Government may
 817 | provide financial assurance to the department in lieu of the
 818 | requirements of subsection (2). An owner or operator of any
 819 | other landfill, or any other solid waste management facility
 820 | designated by department rule, shall provide financial assurance
 821 | to the department for the closure of the facility. Such
 822 | financial assurance may include surety bonds, certificates of
 823 | deposit, securities, letters of credit, or other documents
 824 | showing that the owner or operator has sufficient financial
 825 | resources to cover, at a minimum, the costs of complying with
 826 | applicable closure requirements. The owner or operator shall
 827 | estimate such costs to the satisfaction of the department.

828 | (4) This section does not repeal, limit, or abrogate any
 829 | other law authorizing local governments to fix, levy, or charge
 830 | rates, fees, or charges for the purpose of complying with state
 831 | and federal landfill closure requirements.

832 | (5) The department shall by rule require that the owner or
 833 | operator of a solid waste management facility that receives
 834 | waste after October 9, 1993, and that is required by department
 835 | rule to undertake corrective actions for violations of water
 836 | quality standards provide financial assurance for the cost of
 837 | completing such corrective actions. The same financial assurance
 838 | mechanisms that are available for closure costs shall be
 839 | available for costs associated with undertaking corrective
 840 | actions.

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841 ~~(6)-(5)~~ The department shall adopt rules to implement this
842 section.

843 Section 20. Subsection (12) is added to section 403.814,
844 Florida Statutes, to read:

845 403.814 General permits; delegation.—

846 (12) A general permit is granted for the construction,
847 alteration, and maintenance of a stormwater management system
848 serving a total project area of up to 10 acres. When the
849 stormwater management system is designed, operated, and
850 maintained in accordance with applicable rules adopted pursuant
851 to part IV of chapter 373, there is a rebuttable presumption
852 that the discharge for such system will comply with state water
853 quality standards. The construction of such a system may proceed
854 without any further agency action by the department or water
855 management district if, within 30 days after construction
856 begins, an electronic self-certification is submitted to the
857 department or water management district that certifies the
858 proposed system was designed by a Florida registered
859 professional to meet the following requirements:

860 (a) The total project area involves less than 10 acres and
861 less than 2 acres of impervious surface;

862 (b) No activities will impact wetlands or other surface
863 waters;

864 (c) No activities are conducted in, on, or over wetlands
865 or other surface waters;

866 (d) Drainage facilities will not include pipes having
867 diameters greater than 24 inches, or the hydraulic equivalent,
868 and will not use pumps in any manner;

869 (e) The project is not part of a larger common plan,
 870 development, or sale; and

871 (f) The project does not:

872 1. Cause adverse water quantity or flooding impacts to
 873 receiving water and adjacent lands;

874 2. Cause adverse impacts to existing surface water storage
 875 and conveyance capabilities;

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

877 4. Cause an adverse impact to the maintenance of surface
 878 or ground water levels or surface water flows established
 879 pursuant to s. 373.042 or a work of the district established
 880 pursuant to s. 373.086.

881 Section 21. Subsection (6) of section 403.853, Florida
 882 Statutes, is amended to read:

883 403.853 Drinking water standards.—

884 (6) Upon the request of the owner or operator of a
 885 transient noncommunity water system using groundwater as a
 886 source of supply and serving religious institutions or
 887 businesses, other than restaurants or other public food service
 888 establishments or religious institutions with school or day care
 889 services, and using groundwater as a source of supply, the
 890 department, or a local county health department designated by
 891 the department, shall perform a sanitary survey of the facility.
 892 Upon receipt of satisfactory survey results according to
 893 department criteria, the department shall reduce the
 894 requirements of such owner or operator from monitoring and
 895 reporting on a quarterly basis to performing these functions on
 896 an annual basis. Any revised monitoring and reporting schedule

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897 | approved by the department under this subsection shall apply
898 | until such time as a violation of applicable state or federal
899 | primary drinking water standards is determined by the system
900 | owner or operator, by the department, or by an agency designated
901 | by the department, after a random or routine sanitary survey.
902 | Certified operators are not required for transient noncommunity
903 | water systems of the type and size covered by this subsection.
904 | Any reports required of such system shall be limited to the
905 | minimum as required by federal law. When not contrary to the
906 | provisions of federal law, the department may, upon request and
907 | by rule, waive additional provisions of state drinking water
908 | regulations for such systems.

909 | Section 22. Paragraph (a) of subsection (3) and
910 | subsections (4), (5), (10), (11), (14), (15), and (18) of
911 | section 403.973, Florida Statutes, are amended to read:

912 | 403.973 Expedited permitting; amendments to comprehensive
913 | plans.—

914 | (3)(a) The secretary shall direct the creation of regional
915 | permit action teams for the purpose of expediting review of
916 | permit applications and local comprehensive plan amendments
917 | submitted by:

918 | 1. Businesses creating at least 50 jobs or a commercial or
919 | industrial development project that will be occupied by
920 | businesses that would individually or collectively create at
921 | least 50 jobs; or

922 | 2. Businesses creating at least 25 jobs if the project is
923 | located in an enterprise zone, or in a county having a
924 | population of fewer than 75,000 or in a county having a

925 population of fewer than 125,000 which is contiguous to a county
926 having a population of fewer than 75,000, as determined by the
927 most recent decennial census, residing in incorporated and
928 unincorporated areas of the county.

