

By Senator Bennett

21-00696-12

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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; creating s.  
9           161.032, F.S.; requiring that the Department of  
10          Environmental Protection review an application for  
11          certain permits under the Beach and Shore Preservation  
12          Act and request additional information within a  
13          specified time; requiring that the department proceed  
14          to process the application if the applicant believes  
15          that a request for additional information is not  
16          authorized by law or rule; extending the period for an  
17          applicant to timely submit additional information,  
18          notwithstanding certain provisions of the  
19          Administrative Procedure Act; authorizing the  
20          department to issue such permits in advance of the  
21          issuance of certain authorizations as provided for in  
22          the Endangered Species Act under certain conditions;  
23          amending s. 161.041, F.S.; prohibiting the department  
24          from requiring certain sediment quality specifications  
25          or turbidity standards as a permit condition;  
26          providing legislative intent with respect to  
27          permitting for beach renourishment projects; directing  
28          the department to amend specified rules relating to  
29          permitting for such projects; amending s. 163.3180,

21-00696-12

2012716

30 F.S.; providing an exemption to the level-of-service  
31 standards adopted under the Strategic Intermodal  
32 System for certain inland multimodal facilities;  
33 specifying project criteria; amending s. 166.033,  
34 F.S.; prohibiting a municipality from requiring an  
35 applicant to obtain a permit or approval from any  
36 state or federal agency as a condition of processing a  
37 development permit under certain conditions;  
38 authorizing a municipality to attach certain  
39 disclaimers to the issuance of a development permit;  
40 amending s. 218.075, F.S.; providing for the reduction  
41 or waiver of permit processing fees relating to  
42 projects that serve a public purpose for certain  
43 entities created by special act, local ordinance, or  
44 interlocal agreement; amending s. 258.397, F.S.;

45 providing an exemption from a showing of extreme  
46 hardship relating to the sale, transfer, or lease of  
47 sovereignty submerged lands in the Biscayne Bay  
48 Aquatic Preserve for certain municipal applicants;  
49 providing for additional dredging and filling  
50 activities in the preserve; amending s. 373.026, F.S.;

51 requiring the department to expand its use of  
52 Internet-based self-certification services for  
53 exemptions and permits issued by the department and  
54 water management districts; amending s. 373.4141,  
55 F.S.; reducing the time within which a permit must be  
56 approved, denied, or subject to notice of proposed  
57 agency action; prohibiting a state agency or an agency  
58 of the state from requiring additional permits or

21-00696-12

2012716

59 approval from a local, state, or federal agency  
60 without explicit authority; amending s. 373.4144,  
61 F.S.; providing legislative intent with respect to the  
62 coordination of regulatory duties among specified  
63 state and federal agencies; encouraging expanded use  
64 of the state programmatic general permit or regional  
65 general permits; providing for a voluntary state  
66 programmatic general permit for certain dredge and  
67 fill activities; amending s. 373.441, F.S.; requiring  
68 that certain counties or municipalities apply by a  
69 specified date to the department or water management  
70 district for authority to require certain permits;  
71 providing that following such delegation, the  
72 department or district may not regulate activities  
73 that are subject to the delegation; clarifying the  
74 authority of local governments to adopt pollution  
75 control programs under certain conditions; providing  
76 applicability with respect to solid mineral mining;  
77 amending s. 376.3071, F.S.; exempting program  
78 deductibles, copayments, and certain assessment report  
79 requirements from expenditures under the low-scored  
80 site initiative; amending s. 376.30715, F.S.;  
81 providing that the transfer of a contaminated site  
82 from an owner to a child of the owner or corporate  
83 entity does not disqualify the site from the innocent  
84 victim petroleum storage system restoration financial  
85 assistance program; authorizing certain applicants to  
86 reapply for financial assistance; amending s.  
87 380.0657, F.S.; authorizing expedited permitting for

21-00696-12

2012716

88 certain inland multimodal facilities that individually  
89 or collectively will create a minimum number of jobs;  
90 amending s. 403.061, F.S.; requiring the department to  
91 establish reasonable zones of mixing for discharges  
92 into specified waters; providing that exceedance of  
93 certain groundwater standards does not create  
94 liability for site cleanup; providing that exceedance  
95 of soil cleanup target levels is not a basis for  
96 enforcement or cleanup; amending s. 403.087, F.S.;

97 revising conditions under which the department is  
98 authorized to revoke permits for sources of air and  
99 water pollution; amending s. 403.1838, F.S.; revising  
100 the definition of the term "financially disadvantaged  
101 small community" for the purposes of the Small  
102 Community Sewer Construction Assistance Act; amending  
103 s. 403.7045, F.S.; providing conditions under which  
104 sludge from an industrial waste treatment works is not  
105 solid waste; amending s. 403.707, F.S.; exempting the  
106 disposal of solid waste monitored by certain  
107 groundwater monitoring plans from specific  
108 authorization; extending the duration of all permits  
109 issued to solid waste management facilities that meet  
110 specified criteria; providing an exception; providing  
111 for prorated permit fees; providing applicability;  
112 amending s. 403.814, F.S.; providing for issuance of  
113 general permits for the construction, alteration, and  
114 maintenance of certain surface water management  
115 systems without the action of the department or a  
116 water management district; specifying conditions for

21-00696-12

2012716

117 the general permits; amending s. 403.853, F.S.;

118 providing for the department, or a local county health

119 department designated by the department, to perform

120 sanitary surveys for certain transient noncommunity

121 water systems; amending s. 403.973, F.S.; authorizing

122 expedited permitting for certain commercial or

123 industrial development projects that individually or

124 collectively will create a minimum number of jobs;

125 providing for a project-specific memorandum of

126 agreement to apply to a project subject to expedited

127 permitting; clarifying the authority of the department

128 to enter final orders for the issuance of certain

129 licenses; revising criteria for the review of certain

130 sites; amending s. 526.203, F.S.; authorizing the sale

131 of unblended fuels for certain uses; revising the

132 deadline for completion of the installation of fuel

133 tank upgrades to secondary containment systems for

134 specified properties; providing an effective date.

