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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2012	.	
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	.	

The Committee on Environmental Preservation and Conservation (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

125.022 Development permits.—When a county denies an application for a development permit, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit. As used in this section, the term “development permit” has the



737914

13 same meaning as in s. 163.3164. For any development permit
14 application filed with the county after July 1, 2012, a county
15 may not require as a condition of processing or issuing a
16 development permit that an applicant obtain a permit or approval
17 from any state or federal agency unless the agency has issued a
18 final agency action that denies the federal or state permit
19 before the county action on the local development permit.
20 Issuance of a development permit by a county does not in any way
21 create any rights on the part of the applicant to obtain a
22 permit from a state or federal agency and does not create any
23 liability on the part of the county for issuance of the permit
24 if the applicant fails to obtain requisite approvals or fulfill
25 the obligations imposed by a state or federal agency or
26 undertakes actions that result in a violation of state or
27 federal law. A county may attach such a disclaimer to the
28 issuance of a development permit and may include a permit
29 condition that all other applicable state or federal permits be
30 obtained before commencement of the development. This section
31 does not prohibit a county from providing information to an
32 applicant regarding what other state or federal permits may
33 apply.

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

36 161.041 Permits required.—

37 (5) Notwithstanding any other provision of law, the
38 department may issue a permit pursuant to this part in advance
39 of the issuance of an incidental take authorization as provided
40 under the Endangered Species Act and its implementing
41 regulations if the permit and authorization include a condition



737914

42 requiring that authorized activities not begin until the
43 incidental take authorization is issued.

44 Section 3. Section 166.033, Florida Statutes, is amended to
45 read:

46 166.033 Development permits.—When a municipality denies an
47 application for a development permit, the municipality shall
48 give written notice to the applicant. The notice must include a
49 citation to the applicable portions of an ordinance, rule,
50 statute, or other legal authority for the denial of the permit.
51 As used in this section, the term “development permit” has the
52 same meaning as in s. 163.3164. For any development permit
53 application filed with the municipality after July 1, 2012, a
54 municipality may not require as a condition of processing or
55 issuing a development permit that an applicant obtain a permit
56 or approval from any state or federal agency unless the agency
57 has issued a final agency action that denies the federal or
58 state permit before the municipal action on the local
59 development permit. Issuance of a development permit by a
60 municipality does not in any way create any right on the part of
61 an applicant to obtain a permit from a state or federal agency
62 and does not create any liability on the part of the
63 municipality for issuance of the permit if the applicant fails
64 to obtain requisite approvals or fulfill the obligations imposed
65 by a state or federal agency or undertakes actions that result
66 in a violation of state or federal law. A municipality may
67 attach such a disclaimer to the issuance of development permits
68 and may include a permit condition that all other applicable
69 state or federal permits be obtained before commencement of the
70 development. This section does not prohibit a municipality from



737914

71 providing information to an applicant regarding what other state
72 or federal permits may apply.

73 Section 4. Section 218.075, Florida Statutes, is amended to
74 read:

75 218.075 Reduction or waiver of permit processing fees.—
76 Notwithstanding any other provision of law, the Department of
77 Environmental Protection and the water management districts
78 shall reduce or waive permit processing fees for counties with a
79 population of 50,000 or less on April 1, 1994, until such
80 counties exceed a population of 75,000 and municipalities with a
81 population of 25,000 or less, or for an entity created by
82 special act, local ordinance, or interlocal agreement of such
83 counties or municipalities, or for any county or municipality
84 not included within a metropolitan statistical area. Fee
85 reductions or waivers shall be approved on the basis of fiscal
86 hardship or environmental need for a particular project or
87 activity. The governing body must certify that the cost of the
88 permit processing fee is a fiscal hardship due to one of the
89 following factors:

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

92 (2) Percentage of assessed property value that is exempt
93 from ad valorem taxation is higher than the statewide average
94 for the current fiscal year;

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

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



737914

100 (5) A financial condition that is documented in annual
101 financial statements at the end of the current fiscal year and
102 indicates an inability to pay the permit processing fee during
103 that fiscal year.

104

105 The permit applicant must be the governing body of a county
106 or municipality or a third party under contract with a county or
107 municipality or an entity created by special act, local
108 ordinance, or interlocal agreement and the project for which the
109 fee reduction or waiver is sought must serve a public purpose.
110 If a permit processing fee is reduced, the total fee shall not
111 exceed \$100.

112 Section 5. Paragraph (a) of subsection (3) of section
113 258.397, Florida Statutes, is amended to read:

114 258.397 Biscayne Bay Aquatic Preserve.—

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

119 (a) ~~No further~~ Sale, transfer, or lease of sovereignty
120 submerged lands in the preserve may not ~~shall~~ be approved or
121 consummated by the board of trustees, except upon a showing of
122 extreme hardship on the part of the applicant and a
123 determination by the board of trustees that such sale, transfer,
124 or lease is in the public interest. A municipal applicant
125 proposing a public waterfront promenade is exempt from showing
126 extreme hardship.

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



737914

129 373.026 General powers and duties of the department.—The
130 department, or its successor agency, shall be responsible for
131 the administration of this chapter at the state level. However,
132 it is the policy of the state that, to the greatest extent
133 possible, the department may enter into interagency or
134 interlocal agreements with any other state agency, any water
135 management district, or any local government conducting programs
136 related to or materially affecting the water resources of the
137 state. All such agreements shall be subject to the provisions of
138 s. 373.046. In addition to its other powers and duties, the
139 department shall, to the greatest extent possible:

140 (10) Expand the use of Internet-based self-certification
141 services for appropriate exemptions and general permits issued
142 by the department and the water management districts, if such
143 expansion is economically feasible. In addition to expanding the
144 use of Internet-based self-certification services for
145 appropriate exemptions and general permits, the department and
146 water management districts shall identify and develop general
147 permits for appropriate activities currently requiring
148 individual review which could be expedited through the use of
149 applicable professional certification.