929 (4) The regional teams shall be established through the
930 execution of a project-specific memoranda of agreement developed
931 and executed by the applicant and the secretary, with input
932 solicited from ~~the Department of Economic Opportunity~~ and the
933 respective heads of the Department of Transportation and its
934 district offices, the Department of Agriculture and Consumer
935 Services, the Fish and Wildlife Conservation Commission,
936 appropriate regional planning councils, appropriate water
937 management districts, and voluntarily participating
938 municipalities and counties. The memoranda of agreement should
939 also accommodate participation in this expedited process by
940 other local governments and federal agencies as circumstances
941 warrant.

942 (5) In order to facilitate local government's option to
943 participate in this expedited review process, the secretary
944 shall, in cooperation with local governments and participating
945 state agencies, create a standard form memorandum of agreement.
946 The standard form of the memorandum of agreement shall be used
947 only if the local government participates in the expedited
948 review process. In the absence of local government
949 participation, only the project-specific memorandum of agreement
950 executed pursuant to subsection (4) applies. A local government
951 shall hold a duly noticed public workshop to review and explain
952 to the public the expedited permitting process and the terms and

953 conditions of the standard form memorandum of agreement.

954 (10) The memoranda of agreement may provide for the waiver
 955 or modification of procedural rules prescribing forms, fees,
 956 procedures, or time limits for the review or processing of
 957 permit applications under the jurisdiction of those agencies
 958 that are members of the regional permit action team ~~party to the~~
 959 ~~memoranda of agreement~~. Notwithstanding any other provision of
 960 law to the contrary, a memorandum of agreement must to the
 961 extent feasible provide for proceedings and hearings otherwise
 962 held separately ~~by the parties to the memorandum of agreement~~ to
 963 be combined into one proceeding or held jointly and at one
 964 location. Such waivers or modifications are not authorized ~~shall~~
 965 ~~not be available~~ for permit applications governed by federally
 966 delegated or approved permitting programs, the requirements of
 967 which would prohibit, or be inconsistent with, such a waiver or
 968 modification.

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

973 (a) A central contact point for filing permit applications
 974 and local comprehensive plan amendments and for obtaining
 975 information on permit and local comprehensive plan amendment
 976 requirements. ~~†~~

977 (b) Identification of the individual or individuals within
 978 each respective agency who will be responsible for processing
 979 the expedited permit application or local comprehensive plan
 980 amendment for that agency. ~~†~~

981 (c) A mandatory preapplication review process to reduce
 982 permitting conflicts by providing guidance to applicants
 983 regarding the permits needed from each agency and governmental
 984 entity, site planning and development, site suitability and
 985 limitations, facility design, and steps the applicant can take
 986 to ensure expeditious permit application and local comprehensive
 987 plan amendment review. As a part of this process, the first
 988 interagency meeting to discuss a project shall be held within 14
 989 days after the secretary's determination that the project is
 990 eligible for expedited review. Subsequent interagency meetings
 991 may be scheduled to accommodate the needs of participating local
 992 governments that are unable to meet public notice requirements
 993 for executing a memorandum of agreement within this timeframe.
 994 This accommodation may not exceed 45 days from the secretary's
 995 determination that the project is eligible for expedited
 996 review.†

997 (d) The preparation of a single coordinated project
 998 description form and checklist and an agreement by state and
 999 regional agencies to reduce the burden on an applicant to
 1000 provide duplicate information to multiple agencies.†

1001 (e) Establishment of a process for the adoption and review
 1002 of any comprehensive plan amendment needed by any certified
 1003 project within 90 days after the submission of an application
 1004 for a comprehensive plan amendment. However, the memorandum of
 1005 agreement may not prevent affected persons as defined in s.
 1006 163.3184 from appealing or participating in this expedited plan
 1007 amendment process and any review or appeals of decisions made
 1008 under this paragraph.†~~and~~

1009 (f) Additional incentives for an applicant who proposes a
 1010 project that provides a net ecosystem benefit.