135

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

137

138 Section 1. Section 125.022, Florida Statutes, is amended to

139 read:

140 125.022 Development permits.—When a county denies an

141 application for a development permit, the county shall give

142 written notice to the applicant. The notice must include a

143 citation to the applicable portions of an ordinance, rule,

144 statute, or other legal authority for the denial of the permit.

145 As used in this section, the term "development permit" has the

21-00696-12

2012716

146 same meaning as in s. 163.3164. A county may not require as a  
147 condition of processing a development permit that an applicant  
148 obtain a permit or approval from any state or federal agency  
149 unless the agency has issued a notice of intent to deny the  
150 federal or state permit before the county action on the local  
151 development permit. Issuance of a development permit by a county  
152 does not in any way create any rights on the part of the  
153 applicant to obtain a permit from a state or federal agency and  
154 does not create any liability on the part of the county for  
155 issuance of the permit if the applicant fails to fulfill its  
156 legal obligations to obtain requisite approvals or fulfill the  
157 obligations imposed by a state or federal agency. A county may  
158 attach such a disclaimer to the issuance of a development  
159 permit, and may include a permit condition that all other  
160 applicable state or federal permits be obtained before  
161 commencement of the development. This section does not prohibit  
162 a county from providing information to an applicant regarding  
163 what other state or federal permits may apply.

164 Section 2. Section 161.032, Florida Statutes, is created to  
165 read:

166 161.032 Application review; request for additional  
167 information.-

168 (1) Within 30 days after receipt of an application for a  
169 permit under this part, the department shall review the  
170 application and shall request submission of any additional  
171 information the department is permitted by law to require. If  
172 the applicant believes that a request for additional information  
173 is not authorized by law or rule, the applicant may request a  
174 hearing pursuant to s. 120.57. Within 30 days after receipt of

21-00696-12

2012716

175 such additional information, the department shall review the  
176 additional information and may request only that information  
177 needed to clarify the additional information or to answer new  
178 questions raised by or directly related to the additional  
179 information. If the applicant believes that the request for  
180 additional information by the department is not authorized by  
181 law or rule, the department, at the applicant's request, shall  
182 proceed to process the permit application.

183 (2) Notwithstanding s. 120.60, an applicant for a permit  
184 under this part has 90 days after the date of a timely request  
185 for additional information to submit the information. If an  
186 applicant requires more than 90 days in order to respond to a  
187 request for additional information, the applicant must notify  
188 the agency processing the permit application in writing of the  
189 circumstances, at which time the application shall be held in  
190 active status for no more than one additional period of up to 90  
191 days. Additional extensions may be granted for good cause shown  
192 by the applicant. A showing that the applicant is making a  
193 diligent effort to obtain the requested additional information  
194 constitutes good cause. Failure of an applicant to provide the  
195 timely requested information by the applicable deadline shall  
196 result in denial of the application without prejudice.

197 (3) Notwithstanding any other provision of law, the  
198 department may issue a permit pursuant to this part in advance  
199 of the issuance of any incidental take authorization as provided  
200 for in the Endangered Species Act and its implementing  
201 regulations if the permit and authorization include a condition  
202 that authorized activities may not begin until the incidental  
203 take authorization is issued.

21-00696-12

2012716

204 Section 3. Subsections (5) and (6) are added to section  
205 161.041, Florida Statutes, to read:

206 161.041 Permits required.—

207 (5) The department may not require as a permit condition  
208 sediment quality specifications or turbidity standards more  
209 stringent than those provided for in this chapter, chapter 373,  
210 or the Florida Administrative Code. The department may not issue  
211 guidelines that are enforceable as standards without going  
212 through the rulemaking process pursuant to chapter 120.

213 (6) As an incentive for permit applicants, it is the  
214 Legislature's intent to simplify the permitting for periodic  
215 maintenance of beach renourishment projects previously permitted  
216 and restored under the joint coastal permit process pursuant to  
217 this section or part IV of chapter 373. The department shall  
218 amend chapters 62B-41 and 62B-49 of the Florida Administrative  
219 Code to streamline the permitting process, as necessary, for  
220 periodic maintenance projects.

221 Section 4. Subsection (7) is added to section 163.3180,  
222 Florida Statutes, to read:

223 163.3180 Concurrency.—

224 (7) There shall be a limited exemption from the Strategic  
225 Intermodal System adopted level-of-service standards for new or  
226 redevelopment projects consistent with the local comprehensive  
227 plan as inland multimodal facilities receiving or sending cargo  
228 for distribution and providing cargo storage, consolidation,  
229 repackaging, and transfer of goods, and which may, if developed  
230 as proposed, include other intermodal terminals, related  
231 transportation facilities, warehousing and distribution  
232 facilities, and associated office space, light industrial,



21-00696-12

2012716

233 manufacturing, and assembly uses. The limited exemption applies  
234 if the project meets all of the following criteria:

235 (a) The project will not cause the adopted level-of-service  
236 standards for the Strategic Intermodal System facilities to be  
237 exceeded by more than 150 percent within the first 5 years of  
238 the project's development.

239 (b) The project, upon completion, would result in the  
240 creation of at least 50 full-time jobs.

241 (c) The project is compatible with existing and planned  
242 adjacent land uses.

243 (d) The project is consistent with local and regional  
244 economic development goals or plans.

245 (e) The project is proximate to regionally significant road  
246 and rail transportation facilities.

247 (f) The project is proximate to a community having an  
248 unemployment rate, as of the date of the development order  
249 application, which is 10 percent or more above the statewide  
250 reported average.

251 (g) The local government has a plan, developed in  
252 consultation with the Department of Transportation, for  
253 mitigating any impacts to the strategic intermodal system.