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

152 373.326 Exemptions.—

153 (3) A permit may not be required under this part for any
154 well authorized pursuant to ss. 403.061 and 403.087 under the
155 State Underground Injection Control Program identified in
156 chapter 62-528, Florida Administrative Code, as Class I, Class
157 II, Class III, Class IV, or Class V Groups 2-9. However, such



737914

158 wells must be constructed by persons who have obtained a license
159 pursuant to s. 373.323 as otherwise required by law.

160 Section 8. Subsection (2) of section 373.4141, Florida
161 Statutes, is amended, and subsection (4) is added to that
162 section, to read:

163 373.4141 Permits; processing.—

164 (2) A permit shall be approved, ~~or~~ denied, or subject to a
165 notice of proposed agency action within 60 ~~90~~ days after receipt
166 of the original application, the last item of timely requested
167 additional material, or the applicant's written request to begin
168 processing the permit application.

169 (4) A state agency or an agency of the state may not
170 require as a condition of approval for a permit or as an item to
171 complete a pending permit application that an applicant obtain a
172 permit or approval from any other local, state, or federal
173 agency without explicit statutory authority to require such
174 permit or approval.

175 Section 9. Section 373.4144, Florida Statutes, is amended
176 to read:

177 373.4144 Federal environmental permitting.—

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

179 (a) Facilitate coordination and a more efficient process of
180 implementing regulatory duties and functions between the
181 Department of Environmental Protection, the water management
182 districts, the United States Army Corps of Engineers, the United
183 States Fish and Wildlife Service, the National Marine Fisheries
184 Service, the United States Environmental Protection Agency, the
185 Fish and Wildlife Conservation Commission, and other relevant
186 federal and state agencies.



737914

187 (b) Authorize the Department of Environmental Protection to
188 obtain issuance by the United States Army Corps of Engineers,
189 pursuant to state and federal law and as set forth in this
190 section, of an expanded state programmatic general permit, or a
191 series of regional general permits, for categories of activities
192 in waters of the United States governed by the Clean Water Act
193 and in navigable waters under the Rivers and Harbors Act of 1899
194 which are similar in nature, which will cause only minimal
195 adverse environmental effects when performed separately, and
196 which will have only minimal cumulative adverse effects on the
197 environment.

198 (c) Use the mechanism of such a state general permit or
199 such regional general permits to eliminate overlapping federal
200 regulations and state rules that seek to protect the same
201 resource and to avoid duplication of permitting between the
202 United States Army Corps of Engineers and the department for
203 minor work located in waters of the United States, including
204 navigable waters, thus eliminating, in appropriate cases, the
205 need for a separate individual approval from the United States
206 Army Corps of Engineers while ensuring the most stringent
207 protection of wetland resources.

208 (d) Direct the department not to seek issuance of or take
209 any action pursuant to any such permit or permits unless such
210 conditions are at least as protective of the environment and
211 natural resources as existing state law under this part and
212 federal law under the Clean Water Act and the Rivers and Harbors
213 Act of 1899. ~~The department is directed to develop, on or before~~
214 ~~October 1, 2005, a mechanism or plan to consolidate, to the~~
215 ~~maximum extent practicable, the federal and state wetland~~



737914

216 ~~permitting programs. It is the intent of the Legislature that~~
217 ~~all dredge and fill activities impacting 10 acres or less of~~
218 ~~wetlands or waters, including navigable waters, be processed by~~
219 ~~the state as part of the environmental resource permitting~~
220 ~~program implemented by the department and the water management~~
221 ~~districts. The resulting mechanism or plan shall analyze and~~
222 ~~propose the development of an expanded state programmatic~~
223 ~~general permit program in conjunction with the United States~~
224 ~~Army Corps of Engineers pursuant to s. 404 of the Clean Water~~
225 ~~Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,~~
226 ~~and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,~~
227 ~~or in combination with an expanded state programmatic general~~
228 ~~permit, the mechanism or plan may propose the creation of a~~
229 ~~series of regional general permits issued by the United States~~
230 ~~Army Corps of Engineers pursuant to the referenced statutes. All~~
231 ~~of the regional general permits must be administered by the~~
232 ~~department or the water management districts or their designees.~~

233 (2) In order to effectuate efficient wetland permitting and
234 avoid duplication, the department and water management districts
235 are authorized to implement a voluntary state programmatic
236 general permit for all dredge and fill activities impacting 3
237 acres or less of wetlands or other surface waters, including
238 navigable waters, subject to agreement with the United States
239 Army Corps of Engineers, if the general permit is at least as
240 protective of the environment and natural resources as existing
241 state law under this part and federal law under the Clean Water
242 Act and the Rivers and Harbors Act of 1899. ~~The department is~~
243 ~~directed to file with the Speaker of the House of~~
244 ~~Representatives and the President of the Senate a report~~



737914

245 ~~proposing any required federal and state statutory changes that~~
246 ~~would be necessary to accomplish the directives listed in this~~
247 ~~section and to coordinate with the Florida Congressional~~
248 ~~Delegation on any necessary changes to federal law to implement~~
249 ~~the directives.~~

250 (3) ~~Nothing in~~ This section may not shall be construed to
251 preclude the department from pursuing a series of regional
252 general permits for construction activities in wetlands or
253 surface waters or complete assumption of federal permitting
254 programs regulating the discharge of dredged or fill material
255 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,
256 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers
257 and Harbors Act of 1899, so long as the assumption encompasses
258 all dredge and fill activities in, on, or over jurisdictional
259 wetlands or waters, including navigable waters, within the
260 state.

