

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

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

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

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

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

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

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

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

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

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

158 161.041 Permits required.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

254 258.397 Biscayne Bay Aquatic Preserve.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

325 373.4141 Permits; processing.—

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

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

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

339 373.4144 Federal environmental permitting.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

470 (11)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

563 (5) EVALUATION AND ASSESSMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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617 proposed discharge is clearly in the public interest.

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

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

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

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

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

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

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

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

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

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

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

653 403.1838 Small Community Sewer Construction Assistance
 654 Act.—

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

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

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

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

670 (f) Industrial byproducts, if:

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

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

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

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

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

689 403.707 Permits.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

761 403.814 General permits; delegation.—

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

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

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

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

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

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

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

779 (g) The project does not:

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

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

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

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

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

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

796 403.853 Drinking water standards.—

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

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

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

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

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

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

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

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841 unincorporated areas of the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

992 526.203 Renewable fuel standard.—

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

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

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

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

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

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

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1009 | as adopted by the department.

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

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