254 Section 5. Section 166.033, Florida Statutes, is amended to  
255 read:

256 166.033 Development permits.—When a municipality denies an  
257 application for a development permit, the municipality shall  
258 give written notice to the applicant. The notice must include a  
259 citation to the applicable portions of an ordinance, rule,  
260 statute, or other legal authority for the denial of the permit.  
261 As used in this section, the term "development permit" has the

21-00696-12

2012716

262 same meaning as in s. 163.3164. A municipality may not require  
263 as a condition of processing a development permit that an  
264 applicant obtain a permit or approval from any state or federal  
265 agency unless the agency has issued a notice of intent to deny  
266 the federal or state permit before the municipal action on the  
267 local development permit. Issuance of a development permit by a  
268 municipality does not in any way create any right on the part of  
269 an applicant to obtain a permit from a state or federal agency  
270 and does not create any liability on the part of the  
271 municipality for issuance of the permit if the applicant fails  
272 to fulfill its legal obligations to obtain requisite approvals  
273 or fulfill the obligations imposed by a state or federal agency.  
274 A municipality may attach such a disclaimer to the issuance of  
275 development permits and may include a permit condition that all  
276 other applicable state or federal permits be obtained before  
277 commencement of the development. This section does not prohibit  
278 a municipality from providing information to an applicant  
279 regarding what other state or federal permits may apply.

280 Section 6. Section 218.075, Florida Statutes, is amended to  
281 read:

282 218.075 Reduction or waiver of permit processing fees.—  
283 Notwithstanding any other provision of law, the Department of  
284 Environmental Protection and the water management districts  
285 shall reduce or waive permit processing fees for counties with a  
286 population of 50,000 or less on April 1, 1994, until such  
287 counties exceed a population of 75,000 and municipalities with a  
288 population of 25,000 or less, or for an entity created by  
289 special act, local ordinance, or interlocal agreement of such  
290 counties or municipalities, or for any county or municipality

21-00696-12

2012716

291 not included within a metropolitan statistical area. Fee  
292 reductions or waivers shall be approved on the basis of fiscal  
293 hardship or environmental need for a particular project or  
294 activity. The governing body must certify that the cost of the  
295 permit processing fee is a fiscal hardship due to one of the  
296 following factors:

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

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

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

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

307 (5) A financial condition that is documented in annual  
308 financial statements at the end of the current fiscal year and  
309 indicates an inability to pay the permit processing fee during  
310 that fiscal year.

311  
312 The permit applicant must be the governing body of a county or  
313 municipality or a third party under contract with a county or  
314 municipality or an entity created by special act, local  
315 ordinance, or interlocal agreement and the project for which the  
316 fee reduction or waiver is sought must serve a public purpose.  
317 If a permit processing fee is reduced, the total fee shall not  
318 exceed \$100.

319 Section 7. Paragraphs (a) and (b) of subsection (3) of

21-00696-12

2012716\_\_

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

321 258.397 Biscayne Bay Aquatic Preserve.—

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

326 (a) ~~No further~~ Sale, transfer, or lease of sovereignty  
327 submerged lands in the preserve may not shall be approved or  
328 consummated by the board of trustees, except upon a showing of  
329 extreme hardship on the part of the applicant and a  
330 determination by the board of trustees that such sale, transfer,  
331 or lease is in the public interest. A municipal applicant  
332 proposing a project under paragraph (b) is exempt from showing  
333 extreme hardship.

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

337 1. Such minimum dredging and spoiling as may be authorized  
338 for public navigation projects or for such minimum dredging and  
339 spoiling as may be constituted as a public necessity or for  
340 preservation of the bay according to the expressed intent of  
341 this section.

342 2. Such other alteration of physical conditions, including  
343 the placement of riprap, as may be necessary to enhance the  
344 quality and utility of the preserve.

345 3. Such minimum dredging and filling as may be authorized  
346 for the creation and maintenance of marinas, piers, and docks  
347 and their attendant navigation channels and access roads. Such  
348 projects may ~~only~~ be authorized only upon a specific finding by

21-00696-12

2012716

349 the board of trustees that there is assurance that the project  
350 will be constructed and operated in a manner that will not  
351 adversely affect the water quality and utility of the preserve.  
352 This subparagraph does ~~shall~~ not authorize the connection of  
353 upland canals to the waters of the preserve.

354 4. Such dredging as is necessary for the purpose of  
355 eliminating conditions hazardous to the public health or for the  
356 purpose of eliminating stagnant waters, islands, and spoil  
357 banks, the dredging of which would enhance the aesthetic and  
358 environmental quality and utility of the preserve and be clearly  
359 in the public interest as determined by the board of trustees.

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

362  
363 Any dredging or filling under this subsection or improvements  
364 under subsection (5) may ~~shall~~ be approved only after public  
365 notice as provided by s. 253.115.

366 Section 8. Subsection (10) is added to section 373.026,  
367 Florida Statutes, to read:

368 373.026 General powers and duties of the department.—The  
369 department, or its successor agency, shall be responsible for  
370 the administration of this chapter at the state level. However,  
371 it is the policy of the state that, to the greatest extent  
372 possible, the department may enter into interagency or  
373 interlocal agreements with any other state agency, any water  
374 management district, or any local government conducting programs  
375 related to or materially affecting the water resources of the  
376 state. All such agreements shall be subject to the provisions of  
377 s. 373.046. In addition to its other powers and duties, the

21-00696-12

2012716\_\_

378 department shall, to the greatest extent possible:

379 (10) Expand the use of Internet-based self-certification  
380 services for appropriate exemptions and general permits issued  
381 by the department and the water management districts, if such  
382 expansion is economically feasible. In addition to expanding the  
383 use of Internet-based self-certification services for  
384 appropriate exemptions and general permits, the department and  
385 water management districts shall identify and develop general  
386 permits for appropriate activities currently requiring  
387 individual review which could be expedited through the use of  
388 applicable professional certification.