261 Section 10. Subsection (11) of section 376.3071, Florida
262 Statutes, is amended to read:

263 376.3071 Inland Protection Trust Fund; creation; purposes;
264 funding.—

265 (11) SITE CLEANUP.—

266 (a) *Voluntary cleanup.*—~~Nothing in~~ This section shall does
267 not be deemed to prohibit a person from conducting site
268 rehabilitation either through his or her own personnel or
269 through responsible response action contractors or
270 subcontractors when such person is not seeking site
271 rehabilitation funding from the fund. Such voluntary cleanups
272 must meet all applicable environmental standards.

273 (b) *Low-scored site initiative.*—Notwithstanding s.



737914

274 376.30711, any site with a priority ranking score of 29 ~~10~~
275 points or less may voluntarily participate in the low-scored
276 site initiative, whether or not the site is eligible for state
277 restoration funding.

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

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

283 b. No excessively contaminated soil, as defined by
284 department rule, exists onsite as a result of a release of
285 petroleum products.

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

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

291 e. The area of groundwater containing the petroleum
292 products' chemicals of concern is less than one-quarter acre and
293 is confined to the source property boundaries of the real
294 property on which the discharge originated.

295 f. Soils onsite that are subject to human exposure found
296 between land surface and 2 feet below land surface meet the soil
297 cleanup target levels established by department rule or human
298 exposure is limited by appropriate institutional or engineering
299 controls.

300 2. Upon affirmative demonstration of the conditions under
301 subparagraph 1., the department shall issue a determination of
302 "No Further Action." Such determination acknowledges that



737914

303 minimal contamination exists onsite and that such contamination
304 is not a threat to human health or the environment. If no
305 contamination is detected, the department may issue a site
306 rehabilitation completion order.

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

310 a. A responsible party or property owner may submit an
311 assessment plan designed to affirmatively demonstrate that the
312 site meets the conditions under subparagraph 1. Notwithstanding
313 the priority ranking score of the site, the department may
314 preapprove the cost of the assessment pursuant to s. 376.30711,
315 including 6 months of groundwater monitoring, not to exceed
316 \$30,000 for each site. The department may not pay the costs
317 associated with the establishment of institutional or
318 engineering controls.

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

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

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

330 Section 11. Section 376.30715, Florida Statutes, is amended
331 to read:



737914

332 376.30715 Innocent victim petroleum storage system
333 restoration.—A contaminated site acquired by the current owner
334 prior to July 1, 1990, which has ceased operating as a petroleum
335 storage or retail business prior to January 1, 1985, is eligible
336 for financial assistance pursuant to s. 376.305(6),
337 notwithstanding s. 376.305(6)(a). For purposes of this section,
338 the term “acquired” means the acquisition of title to the
339 property; however, a subsequent transfer of the property to a
340 spouse or child of the owner, a surviving spouse or child of the
341 owner in trust or free of trust, ~~or~~ a revocable trust created
342 for the benefit of the settlor, or a corporate entity created by
343 the owner to hold title to the site does not disqualify the site
344 from financial assistance pursuant to s. 376.305(6) and
345 applicants previously denied coverage may reapply. Eligible
346 sites shall be ranked in accordance with s. 376.3071(5).

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

349 380.0657 Expedited permitting process for economic
350 development projects.—

351 (1) The Department of Environmental Protection and, as
352 appropriate, the water management districts created under
353 chapter 373 shall adopt programs to expedite the processing of
354 wetland resource and environmental resource permits for economic
355 development projects that have been identified by a municipality
356 or county as meeting the definition of target industry
357 businesses under s. 288.106, or any intermodal logistics center
358 receiving or sending cargo to or from Florida ports, with the
359 exception of those projects requiring approval by the Board of
360 Trustees of the Internal Improvement Trust Fund.



737914

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

363 403.061 Department; powers and duties.—The department shall
364 have the power and the duty to control and prohibit pollution of
365 air and water in accordance with the law and rules adopted and
366 promulgated by it and, for this purpose, to:

367 (11) Establish ambient air quality and water quality
368 standards for the state as a whole or for any part thereof, and
369 also standards for the abatement of excessive and unnecessary
370 noise. The department is authorized to establish reasonable
371 zones of mixing for discharges into waters. For existing
372 installations as defined by rule 62-520.200(10), Florida
373 Administrative Code, effective July 12, 2009, zones of discharge
374 to groundwater are authorized horizontally to a facility's or
375 owner's property boundary and extending vertically to the base
376 of a specifically designated aquifer or aquifers. Such zones of
377 discharge may be modified in accordance with procedures
378 specified in department rules. Exceedance of primary and
379 secondary groundwater standards that occur within a zone of
380 discharge does not create liability pursuant to this chapter or
381 chapter 376 for site cleanup, and the exceedance of soil cleanup
382 target levels is not a basis for enforcement or site cleanup.

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

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



737914

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

392 3. The discharge does not cause a measurable increase in
393 the degree of noncompliance with the standard at the boundary of
394 the mixing zone; and

395 4. The discharge otherwise complies with the mixing zone
396 provisions specified in department rules.

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

399 1. Sources that have received permits from the department
400 prior to April 1, 1982, or the date of designation, whichever is
401 later;

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

404 3. Discharges of water necessary for water management
405 purposes which have been approved by the governing board of a
406 water management district and, if required by law, by the
407 secretary; and

408 4. The discharge of demineralization concentrate which has
409 been determined permissible under s. 403.0882 and which meets
410 the specific provisions of s. 403.0882(4)(a) and (b), if the
411 proposed discharge is clearly in the public interest.

412 (c) The department, by rule, shall establish water quality
413 criteria for wetlands which criteria give appropriate
414 recognition to the water quality of such wetlands in their
415 natural state.

416

417 ~~Nothing in~~ This act may not shall be construed to
418 invalidate any existing department rule relating to mixing



737914

419 zones. The department shall cooperate with the Department of
420 Highway Safety and Motor Vehicles in the development of
421 regulations required by s. 316.272(1).
422

423 The department shall implement such programs in conjunction
424 with its other powers and duties and shall place special
425 emphasis on reducing and eliminating contamination that presents
426 a threat to humans, animals or plants, or to the environment.