1011 (14) (a) Challenges to state agency action in the expedited
 1012 permitting process for projects processed under this section are
 1013 subject to the summary hearing provisions of s. 120.574, except
 1014 that the administrative law judge's decision, as provided in s.
 1015 120.574(2) (f), shall be in the form of a recommended order and
 1016 do not constitute the final action of the state agency. In those
 1017 proceedings where the action of only one agency of the state
 1018 other than the Department of Environmental Protection is
 1019 challenged, the agency of the state shall issue the final order
 1020 within 45 working days after receipt of the administrative law
 1021 judge's recommended order, and the recommended order shall
 1022 inform the parties of their right to file exceptions or
 1023 responses to the recommended order in accordance with the
 1024 uniform rules of procedure pursuant to s. 120.54. In those
 1025 proceedings where the actions of more than one agency of the
 1026 state are challenged, the Governor shall issue the final order
 1027 within 45 working days after receipt of the administrative law
 1028 judge's recommended order, and the recommended order shall
 1029 inform the parties of their right to file exceptions or
 1030 responses to the recommended order in accordance with the
 1031 uniform rules of procedure pursuant to s. 120.54. For This
 1032 ~~paragraph does not apply to~~ the issuance of department licenses
 1033 required under any federally delegated or approved permit
 1034 program. In such instances, the department, and not the
 1035 Governor, shall enter the final order. The participating
 1036 agencies of the state may opt at the preliminary hearing

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1037 conference to allow the administrative law judge's decision to
 1038 constitute the final agency action.

1039 (b) Projects identified in paragraph (3)(f) or challenges
 1040 to state agency action in the expedited permitting process for
 1041 establishment of a state-of-the-art biomedical research
 1042 institution and campus in this state by the grantee under s.
 1043 288.955 are subject to the same requirements as challenges
 1044 brought under paragraph (a), except that, notwithstanding s.
 1045 120.574, summary proceedings must be conducted within 30 days
 1046 after a party files the motion for summary hearing, regardless
 1047 of whether the parties agree to the summary proceeding.

1048 (15) The Department of Economic Opportunity, working with
 1049 the agencies providing cooperative assistance and input
 1050 regarding the memoranda of agreement, shall review sites
 1051 proposed for the location of facilities that the Department of
 1052 Economic Opportunity has certified to be eligible for the
 1053 Innovation Incentive Program under s. 288.1089. Within 20 days
 1054 after the request for the review by the Department of Economic
 1055 Opportunity, the agencies shall provide to the Department of
 1056 Economic Opportunity a statement as to each site's necessary
 1057 permits under local, state, and federal law and an
 1058 identification of significant permitting issues, which if
 1059 unresolved, may result in the denial of an agency permit or
 1060 approval or any significant delay caused by the permitting
 1061 process.

1062 (18) The Department of Economic Opportunity, working with
 1063 the Rural Economic Development Initiative ~~and the agencies~~
 1064 ~~participating in the memoranda of agreement~~, shall provide

1065 technical assistance in preparing permit applications and local
 1066 comprehensive plan amendments for counties having a population
 1067 of fewer than 75,000 residents, or counties having fewer than
 1068 125,000 residents which are contiguous to counties having fewer
 1069 than 75,000 residents. Additional assistance may include, but
 1070 not be limited to, guidance in land development regulations and
 1071 permitting processes, working cooperatively with state,
 1072 regional, and local entities to identify areas within these
 1073 counties which may be suitable or adaptable for preclearance
 1074 review of specified types of land uses and other activities
 1075 requiring permits.

1076 Section 23. Subsection (1) of section 526.203, Florida
 1077 Statutes, is amended, and subsection (5) is added to that
 1078 section, to read:

1079 526.203 Renewable fuel standard.—

1080 (1) DEFINITIONS.—As used in this act:

1081 (a) "Alternative fuel" means a fuel produced from biomass,
 1082 as defined in s. 366.91, that is used to replace or reduce the
 1083 quantity of fossil fuel present in a petroleum fuel that meets
 1084 the specifications as adopted by the department.

1085 (b)-(a) "Blender," "importer," "terminal supplier," and
 1086 "wholesaler" are defined as provided in s. 206.01.

1087 (c)-(b) "Blended gasoline" means a mixture of 90 to 91
 1088 percent gasoline and 9 to 10 percent fuel ethanol or other
 1089 alternative fuel, by volume, that meets the specifications as
 1090 adopted by the department. The fuel ethanol or other alternative
 1091 fuel portion may be derived from any agricultural source.

1092 (d)-(e) "Fuel ethanol" means an anhydrous denatured alcohol

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1093 produced by the conversion of carbohydrates that meets the
1094 specifications as adopted by the department.

1095 ~~(e)-(d)~~ "Unblended gasoline" means gasoline that has not
1096 been blended with fuel ethanol or other alternative fuel and
1097 that meets the specifications as adopted by the department.

1098 (5) SALE OF UNBLENDED GASOLINE.—This section does not
1099 prohibit the sale of unblended gasoline for the uses exempted
1100 under subsection (3).

1101 Section 24. The holder of a valid permit or other
1102 authorization is not required to make a payment to the
1103 authorizing agency for use of an extension granted under section
1104 73 or section 79 of chapter 2011-139, Laws of Florida. This
1105 section applies retroactively and is effective as of June 2,
1106 2011.

1107 Section 25. This act shall take effect July 1, 2012.