389 Section 9. Subsection (2) of section 373.4141, Florida  
390 Statutes, is amended, and subsection (4) is added to that  
391 section, to read:

392 373.4141 Permits; processing.—

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

398 (4) A state agency or an agency of the state may not  
399 require as a condition of approval for a permit or as an item to  
400 complete a pending permit application that an applicant obtain a  
401 permit or approval from any other local, state, or federal  
402 agency without explicit statutory authority to require such  
403 permit or approval.

404 Section 10. Section 373.4144, Florida Statutes, is amended  
405 to read:

406 373.4144 Federal environmental permitting.—

21-00696-12

2012716\_\_

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

408           (a) Facilitate coordination and a more efficient process of  
409 implementing regulatory duties and functions between the  
410 Department of Environmental Protection, the water management  
411 districts, the United States Army Corps of Engineers, the United  
412 States Fish and Wildlife Service, the National Marine Fisheries  
413 Service, the United States Environmental Protection Agency, the  
414 Fish and Wildlife Conservation Commission, and other relevant  
415 federal and state agencies.

416           (b) Authorize the Department of Environmental Protection to  
417 obtain issuance by the United States Army Corps of Engineers,  
418 pursuant to state and federal law and as set forth in this  
419 section, of an expanded state programmatic general permit, or a  
420 series of regional general permits, for categories of activities  
421 in waters of the United States governed by the Clean Water Act  
422 and in navigable waters under the Rivers and Harbors Act of 1899  
423 which are similar in nature, which will cause only minimal  
424 adverse environmental effects when performed separately, and  
425 which will have only minimal cumulative adverse effects on the  
426 environment.

427           (c) Use the mechanism of such a state general permit or  
428 such regional general permits to eliminate overlapping federal  
429 regulations and state rules that seek to protect the same  
430 resource and to avoid duplication of permitting between the  
431 United States Army Corps of Engineers and the department for  
432 minor work located in waters of the United States, including  
433 navigable waters, thus eliminating, in appropriate cases, the  
434 need for a separate individual approval from the United States  
435 Army Corps of Engineers while ensuring the most stringent

21-00696-12

2012716\_\_

436 protection of wetland resources.

437 (d) Direct the department not to seek issuance of or take  
438 any action pursuant to any such permit or permits unless such  
439 conditions are at least as protective of the environment and  
440 natural resources as existing state law under this part and  
441 federal law under the Clean Water Act and the Rivers and Harbors  
442 Act of 1899. ~~The department is directed to develop, on or before~~  
443 ~~October 1, 2005, a mechanism or plan to consolidate, to the~~  
444 ~~maximum extent practicable, the federal and state wetland~~  
445 ~~permitting programs. It is the intent of the Legislature that~~  
446 ~~all dredge and fill activities impacting 10 acres or less of~~  
447 ~~wetlands or waters, including navigable waters, be processed by~~  
448 ~~the state as part of the environmental resource permitting~~  
449 ~~program implemented by the department and the water management~~  
450 ~~districts. The resulting mechanism or plan shall analyze and~~  
451 ~~propose the development of an expanded state programmatic~~  
452 ~~general permit program in conjunction with the United States~~  
453 ~~Army Corps of Engineers pursuant to s. 404 of the Clean Water~~  
454 ~~Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,~~  
455 ~~and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,~~  
456 ~~or in combination with an expanded state programmatic general~~  
457 ~~permit, the mechanism or plan may propose the creation of a~~  
458 ~~series of regional general permits issued by the United States~~  
459 ~~Army Corps of Engineers pursuant to the referenced statutes. All~~  
460 ~~of the regional general permits must be administered by the~~  
461 ~~department or the water management districts or their designees.~~

462 (2) In order to effectuate efficient wetland permitting and  
463 avoid duplication, the department and water management districts  
464 are authorized to implement a voluntary state programmatic



21-00696-12

2012716

465 general permit for all dredge and fill activities impacting 3  
466 acres or less of wetlands or other surface waters, including  
467 navigable waters, subject to agreement with the United States  
468 Army Corps of Engineers, if the general permit is at least as  
469 protective of the environment and natural resources as existing  
470 state law under this part and federal law under the Clean Water  
471 Act and the Rivers and Harbors Act of 1899. ~~The department is~~  
472 ~~directed to file with the Speaker of the House of~~  
473 ~~Representatives and the President of the Senate a report~~  
474 ~~proposing any required federal and state statutory changes that~~  
475 ~~would be necessary to accomplish the directives listed in this~~  
476 ~~section and to coordinate with the Florida Congressional~~  
477 ~~Delegation on any necessary changes to federal law to implement~~  
478 ~~the directives.~~

479 (3) ~~Nothing in~~ This section may not shall be construed to  
480 preclude the department from pursuing a series of regional  
481 general permits for construction activities in wetlands or  
482 surface waters or complete assumption of federal permitting  
483 programs regulating the discharge of dredged or fill material  
484 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,  
485 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers  
486 and Harbors Act of 1899, so long as the assumption encompasses  
487 all dredge and fill activities in, on, or over jurisdictional  
488 wetlands or waters, including navigable waters, within the  
489 state.

490 Section 11. Present subsections (3), (4), and (5) of  
491 section 373.441, Florida Statutes, are renumbered as subsections  
492 (7), (8), and (9), respectively, and new subsections (3), (4),  
493 (5), and (6) are added to that section to read:

21-00696-12

2012716

494 373.441 Role of counties, municipalities, and local  
495 pollution control programs in permit processing; delegation.-

496 (3) A county or municipality having a population of 400,000  
497 or more that implements a local pollution control program  
498 regulating all or a portion of the wetlands or surface waters  
499 throughout its geographic boundary must apply for delegation of  
500 state environmental resource permitting authority on or before  
501 January 1, 2014. If such a county or municipality fails to  
502 receive delegation of all or a portion of state environmental  
503 resource permitting authority within 2 years after submitting  
504 its application for delegation or by January 1, 2016, at the  
505 latest, it may not require permits that in part or in full are  
506 substantially similar to the requirements needed to obtain an  
507 environmental resource permit. A county or municipality that has  
508 received delegation before January 1, 2014, does not need to  
509 reapply.