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

429 403.087 Permits; general issuance; denial; revocation;
430 prohibition; penalty.-

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

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

437 (b) ~~Has~~ Violated law, department orders, rules, ~~or~~
438 ~~regulations~~, or ~~permit~~ conditions which directly relate to the
439 permit;

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

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

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



737914

448 403.1838 Small Community Sewer Construction Assistance
449 Act.—

450 (2) The department shall use funds specifically
451 appropriated to award grants under this section to assist
452 financially disadvantaged small communities with their needs for
453 adequate sewer facilities. For purposes of this section, the
454 term “financially disadvantaged small community” means a
455 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer
456 ~~less~~, according to the latest decennial census and a per capita
457 annual income less than the state per capita annual income as
458 determined by the United States Department of Commerce.

459 Section 16. Paragraph (f) of subsection (1) of section
460 403.7045, Florida Statutes, is amended to read:

461 403.7045 Application of act and integration with other
462 acts.—

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

465 (f) Industrial byproducts, if:

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

468 2. The industrial byproducts are not discharged, deposited,
469 injected, dumped, spilled, leaked, or placed upon any land or
470 water so that such industrial byproducts, or any constituent
471 thereof, may enter other lands or be emitted into the air or
472 discharged into any waters, including groundwaters, or otherwise
473 enter the environment such that a threat of contamination in
474 excess of applicable department standards and criteria or a
475 significant threat to public health is caused.

476 3. The industrial byproducts are not hazardous wastes as



737914

477 defined under s. 403.703 and rules adopted under this section.

478

479 Sludge from an industrial waste treatment works that meets
480 the exemption requirements of this paragraph is not solid waste
481 as defined in s. 403.703(32).

482 Section 17. Paragraph (a) of subsection (4) of section
483 403.706, Florida Statutes, is amended to read:

484 403.706 Local government solid waste responsibilities.—

485 (4) (a) In order to promote the production of renewable
486 energy from solid waste, each megawatt-hour produced by a
487 renewable energy facility using solid waste as a fuel shall
488 count as 1 ton of recycled material and shall be applied toward
489 meeting the recycling goals set forth in this section. If a
490 county creating renewable energy from solid waste implements and
491 maintains a program to recycle at least 50 percent of municipal
492 solid waste by a means other than creating renewable energy,
493 that county shall count 1.25 ~~2~~ tons of recycled material for
494 each megawatt-hour produced. If waste originates from a county
495 other than the county in which the renewable energy facility
496 resides, the originating county shall receive such recycling
497 credit. ~~Any county that has a debt service payment related to~~
498 ~~its waste-to-energy facility shall receive 1 ton of recycled~~
499 ~~materials credit for each ton of solid waste processed at the~~
500 ~~facility.~~ Any byproduct resulting from the creation of renewable
501 energy that is recycled shall count towards the county recycling
502 goals in accordance with the methods and criteria developed
503 pursuant to paragraph (2) (h) does not count as waste.

504 Section 18. Subsections (1), (2), and (3) of section
505 403.707, Florida Statutes, are amended to read:



737914

506 403.707 Permits.-

507 (1) A solid waste management facility may not be operated,
508 maintained, constructed, expanded, modified, or closed without
509 an appropriate and currently valid permit issued by the
510 department. The department may by rule exempt specified types of
511 facilities from the requirement for a permit under this part if
512 it determines that construction or operation of the facility is
513 not expected to create any significant threat to the environment
514 or public health. For purposes of this part, and only when
515 specified by department rule, a permit may include registrations
516 as well as other forms of licenses as defined in s. 120.52.
517 Solid waste construction permits issued under this section may
518 include any permit conditions necessary to achieve compliance
519 with the recycling requirements of this act. The department
520 shall pursue reasonable timeframes for closure and construction
521 requirements, considering pending federal requirements and
522 implementation costs to the permittee. The department shall
523 adopt a rule establishing performance standards for construction
524 and closure of solid waste management facilities. The standards
525 shall allow flexibility in design and consideration for site-
526 specific characteristics. For the purpose of permitting under
527 this chapter, the department shall allow waste-to-energy
528 facilities to maximize acceptance and processing of nonhazardous
529 solid and liquid waste.

530 (2) Except as provided in s. 403.722(6), a permit under
531 this section is not required for the following, ~~if the activity~~
532 ~~does not create a public nuisance or any condition adversely~~
533 ~~affecting the environment or public health and does not violate~~
534 ~~other state or local laws, ordinances, rules, regulations, or~~



737914

535 ~~orders:~~

536 (a) Disposal by persons of solid waste resulting from their
537 own activities on their own property, if such waste is ordinary
538 household waste from their residential property or is rocks,
539 soils, trees, tree remains, and other vegetative matter that
540 normally result from land development operations. Disposal of
541 materials that could create a public nuisance or adversely
542 affect the environment or public health, such as white goods;
543 automotive materials, such as batteries and tires; petroleum
544 products; pesticides; solvents; or hazardous substances, is not
545 covered under this exemption.

546 (b) Storage in containers by persons of solid waste
547 resulting from their own activities on their property, leased or
548 rented property, or property subject to a homeowners' ~~homeowners~~
549 or maintenance association for which the person contributes
550 association assessments, if the solid waste in such containers
551 is collected at least once a week.

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

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

558 2. Addressed or authorized by, or exempted from the
559 requirement to obtain, a groundwater monitoring plan approved by
560 the department. If a facility has a permit authorizing disposal
561 activity, new areas where solid waste is being disposed of which
562 are monitored by an existing or modified groundwater monitoring
563 plan are not required to be specifically authorized in a permit



737914

564 or other certification.