510 (4) The department is responsible for all delegations of  
511 state environmental resource permitting authority to local  
512 governments. The department must grant or deny an application  
513 for delegation submitted by a county or municipality that meets  
514 the criteria in subsection (3) within 2 years after the receipt  
515 of the application. If an application for delegation is denied,  
516 any available legal challenge to such denial shall toll the  
517 preemption deadline until resolution of the legal challenge.  
518 Upon delegation to a qualified local government, the department  
519 and water management district may not regulate the activities  
520 subject to the delegation within that jurisdiction.

521 (5) This section does not prohibit or limit a local  
522 government that meets the criteria in subsection (3) from

21-00696-12

2012716

523 regulating wetlands or surface waters after January 1, 2014, if  
524 the local government receives delegation of all or a portion of  
525 state environmental resource permitting authority within 2 years  
526 after submitting its application for delegation.

527 (6) Notwithstanding subsections (3), (4), and (5), this  
528 section does not apply to environmental resource permitting or  
529 reclamation applications for solid mineral mining and does not  
530 prohibit the application of local government regulations to any  
531 new solid mineral mine or any proposed addition to, change to,  
532 or expansion of an existing solid mineral mine.

533 Section 12. Paragraph (b) of subsection (11) of section  
534 376.3071, Florida Statutes, is amended to read:

535 376.3071 Inland Protection Trust Fund; creation; purposes;  
536 funding.—

537 (11)

538 (b) *Low-scored site initiative.*—Notwithstanding s.  
539 376.30711, any site with a priority ranking score of 10 points  
540 or less may voluntarily participate in the low-scored site  
541 initiative, whether or not the site is eligible for state  
542 restoration funding.

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

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

548 b. No excessively contaminated soil, as defined by  
549 department rule, exists onsite as a result of a release of  
550 petroleum products.

551 c. A minimum of 6 months of groundwater monitoring

21-00696-12

2012716

552 indicates that the plume is shrinking or stable.

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

556 e. The area of groundwater containing the petroleum  
557 products' chemicals of concern is less than one-quarter acre and  
558 is confined to the source property boundaries of the real  
559 property on which the discharge originated.

560 f. Soils onsite that are subject to human exposure found  
561 between land surface and 2 feet below land surface meet the soil  
562 cleanup target levels established by department rule or human  
563 exposure is limited by appropriate institutional or engineering  
564 controls.

565 2. Upon affirmative demonstration of the conditions under  
566 subparagraph 1., the department shall issue a determination of  
567 "No Further Action." Such determination acknowledges that  
568 minimal contamination exists onsite and that such contamination  
569 is not a threat to human health or the environment. If no  
570 contamination is detected, the department may issue a site  
571 rehabilitation completion order.

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

575 a. A responsible party or property owner may submit an  
576 assessment plan designed to affirmatively demonstrate that the  
577 site meets the conditions under subparagraph 1. Notwithstanding  
578 the priority ranking score of the site, the department may  
579 preapprove the cost of the assessment pursuant to s. 376.30711,  
580 including 6 months of groundwater monitoring, not to exceed

21-00696-12

2012716

581 \$30,000 for each site. The department may not pay the costs  
582 associated with the establishment of institutional or  
583 engineering controls.

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

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

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

595 Section 13. Section 376.30715, Florida Statutes, is amended  
596 to read:

597 376.30715 Innocent victim petroleum storage system  
598 restoration.—A contaminated site acquired by the current owner  
599 prior to July 1, 1990, which has ceased operating as a petroleum  
600 storage or retail business prior to January 1, 1985, is eligible  
601 for financial assistance pursuant to s. 376.305(6),  
602 notwithstanding s. 376.305(6) (a). For purposes of this section,  
603 the term "acquired" means the acquisition of title to the  
604 property; however, a subsequent transfer of the property to a  
605 spouse or child of the owner, a surviving spouse or child of the  
606 owner in trust or free of trust, ~~or~~ a revocable trust created  
607 for the benefit of the settlor, or a corporate entity created by  
608 the owner to hold title to the site does not disqualify the site  
609 from financial assistance pursuant to s. 376.305(6) and

21-00696-12

2012716

610 applicants previously denied coverage may reapply. Eligible  
611 sites shall be ranked in accordance with s. 376.3071(5).

612 Section 14. Subsection (1) of section 380.0657, Florida  
613 Statutes, is amended to read:

614 380.0657 Expedited permitting process for economic  
615 development projects.—

616 (1) The Department of Environmental Protection and, as  
617 appropriate, the water management districts created under  
618 chapter 373 shall adopt programs to expedite the processing of  
619 wetland resource and environmental resource permits for economic  
620 development projects that have been identified by a municipality  
621 or county as meeting the definition of target industry  
622 businesses under s. 288.106, or any inland multimodal facility  
623 receiving or sending cargo to or from Florida ports, with the  
624 exception of those projects requiring approval by the Board of  
625 Trustees of the Internal Improvement Trust Fund.

626 Section 15. Subsection (11) of section 403.061, Florida  
627 Statutes, is amended to read:

628 403.061 Department; powers and duties.—The department shall  
629 have the power and the duty to control and prohibit pollution of  
630 air and water in accordance with the law and rules adopted and  
631 promulgated by it and, for this purpose, to:

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

21-00696-12

2012716

639 to groundwater are authorized to a facility's or owner's  
640 property boundary and extending to the base of a specifically  
641 designated aquifer or aquifers. Exceedance of primary and  
642 secondary groundwater standards that occur within a zone of  
643 discharge does not create liability pursuant to this chapter or  
644 chapter 376 for site cleanup, and the exceedance of soil cleanup  
645 target levels is not a basis for enforcement or site cleanup.