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

568 (e) Disposal of solid waste resulting from normal farming
569 operations as defined by department rule. Polyethylene
570 agricultural plastic, damaged, nonsalvageable, untreated wood
571 pallets, and packing material that cannot be feasibly recycled,
572 which are used in connection with agricultural operations
573 related to the growing, harvesting, or maintenance of crops, may
574 be disposed of by open burning if a public nuisance or any
575 condition adversely affecting the environment or the public
576 health is not created by the open burning and state or federal
577 ambient air quality standards are not violated.

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

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

586 (3) (a) All applicable provisions of ss. 403.087 and
587 403.088, relating to permits, apply to the control of solid
588 waste management facilities.

589 (b) A permit, including a general permit, issued to a solid
590 waste management facility that is designed with a leachate
591 control system meeting department requirements shall be issued
592 for a term of 20 years unless the applicant requests a shorter



737914

593 permit term. This paragraph applies to a qualifying solid waste
594 management facility that applies for an operating or
595 construction permit or renews an existing operating or
596 construction permit on or after October 1, 2012.

597 (c) A permit, including a general permit, but not including
598 a registration, issued to a solid waste management facility that
599 does not have a leachate control system meeting department
600 requirements shall be renewed for a term of 10 years, unless the
601 applicant requests a shorter permit term, if the following
602 conditions are met:

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

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

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

611 b. The department has not notified the applicant that it is
612 required to implement assessment or evaluation monitoring as a
613 result of exceedances of applicable groundwater standards or
614 criteria or, if applicable, the applicant is completing
615 corrective actions in accordance with applicable department
616 rules; and

617 c. The applicant is in compliance with the applicable
618 financial assurance requirements.

619 (d) The department may adopt rules to administer this
620 subsection. However, the department is not required to submit
621 such rules to the Environmental Regulation Commission for



737914

622 approval. Notwithstanding the limitations of s. 403.087(6)(a),
623 permit fee caps for solid waste management facilities shall be
624 prorated to reflect the extended permit term authorized by this
625 subsection.

626 Section 19. Section 403.7125, Florida Statutes, is amended
627 to read:

628 403.7125 Financial assurance ~~for closure.~~

629 (1) Every owner or operator of a landfill is jointly and
630 severally liable for the improper operation and closure of the
631 landfill, as provided by law. As used in this section, the term
632 "owner or operator" means any owner of record of any interest in
633 land wherein a landfill is or has been located and any person or
634 corporation that owns a majority interest in any other
635 corporation that is the owner or operator of a landfill.

636 (2) The owner or operator of a landfill owned or operated
637 by a local or state government or the Federal Government shall
638 establish a fee, or a surcharge on existing fees or other
639 appropriate revenue-producing mechanism, to ensure the
640 availability of financial resources for the proper closure of
641 the landfill. However, the disposal of solid waste by persons on
642 their own property, as described in s. 403.707(2), is exempt
643 from this section.

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

647 (b) The revenue shall be deposited in an interest-bearing
648 escrow account to be held and administered by the owner or
649 operator. The owner or operator shall file with the department
650 an annual audit of the account. The audit shall be conducted by



737914

651 an independent certified public accountant. Failure to collect
652 or report such revenue, except as allowed in subsection (3), is
653 a noncriminal violation punishable by a fine of not more than
654 \$5,000 for each offense. The owner or operator may make
655 expenditures from the account and its accumulated interest only
656 for the purpose of landfill closure and, if such expenditures do
657 not deplete the fund to the detriment of eventual closure, for
658 planning and construction of resource recovery or landfill
659 facilities. Any moneys remaining in the account after paying for
660 proper and complete closure, as determined by the department,
661 shall, if the owner or operator does not operate a landfill, be
662 deposited by the owner or operator into the general fund or the
663 appropriate solid waste fund of the local government of
664 jurisdiction.

665 (c) The revenue generated under this subsection and any
666 accumulated interest thereon may be applied to the payment of,
667 or pledged as security for, the payment of revenue bonds issued
668 in whole or in part for the purpose of complying with state and
669 federal landfill closure requirements. Such application or
670 pledge may be made directly in the proceedings authorizing such
671 bonds or in an agreement with an insurer of bonds to assure such
672 insurer of additional security therefor.

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

677 (e) The owner or operator of any landfill that had
678 established an escrow account in accordance with this section
679 and the conditions of its permit prior to January 1, 2007, may



737914

680 continue to use that escrow account to provide financial
681 assurance for closure of that landfill, even if that landfill is
682 not owned or operated by a local or state government or the
683 Federal Government.

684 (3) An owner or operator of a landfill owned or operated by
685 a local or state government or by the Federal Government may
686 provide financial assurance to the department in lieu of the
687 requirements of subsection (2). An owner or operator of any
688 other landfill, or any other solid waste management facility
689 designated by department rule, shall provide financial assurance
690 to the department for the closure of the facility. Such
691 financial assurance may include surety bonds, certificates of
692 deposit, securities, letters of credit, or other documents
693 showing that the owner or operator has sufficient financial
694 resources to cover, at a minimum, the costs of complying with
695 applicable closure requirements. The owner or operator shall
696 estimate such costs to the satisfaction of the department.

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

701 (5) The department shall by rule require that the owner or
702 operator of a solid waste management facility that receives
703 waste after October 9, 1993, and that is required by department
704 rule to undertake corrective actions for violations of water
705 quality standards provide financial assurance for the cost of
706 completing such corrective actions. The same financial assurance
707 mechanisms that are available for closure costs shall be
708 available for costs associated with undertaking corrective



737914

709 actions.

710 (6)~~(5)~~ The department shall adopt rules to implement this
711 section.

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

714 403.814 General permits; delegation.—

715 (12) A general permit is granted for the construction,
716 alteration, and maintenance of a storm water management system
717 serving a total project area of up to 10 acres. When the storm
718 water management system is designed, operated and maintained in
719 accordance with applicable rules adopted pursuant to part IV of
720 Chapter 373, there shall be a rebuttable presumption that the
721 discharge for such systems will comply with state water quality
722 standards. The construction of such a system may proceed without
723 any further agency action by the department or water management
724 district if within 30 days of commencement of construction, an
725 electronic self-certification is submitted to the department or
726 water management district that certifies the proposed system was
727 designed by a Florida registered professional to meet all of the
728 requirements listed in 12(a)-(f) below:

729 (a) The total project involves less than 10 acres and less
730 than 2 acres of impervious surface;

731 (b) No activities will impact wetlands or other surface
732 waters;

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

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



737914

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

740 (f) The project does not:

741 1. Cause adverse water quantity or flooding impacts to
742 receiving water and adjacent lands;

743 2. Cause adverse impacts to existing surface water storage
744 and conveyance capabilities;

745 3. Cause a violation of state water quality standards; and

746 4. Cause an adverse impact to the maintenance of surface or
747 ground water levels or surface water flows established pursuant
748 to s. 373.042 or a work of the district established pursuant to
749 s. 373.086.

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

752 403.853 Drinking water standards.—

753 (6) Upon the request of the owner or operator of a
754 transient noncommunity water system using groundwater as a
755 source of supply and serving religious institutions or
756 businesses, other than restaurants or other public food service
757 establishments or religious institutions with school or day care
758 services, and using groundwater as a source of supply, the
759 department, or a local county health department designated by
760 the department, shall perform a sanitary survey of the facility.
761 Upon receipt of satisfactory survey results according to
762 department criteria, the department shall reduce the
763 requirements of such owner or operator from monitoring and
764 reporting on a quarterly basis to performing these functions on
765 an annual basis. Any revised monitoring and reporting schedule
766 approved by the department under this subsection shall apply



737914

767 until such time as a violation of applicable state or federal
768 primary drinking water standards is determined by the system
769 owner or operator, by the department, or by an agency designated
770 by the department, after a random or routine sanitary survey.
771 Certified operators are not required for transient noncommunity
772 water systems of the type and size covered by this subsection.
773 Any reports required of such system shall be limited to the
774 minimum as required by federal law. When not contrary to the
775 provisions of federal law, the department may, upon request and
776 by rule, waive additional provisions of state drinking water
777 regulations for such systems.

778 Section 22. Paragraph (a) of subsection (3) and subsections
779 (4), (5), (10), (11), (14), (15), and (18) of section 403.973,
780 Florida Statutes, are amended to read:

781 403.973 Expedited permitting; amendments to comprehensive
782 plans.—

783 (3)(a) The secretary shall direct the creation of regional
784 permit action teams for the purpose of expediting review of
785 permit applications and local comprehensive plan amendments
786 submitted by:

787 1. Businesses creating at least 50 jobs or a commercial or
788 industrial development project that will be occupied by
789 businesses that would individually or collectively create at
790 least 50 jobs; or

791 2. Businesses creating at least 25 jobs if the project is
792 located in an enterprise zone, or in a county having a
793 population of fewer than 75,000 or in a county having a
794 population of fewer than 125,000 which is contiguous to a county
795 having a population of fewer than 75,000, as determined by the



737914

796 most recent decennial census, residing in incorporated and
797 unincorporated areas of the county.

798 (4) The regional teams shall be established through the
799 execution of a project-specific memoranda of agreement developed
800 and executed by the applicant and the secretary, with input
801 solicited from ~~the Department of Economic Opportunity~~ and the
802 respective heads of the Department of Transportation and its
803 district offices, the Department of Agriculture and Consumer
804 Services, the Fish and Wildlife Conservation Commission,
805 appropriate regional planning councils, appropriate water
806 management districts, and voluntarily participating
807 municipalities and counties. The memoranda of agreement should
808 also accommodate participation in this expedited process by
809 other local governments and federal agencies as circumstances
810 warrant.

811 (5) In order to facilitate local government's option to
812 participate in this expedited review process, the secretary
813 shall, in cooperation with local governments and participating
814 state agencies, create a standard form memorandum of agreement.
815 The standard form of the memorandum of agreement shall be used
816 only if the local government participates in the expedited
817 review process. In the absence of local government
818 participation, only the project-specific memorandum of agreement
819 executed pursuant to subsection (4) applies. A local government
820 shall hold a duly noticed public workshop to review and explain
821 to the public the expedited permitting process and the terms and
822 conditions of the standard form memorandum of agreement.

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



737914

825 procedures, or time limits for the review or processing of
826 permit applications under the jurisdiction of those agencies
827 that are members of the regional permit action team ~~party to the~~
828 ~~memoranda of agreement~~. Notwithstanding any other provision of
829 law to the contrary, a memorandum of agreement must to the
830 extent feasible provide for proceedings and hearings otherwise
831 held separately ~~by the parties to the memorandum of agreement~~ to
832 be combined into one proceeding or held jointly and at one
833 location. Such waivers or modifications are not authorized ~~shall~~
834 ~~not be available~~ for permit applications governed by federally
835 delegated or approved permitting programs, the requirements of
836 which would prohibit, or be inconsistent with, such a waiver or
837 modification.