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

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

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

655 3. The discharge does not cause a measurable increase in  
656 the degree of noncompliance with the standard at the boundary of  
657 the mixing zone; and

658 4. The discharge otherwise complies with the mixing zone  
659 provisions specified in department rules.

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

662 1. Sources that have received permits from the department  
663 prior to April 1, 1982, or the date of designation, whichever is  
664 later;

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

667 3. Discharges of water necessary for water management

21-00696-12

2012716\_\_

668 purposes which have been approved by the governing board of a  
669 water management district and, if required by law, by the  
670 secretary; and

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

675 (c) The department, by rule, shall establish water quality  
676 criteria for wetlands which criteria give appropriate  
677 recognition to the water quality of such wetlands in their  
678 natural state.

679  
680 ~~Nothing in~~ This act may not be ~~shall~~ be construed to invalidate  
681 any existing department rule relating to mixing zones. The  
682 department shall cooperate with the Department of Highway Safety  
683 and Motor Vehicles in the development of regulations required by  
684 s. 316.272(1).

685  
686 The department shall implement such programs in conjunction with  
687 its other powers and duties and shall place special emphasis on  
688 reducing and eliminating contamination that presents a threat to  
689 humans, animals or plants, or to the environment.

690 Section 16. Subsection (7) of section 403.087, Florida  
691 Statutes, is amended to read:

692 403.087 Permits; general issuance; denial; revocation;  
693 prohibition; penalty.—

694 (7) A permit issued pursuant to this section does ~~shall~~ not  
695 become a vested right in the permittee. The department may  
696 revoke any permit issued by it if it finds that the permitholder



21-00696-12

2012716\_\_

697 has:698 (a) ~~Has~~ Submitted false or inaccurate information in the  
699 ~~his or her~~ application for the permit;700 (b) ~~Has~~ Violated law, department orders, rules, ~~or~~  
701 ~~regulations,~~ or ~~permit~~ conditions;702 (c) ~~Has~~ Failed to submit operational reports or other  
703 information required by department rule which directly relate to  
704 the permit and has refused to correct or cure such violations  
705 when requested to do so ~~or regulation;~~ or706 (d) ~~Has~~ Refused lawful inspection under s. 403.091 at the  
707 facility authorized by the permit.708 Section 17. Subsection (2) of section 403.1838, Florida  
709 Statutes, is amended to read:710 403.1838 Small Community Sewer Construction Assistance  
711 Act.—712 (2) The department shall use funds specifically  
713 appropriated to award grants under this section to assist  
714 financially disadvantaged small communities with their needs for  
715 adequate sewer facilities. For purposes of this section, the  
716 term "financially disadvantaged small community" means a  
717 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer  
718 ~~less~~, according to the latest decennial census and a per capita  
719 annual income less than the state per capita annual income as  
720 determined by the United States Department of Commerce.721 Section 18. Paragraph (f) of subsection (1) of section  
722 403.7045, Florida Statutes, is amended to read:723 403.7045 Application of act and integration with other  
724 acts.—

725 (1) The following wastes or activities shall not be

21-00696-12

2012716\_\_

726 regulated pursuant to this act:

727 (f) Industrial byproducts, if:

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

730 2. The industrial byproducts are not discharged, deposited,  
731 injected, dumped, spilled, leaked, or placed upon any land or  
732 water so that such industrial byproducts, or any constituent  
733 thereof, may enter other lands or be emitted into the air or  
734 discharged into any waters, including groundwaters, or otherwise  
735 enter the environment such that a threat of contamination in  
736 excess of applicable department standards and criteria or a  
737 significant threat to public health is caused.

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

740

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

744 Section 19. Subsections (2) and (3) of section 403.707,  
745 Florida Statutes, are amended to read:

746 403.707 Permits.—

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

753 (a) Disposal by persons of solid waste resulting from their  
754 own activities on their own property, if such waste is ordinary

21-00696-12

2012716

755 household waste from their residential property or is rocks,  
756 soils, trees, tree remains, and other vegetative matter that  
757 normally result from land development operations. Disposal of  
758 materials that could create a public nuisance or adversely  
759 affect the environment or public health, such as white goods;  
760 automotive materials, such as batteries and tires; petroleum  
761 products; pesticides; solvents; or hazardous substances, is not  
762 covered under this exemption.

763 (b) Storage in containers by persons of solid waste  
764 resulting from their own activities on their property, leased or  
765 rented property, or property subject to a homeowners' ~~homeowners~~  
766 or maintenance association for which the person contributes  
767 association assessments, if the solid waste in such containers  
768 is collected at least once a week.

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

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

775 2. Addressed or authorized by, or exempted from the  
776 requirement to obtain, a groundwater monitoring plan approved by  
777 the department. If a facility has a permit authorizing disposal  
778 activity, new areas where solid waste is being disposed of which  
779 are monitored by an existing or modified groundwater monitoring  
780 plan are not required to be specifically authorized in a permit  
781 or other certification.

782 (d) Disposal by persons of solid waste resulting from their  
783 own activities on their own property, if such disposal occurred

21-00696-12

2012716\_\_

784 prior to October 1, 1988.

785 (e) Disposal of solid waste resulting from normal farming  
786 operations as defined by department rule. Polyethylene  
787 agricultural plastic, damaged, nonsalvageable, untreated wood  
788 pallets, and packing material that cannot be feasibly recycled,  
789 which are used in connection with agricultural operations  
790 related to the growing, harvesting, or maintenance of crops, may  
791 be disposed of by open burning if a public nuisance or any  
792 condition adversely affecting the environment or the public  
793 health is not created by the open burning and state or federal  
794 ambient air quality standards are not violated.