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

842 (a) A central contact point for filing permit applications
843 and local comprehensive plan amendments and for obtaining
844 information on permit and local comprehensive plan amendment
845 requirements. ~~†~~

846 (b) Identification of the individual or individuals within
847 each respective agency who will be responsible for processing
848 the expedited permit application or local comprehensive plan
849 amendment for that agency. ~~†~~

850 (c) A mandatory preapplication review process to reduce
851 permitting conflicts by providing guidance to applicants
852 regarding the permits needed from each agency and governmental
853 entity, site planning and development, site suitability and



737914

854 limitations, facility design, and steps the applicant can take
855 to ensure expeditious permit application and local comprehensive
856 plan amendment review. As a part of this process, the first
857 interagency meeting to discuss a project shall be held within 14
858 days after the secretary's determination that the project is
859 eligible for expedited review. Subsequent interagency meetings
860 may be scheduled to accommodate the needs of participating local
861 governments that are unable to meet public notice requirements
862 for executing a memorandum of agreement within this timeframe.
863 This accommodation may not exceed 45 days from the secretary's
864 determination that the project is eligible for expedited
865 review.~~†~~

866 (d) The preparation of a single coordinated project
867 description form and checklist and an agreement by state and
868 regional agencies to reduce the burden on an applicant to
869 provide duplicate information to multiple agencies.~~†~~

870 (e) Establishment of a process for the adoption and review
871 of any comprehensive plan amendment needed by any certified
872 project within 90 days after the submission of an application
873 for a comprehensive plan amendment. However, the memorandum of
874 agreement may not prevent affected persons as defined in s.
875 163.3184 from appealing or participating in this expedited plan
876 amendment process and any review or appeals of decisions made
877 under this paragraph.~~†~~~~and~~

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

880 (14) (a) Challenges to state agency action in the expedited
881 permitting process for projects processed under this section are
882 subject to the summary hearing provisions of s. 120.574, except



737914

883 that the administrative law judge's decision, as provided in s.
884 120.574(2)(f), shall be in the form of a recommended order and
885 do not constitute the final action of the state agency. In those
886 proceedings where the action of only one agency of the state
887 other than the Department of Environmental Protection is
888 challenged, the agency of the state shall issue the final order
889 within 45 working days after receipt of the administrative law
890 judge's recommended order, and the recommended order shall
891 inform the parties of their right to file exceptions or
892 responses to the recommended order in accordance with the
893 uniform rules of procedure pursuant to s. 120.54. In those
894 proceedings where the actions of more than one agency of the
895 state are challenged, the Governor shall issue the final order
896 within 45 working days after receipt of the administrative law
897 judge's recommended order, and the recommended order shall
898 inform the parties of their right to file exceptions or
899 responses to the recommended order in accordance with the
900 uniform rules of procedure pursuant to s. 120.54. For This
901 ~~paragraph does not apply to~~ the issuance of department licenses
902 required under any federally delegated or approved permit
903 program. In such instances, the department, and not the
904 Governor, shall enter the final order. The participating
905 agencies of the state may opt at the preliminary hearing
906 conference to allow the administrative law judge's decision to
907 constitute the final agency action.

908 (b) Projects identified in paragraph (3)(f) or challenges
909 to state agency action in the expedited permitting process for
910 establishment of a state-of-the-art biomedical research
911 institution and campus in this state by the grantee under s.



737914

912 288.955 are subject to the same requirements as challenges
913 brought under paragraph (a), except that, notwithstanding s.
914 120.574, summary proceedings must be conducted within 30 days
915 after a party files the motion for summary hearing, regardless
916 of whether the parties agree to the summary proceeding.

917 (15) The Department of Economic Opportunity, working with
918 the agencies providing cooperative assistance and input
919 regarding the memoranda of agreement, shall review sites
920 proposed for the location of facilities that the Department of
921 Economic Opportunity has certified to be eligible for the
922 Innovation Incentive Program under s. 288.1089. Within 20 days
923 after the request for the review by the Department of Economic
924 Opportunity, the agencies shall provide to the Department of
925 Economic Opportunity a statement as to each site's necessary
926 permits under local, state, and federal law and an
927 identification of significant permitting issues, which if
928 unresolved, may result in the denial of an agency permit or
929 approval or any significant delay caused by the permitting
930 process.

931 (18) The Department of Economic Opportunity, working with
932 the Rural Economic Development Initiative ~~and the agencies~~
933 ~~participating in the memoranda of agreement~~, shall provide
934 technical assistance in preparing permit applications and local
935 comprehensive plan amendments for counties having a population
936 of fewer than 75,000 residents, or counties having fewer than
937 125,000 residents which are contiguous to counties having fewer
938 than 75,000 residents. Additional assistance may include, but
939 not be limited to, guidance in land development regulations and
940 permitting processes, working cooperatively with state,



737914

941 regional, and local entities to identify areas within these
942 counties which may be suitable or adaptable for preclearance
943 review of specified types of land uses and other activities
944 requiring permits.

945 Section 23. Subsection (1) of section 526.203, Florida
946 Statutes, is amended, and subsection (5) is added to that
947 section, to read:

948 526.203 Renewable fuel standard.—

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

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

952 (b) "Blended gasoline" means a mixture of 90 to 91 percent
953 gasoline and 9 to 10 percent fuel ethanol or other alternative
954 fuel, by volume, that meets the specifications as adopted by the
955 department. The fuel ethanol or other alternative fuel portion
956 may be derived from any agricultural source.

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

960 (d) "Alternative fuel" means a fuel produced from biomass
961 that is used to replace or reduce the quantity of fossil fuel
962 present in a petroleum fuel that meets the specifications as
963 adopted by the department. "Biomass" means biomass as defined in
964 s. 366.91 and "alternative fuel" means alternative fuel as
965 defined in s. 525.01(1)(c) and that is suitable for blending
966 with gasoline.

967 (e) ~~(d)~~ "Unblended gasoline" means gasoline that has not
968 been blended with fuel ethanol and that meets the specifications
969 as adopted by the department.



737914

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

973 Section 24. The holder of a valid permit or other
974 authorization is not required to make a payment to the
975 authorizing agency for use of an extension granted under section
976 73 or section 79 of chapter 2011-139, Laws of Florida. This
977 section applies retroactively and is effective as of June 2,
978 2011.