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

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

803 (3) (a) All applicable provisions of ss. 403.087 and  
804 403.088, relating to permits, apply to the control of solid  
805 waste management facilities.

806 (b) Any permit issued to a solid waste management facility  
807 that is designed with a leachate control system that meets  
808 department requirements shall be issued for a term of 20 years  
809 unless the applicant requests a lesser permit term. Existing  
810 permit fees for qualifying solid waste management facilities  
811 shall be prorated to the permit term authorized by this section.  
812 This paragraph applies to all qualifying solid waste management

21-00696-12

2012716\_\_

813 facilities that apply for an operating or construction permit or  
814 renew an existing operating or construction permit on or after  
815 July 1, 2012.

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

818 403.814 General permits; delegation.—

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

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

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

827 (c) No activities will impact wetlands or other surface  
828 waters;

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

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

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

836 (g) The project does not:

837 1. Cause adverse water quantity or flooding impacts to  
838 receiving water and adjacent lands;

839 2. Cause adverse impacts to existing surface water storage  
840 and conveyance capabilities;

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

21-00696-12

2012716\_\_

842 4. Cause an adverse impact to the maintenance of surface or  
843 ground water levels or surface water flows established pursuant  
844 to s. 373.042 or a work of the district established pursuant to  
845 s. 373.086; and

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

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

853 403.853 Drinking water standards.—

854 (6) Upon the request of the owner or operator of a  
855 transient noncommunity water system using groundwater as a  
856 source of supply and serving religious institutions or  
857 businesses, other than restaurants or other public food service  
858 establishments or religious institutions with school or day care  
859 services, and using groundwater as a source of supply, the  
860 department, or a local county health department designated by  
861 the department, shall perform a sanitary survey of the facility.  
862 Upon receipt of satisfactory survey results according to  
863 department criteria, the department shall reduce the  
864 requirements of such owner or operator from monitoring and  
865 reporting on a quarterly basis to performing these functions on  
866 an annual basis. Any revised monitoring and reporting schedule  
867 approved by the department under this subsection shall apply  
868 until such time as a violation of applicable state or federal  
869 primary drinking water standards is determined by the system  
870 owner or operator, by the department, or by an agency designated

21-00696-12

2012716

871 by the department, after a random or routine sanitary survey.  
872 Certified operators are not required for transient noncommunity  
873 water systems of the type and size covered by this subsection.  
874 Any reports required of such system shall be limited to the  
875 minimum as required by federal law. When not contrary to the  
876 provisions of federal law, the department may, upon request and  
877 by rule, waive additional provisions of state drinking water  
878 regulations for such systems.

879 Section 22. Paragraph (a) of subsection (3) and subsections  
880 (4), (5), (10), (11), (14), (15), and (18) of section 403.973,  
881 Florida Statutes, are amended to read:

882 403.973 Expedited permitting; amendments to comprehensive  
883 plans.—

884 (3)(a) The secretary shall direct the creation of regional  
885 permit action teams for the purpose of expediting review of  
886 permit applications and local comprehensive plan amendments  
887 submitted by:

888 1. Businesses creating at least 50 jobs or a commercial or  
889 industrial development project that will be occupied by  
890 businesses that would individually or collectively create at  
891 least 50 jobs; or

892 2. Businesses creating at least 25 jobs if the project is  
893 located in an enterprise zone, or in a county having a  
894 population of fewer than 75,000 or in a county having a  
895 population of fewer than 125,000 which is contiguous to a county  
896 having a population of fewer than 75,000, as determined by the  
897 most recent decennial census, residing in incorporated and  
898 unincorporated areas of the county.

899 (4) The regional teams shall be established through the

21-00696-12

2012716\_\_

900 execution of a project-specific memoranda of agreement developed  
901 and executed by the applicant and the secretary, with input  
902 solicited from ~~the Department of Economic Opportunity~~ and the  
903 respective heads of the Department of Transportation and its  
904 district offices, the Department of Agriculture and Consumer  
905 Services, the Fish and Wildlife Conservation Commission,  
906 appropriate regional planning councils, appropriate water  
907 management districts, and voluntarily participating  
908 municipalities and counties. The memoranda of agreement should  
909 also accommodate participation in this expedited process by  
910 other local governments and federal agencies as circumstances  
911 warrant.

912 (5) In order to facilitate local government's option to  
913 participate in this expedited review process, the secretary  
914 shall, in cooperation with local governments and participating  
915 state agencies, create a standard form memorandum of agreement.  
916 The standard form of the memorandum of agreement shall be used  
917 only if the local government participates in the expedited  
918 review process. In the absence of local government  
919 participation, only the project-specific memorandum of agreement  
920 executed pursuant to subsection (4) applies. A local government  
921 shall hold a duly noticed public workshop to review and explain  
922 to the public the expedited permitting process and the terms and  
923 conditions of the standard form memorandum of agreement.

924 (10) The memoranda of agreement may provide for the waiver  
925 or modification of procedural rules prescribing forms, fees,  
926 procedures, or time limits for the review or processing of  
927 permit applications under the jurisdiction of those agencies  
928 that are members of the regional permit action team ~~party to the~~



21-00696-12

2012716

929 ~~memoranda of agreement~~. Notwithstanding any other provision of  
930 law to the contrary, a memorandum of agreement must to the  
931 extent feasible provide for proceedings and hearings otherwise  
932 held separately ~~by the parties to the memorandum of agreement~~ to  
933 be combined into one proceeding or held jointly and at one  
934 location. Such waivers or modifications are not authorized ~~shall~~  
935 ~~not be available~~ for permit applications governed by federally  
936 delegated or approved permitting programs, the requirements of  
937 which would prohibit, or be inconsistent with, such a waiver or  
938 modification.

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

943 (a) A central contact point for filing permit applications  
944 and local comprehensive plan amendments and for obtaining  
945 information on permit and local comprehensive plan amendment  
946 requirements.†

947 (b) Identification of the individual or individuals within  
948 each respective agency who will be responsible for processing  
949 the expedited permit application or local comprehensive plan  
950 amendment for that agency.†

951 (c) A mandatory preapplication review process to reduce  
952 permitting conflicts by providing guidance to applicants  
953 regarding the permits needed from each agency and governmental  
954 entity, site planning and development, site suitability and  
955 limitations, facility design, and steps the applicant can take  
956 to ensure expeditious permit application and local comprehensive  
957 plan amendment review. As a part of this process, the first

21-00696-12

2012716

958 interagency meeting to discuss a project shall be held within 14  
959 days after the secretary's determination that the project is  
960 eligible for expedited review. Subsequent interagency meetings  
961 may be scheduled to accommodate the needs of participating local  
962 governments that are unable to meet public notice requirements  
963 for executing a memorandum of agreement within this timeframe.  
964 This accommodation may not exceed 45 days from the secretary's  
965 determination that the project is eligible for expedited  
966 review.†

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

971 (e) Establishment of a process for the adoption and review  
972 of any comprehensive plan amendment needed by any certified  
973 project within 90 days after the submission of an application  
974 for a comprehensive plan amendment. However, the memorandum of  
975 agreement may not prevent affected persons as defined in s.  
976 163.3184 from appealing or participating in this expedited plan  
977 amendment process and any review or appeals of decisions made  
978 under this paragraph.†~~and~~

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

981 (14) (a) Challenges to state agency action in the expedited  
982 permitting process for projects processed under this section are  
983 subject to the summary hearing provisions of s. 120.574, except  
984 that the administrative law judge's decision, as provided in s.  
985 120.574(2)(f), shall be in the form of a recommended order and  
986 do not constitute the final action of the state agency. In those

21-00696-12

2012716\_\_

987 proceedings where the action of only one agency of the state  
988 other than the Department of Environmental Protection is  
989 challenged, the agency of the state shall issue the final order  
990 within 45 working days after receipt of the administrative law  
991 judge's recommended order, and the recommended order shall  
992 inform the parties of their right to file exceptions or  
993 responses to the recommended order in accordance with the  
994 uniform rules of procedure pursuant to s. 120.54. In those  
995 proceedings where the actions of more than one agency of the  
996 state are challenged, the Governor shall issue the final order  
997 within 45 working days after receipt of the administrative law  
998 judge's recommended order, and the recommended order shall  
999 inform the parties of their right to file exceptions or  
1000 responses to the recommended order in accordance with the  
1001 uniform rules of procedure pursuant to s. 120.54. For This  
1002 ~~paragraph does not apply to~~ the issuance of department licenses  
1003 required under any federally delegated or approved permit  
1004 program. In such instances, the department, and not the  
1005 Governor, shall enter the final order. The participating  
1006 agencies of the state may opt at the preliminary hearing  
1007 conference to allow the administrative law judge's decision to  
1008 constitute the final agency action.

1009 (b) Projects identified in paragraph (3)(f) or challenges  
1010 to state agency action in the expedited permitting process for  
1011 establishment of a state-of-the-art biomedical research  
1012 institution and campus in this state by the grantee under s.  
1013 288.955 are subject to the same requirements as challenges  
1014 brought under paragraph (a), except that, notwithstanding s.  
1015 120.574, summary proceedings must be conducted within 30 days

21-00696-12

2012716

1016 after a party files the motion for summary hearing, regardless  
1017 of whether the parties agree to the summary proceeding.

1018 (15) The Department of Economic Opportunity, working with  
1019 the agencies providing cooperative assistance and input  
1020 regarding the memoranda of agreement, shall review sites  
1021 proposed for the location of facilities that the Department of  
1022 Economic Opportunity has certified to be eligible for the  
1023 Innovation Incentive Program under s. 288.1089. Within 20 days  
1024 after the request for the review by the Department of Economic  
1025 Opportunity, the agencies shall provide to the Department of  
1026 Economic Opportunity a statement as to each site's necessary  
1027 permits under local, state, and federal law and an  
1028 identification of significant permitting issues, which if  
1029 unresolved, may result in the denial of an agency permit or  
1030 approval or any significant delay caused by the permitting  
1031 process.

1032 (18) The Department of Economic Opportunity, working with  
1033 the Rural Economic Development Initiative ~~and the agencies~~  
1034 ~~participating in the memoranda of agreement~~, shall provide  
1035 technical assistance in preparing permit applications and local  
1036 comprehensive plan amendments for counties having a population  
1037 of fewer than 75,000 residents, or counties having fewer than  
1038 125,000 residents which are contiguous to counties having fewer  
1039 than 75,000 residents. Additional assistance may include, but  
1040 not be limited to, guidance in land development regulations and  
1041 permitting processes, working cooperatively with state,  
1042 regional, and local entities to identify areas within these  
1043 counties which may be suitable or adaptable for preclearance  
1044 review of specified types of land uses and other activities

21-00696-12

2012716\_\_

1045 requiring permits.

1046 Section 23. Subsection (5) is added to section 526.203,  
1047 Florida Statutes, to read:

1048 526.203 Renewable fuel standard.—

1049 (5) SALE OF UNBLENDED FUELS.—This section does not prohibit  
1050 the sale of unblended fuels for the uses exempted under  
1051 subsection (3).

1052 Section 24. The installation of fuel tank upgrades to  
1053 secondary containment systems shall be completed by the  
1054 deadlines specified in rule 62-761.510, Florida Administrative  
1055 Code, Table UST. However, notwithstanding any agreements to the  
1056 contrary, any fuel service station that changed ownership  
1057 interest through a bona fide sale of the property between  
1058 January 1, 2009, and December 31, 2009, is not required to  
1059 complete the upgrades described in rule 62-761.510, Florida  
1060 Administrative Code, Table UST, until December 31, 2013.

1061 Section 25. This act shall take effect July 1, 2012.