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

980

981

982 ===== T I T L E A M E N D M E N T =====

983 And the title is amended as follows:

984 Delete everything before the enacting clause
985 and insert:

986 A bill to be entitled

987 An act relating to environmental regulation; amending s.
988 125.022, F.S.; prohibiting a county from requiring an applicant
989 to obtain a permit or approval from any state or federal agency
990 as a condition of processing a development permit under certain
991 conditions; authorizing a county to attach certain disclaimers
992 to the issuance of a development permit; amending s. 161.041,
993 F.S.; providing conditions under which the department is
994 authorized to issue such permits in advance of the issuance of
995 incidental take authorizations as provided under the Endangered
996 Species Act; amending s. 166.033, F.S.; prohibiting a
997 municipality from requiring an applicant to obtain a permit or
998 approval from any state or federal agency as a condition of



999 processing a development permit under certain conditions;
1000 authorizing a municipality to attach certain disclaimers to the
1001 issuance of a development permit; amending s. 218.075, F.S.;
1002 providing for the reduction or waiver of permit processing fees
1003 relating to projects that serve a public purpose for certain
1004 entities created by special act, local ordinance, or interlocal
1005 agreement; amending s. 258.397, F.S.; providing an exemption
1006 from a showing of extreme hardship relating to the sale,
1007 transfer, or lease of sovereignty submerged lands in the
1008 Biscayne Bay Aquatic Preserve for certain municipal applicants;
1009 amending s. 373.026, F.S.; requiring the department to expand
1010 its use of Internet-based self-certification services for
1011 exemptions and permits issued by the department and water
1012 management districts; amending s. 373.326, F.S.; exempting
1013 certain underground injection control wells from permitting
1014 requirements under part III of chapter 373, F.S., relating to
1015 regulation of wells; providing a requirement for the
1016 construction of such wells; amending s. 373.4141, F.S.; reducing
1017 the time within which a permit must be approved, denied, or
1018 subject to notice of proposed agency action; prohibiting a state
1019 agency or an agency of the state from requiring additional
1020 permits or approval from a local, state, or federal agency
1021 without explicit authority; amending s. 373.4144, F.S.;
1022 providing legislative intent with respect to the coordination of
1023 regulatory duties among specified state and federal agencies;
1024 encouraging expanded use of the state programmatic general
1025 permit or regional general permits; providing for a voluntary
1026 state programmatic general permit for certain dredge and fill
1027 activities; amending s. 376.3071, F.S.; increasing the priority



737914

1028 ranking score for participation in the low-scored site
1029 initiative; exempting program deductibles, copayments, and
1030 certain assessment report requirements from expenditures under
1031 the low-scored site initiative; amending s. 376.30715, F.S.;
1032 providing that the transfer of a contaminated site from an owner
1033 to a child of the owner or corporate entity does not disqualify
1034 the site from the innocent victim petroleum storage system
1035 restoration financial assistance program; authorizing certain
1036 applicants to reapply for financial assistance; amending s.
1037 380.0657, F.S.; authorizing expedited permitting for certain
1038 inland multimodal facilities that individually or collectively
1039 will create a minimum number of jobs; amending s. 403.061, F.S.;
1040 authorizing zones of discharges to groundwater for specified
1041 installations; providing for modification of such zones of
1042 discharge; providing that exceedance of certain groundwater
1043 standards does not create liability for site cleanup; providing
1044 that exceedance of soil cleanup target levels is not a basis for
1045 enforcement or cleanup; amending s. 403.087, F.S.; revising
1046 conditions under which the department is authorized to revoke
1047 permits for sources of air and water pollution; amending s.
1048 403.1838, F.S.; revising the definition of the term "financially
1049 disadvantaged small community" for the purposes of the Small
1050 Community Sewer Construction Assistance Act; amending s.
1051 403.7045, F.S.; providing conditions under which sludge from an
1052 industrial waste treatment works is not solid waste; amending s.
1053 403.706, F.S.; reducing the amount of recycled materials certain
1054 counties are required to apply toward state recycling goals;
1055 providing that certain renewable energy byproducts count toward
1056 state recycling goals; amending s. 403.707, F.S.; providing for



1057 waste-to-energy facilities to maximize acceptance and processing
1058 of nonhazardous solid and liquid waste; exempting the disposal
1059 of solid waste monitored by certain groundwater monitoring plans
1060 from specific authorization; specifying a permit term for solid
1061 waste management facilities designed with leachate control
1062 systems that meet department requirements; requiring permit fees
1063 to be adjusted; providing applicability; specifying a permit
1064 term for solid waste management facilities that do not have
1065 leachate control systems meeting department requirements under
1066 certain conditions; authorizing the department to adopt rules;
1067 providing that the department is not required to submit the
1068 rules to the Environmental Regulation Commission for approval;
1069 requiring permit fee caps to be prorated; amending s. 403.7125,
1070 F.S.; requiring the department to require by rule that owners or
1071 operators of solid waste management facilities receiving waste
1072 after October 9, 1993, provide financial assurance for the cost
1073 of completing certain corrective actions; amending s. 403.814,
1074 F.S.; providing for issuance of general permits for the
1075 construction, alteration, and maintenance of certain surface
1076 water management systems without the action of the department or
1077 a water management district; specifying conditions for the
1078 general permits; amending s. 403.853, F.S.; providing for the
1079 department, or a local county health department designated by
1080 the department, to perform sanitary surveys for certain
1081 transient noncommunity water systems; amending s. 403.973, F.S.;
1082 authorizing expedited permitting for certain commercial or
1083 industrial development projects that individually or
1084 collectively will create a minimum number of jobs; providing for
1085 a project-specific memorandum of agreement to apply to a project



737914

1086 subject to expedited permitting; clarifying the authority of the
1087 department to enter final orders for the issuance of certain
1088 licenses; revising criteria for the review of certain sites;
1089 amending s. 526.203, F.S.; revising the definitions of the terms
1090 "blended gasoline" and "unblended gasoline"; defining the term
1091 "alternative fuel"; authorizing the sale of unblended fuels for
1092 certain uses; providing that holders of valid permits or other
1093 authorizations are not required to make payments to authorizing
1094 agencies for use of certain extensions granted under chapter
1095 2011-139, Laws of Florida; providing an effective date.
1096