

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 of Environmental
12 Protection from issuing specified guidelines unless
13 adopted by rule; requiring the department to cite
14 certain provisions in a request for additional
15 information; providing legislative intent with respect
16 to permitting for periodic maintenance of certain
17 beach nourishment and inlet management projects;
18 directing the department to amend specified rules
19 relating to permitting for such projects; providing
20 conditions under which the department is authorized to
21 issue such permits in advance of the issuance of
22 incidental take authorizations as provided under the
23 Endangered Species Act; amending s. 166.033, F.S.;
24 prohibiting a municipality from requiring an applicant
25 to obtain a permit or approval from any state or
26 federal agency as a condition of processing a
27 development permit under certain conditions;
28 authorizing a municipality to attach certain

29 | disclaimers to the issuance of a development permit;
 30 | amending s. 218.075, F.S.; providing for the reduction
 31 | or waiver of permit processing fees relating to
 32 | projects that serve a public purpose for certain
 33 | entities created by special act, local ordinance, or
 34 | interlocal agreement; amending s. 258.397, F.S.;
 35 | providing an exemption from a showing of extreme
 36 | hardship relating to the sale, transfer, or lease of
 37 | sovereignty submerged lands in the Biscayne Bay
 38 | Aquatic Preserve for certain municipal applicants;
 39 | providing for additional dredging and filling
 40 | activities in the preserve; amending s. 373.026, F.S.;
 41 | requiring the department to expand its use of
 42 | Internet-based self-certification services for
 43 | exemptions and permits issued by the department and
 44 | water management districts; amending s. 373.306, F.S.;
 45 | exempting underground injection control wells from
 46 | part III of chapter 373, F.S., relating to regulation
 47 | of wells; amending s. 373.4141, F.S.; reducing the
 48 | time within which a permit must be approved, denied,
 49 | or subject to notice of proposed agency action;
 50 | prohibiting a state agency or an agency of the state
 51 | from requiring additional permits or approval from a
 52 | local, state, or federal agency without explicit
 53 | authority; amending s. 373.4144, F.S.; providing
 54 | legislative intent with respect to the coordination of
 55 | regulatory duties among specified state and federal
 56 | agencies; encouraging expanded use of the state

57 | programmatic general permit or regional general
58 | permits; providing for a voluntary state programmatic
59 | general permit for certain dredge and fill activities;
60 | amending s. 373.441, F.S.; requiring that certain
61 | counties or municipalities apply by a specified date
62 | to the department or water management district for
63 | authority to require certain permits; providing that
64 | following such delegation, the department or district
65 | may not regulate activities that are subject to the
66 | delegation; clarifying the authority of local
67 | governments to adopt pollution control programs under
68 | certain conditions; providing applicability with
69 | respect to solid mineral mining; amending s. 376.3071,
70 | F.S.; exempting program deductibles, copayments, and
71 | certain assessment report requirements from
72 | expenditures under the low-scored site initiative;
73 | amending s. 376.30715, F.S.; providing that the
74 | transfer of a contaminated site from an owner to a
75 | child of the owner or corporate entity does not
76 | disqualify the site from the innocent victim petroleum
77 | storage system restoration financial assistance
78 | program; authorizing certain applicants to reapply for
79 | financial assistance; amending s. 380.0657, F.S.;
80 | authorizing expedited permitting for certain inland
81 | multimodal facilities that individually or
82 | collectively will create a minimum number of jobs;
83 | amending s. 381.0065, F.S.; limiting applicability of
84 | the onsite sewage treatment and disposal system

85 | evaluation and assessment program; amending s.
86 | 403.061, F.S.; requiring the department to establish
87 | reasonable zones of mixing for discharges into
88 | specified waters; providing that exceedance of certain
89 | groundwater standards does not create liability for
90 | site cleanup; providing that exceedance of soil
91 | cleanup target levels is not a basis for enforcement
92 | or cleanup; amending s. 403.087, F.S.; revising
93 | conditions under which the department is authorized to
94 | revoke permits for sources of air and water pollution;
95 | amending s. 403.1838, F.S.; revising the definition of
96 | the term "financially disadvantaged small community"
97 | for the purposes of the Small Community Sewer
98 | Construction Assistance Act; amending s. 403.7045,
99 | F.S.; providing conditions under which sludge from an
100 | industrial waste treatment works is not solid waste;
101 | amending s. 403.707, F.S.; exempting the disposal of
102 | solid waste monitored by certain groundwater
103 | monitoring plans from specific authorization;
104 | specifying a permit term for solid waste management
105 | facilities designed with leachate control systems that
106 | meet department requirements; requiring permit fees to
107 | be adjusted; providing applicability; specifying a
108 | permit term for solid waste management facilities that
109 | do not have leachate control systems meeting
110 | department requirements under certain conditions;
111 | authorizing the department to adopt rules; providing
112 | that the department is not required to submit the

113 rules to the Environmental Regulation Commission for
114 approval; requiring permit fee caps to be prorated;
115 amending s. 403.7125, F.S.; requiring the department
116 to require by rule that owners or operators of solid
117 waste management facilities receiving waste after
118 October 9, 1993, provide financial assurance for the
119 cost of completing certain corrective actions;
120 amending s. 403.814, F.S.; providing for issuance of
121 general permits for the construction, alteration, and
122 maintenance of certain surface water management
123 systems without the action of the department or a
124 water management district; specifying conditions for
125 the general permits; amending s. 403.853, F.S.;
126 providing for the department, or a local county health
127 department designated by the department, to perform
128 sanitary surveys for certain transient noncommunity
129 water systems; amending s. 403.973, F.S.; authorizing
130 expedited permitting for certain commercial or
131 industrial development projects that individually or
132 collectively will create a minimum number of jobs;
133 providing for a project-specific memorandum of
134 agreement to apply to a project subject to expedited
135 permitting; clarifying the authority of the department
136 to enter final orders for the issuance of certain
137 licenses; revising criteria for the review of certain
138 sites; amending s. 526.203, F.S.; revising the
139 definitions of the terms "blended gasoline" and
140 "unblended gasoline"; defining the term "renewable

141 fuel"; authorizing the sale of unblended fuels for
142 certain uses; providing an effective date.

143

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

145

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

148 125.022 Development permits.—When a county denies an
149 application for a development permit, the county shall give
150 written notice to the applicant. The notice must include a
151 citation to the applicable portions of an ordinance, rule,
152 statute, or other legal authority for the denial of the permit.
153 As used in this section, the term "development permit" has the
154 same meaning as in s. 163.3164. A county may not require as a
155 condition of processing a development permit that an applicant
156 obtain a permit or approval from any state or federal agency
157 unless the agency has issued a notice of intent to deny the
158 federal or state permit before the county action on the local
159 development permit. Issuance of a development permit by a county
160 does not in any way create any rights on the part of the
161 applicant to obtain a permit from a state or federal agency and
162 does not create any liability on the part of the county for
163 issuance of the permit if the applicant fails to fulfill its
164 legal obligations to obtain requisite approvals or fulfill the
165 obligations imposed by a state or federal agency. A county may
166 attach such a disclaimer to the issuance of a development
167 permit, and may include a permit condition that all other
168 applicable state or federal permits be obtained before

169 commencement of the development. This section does not prohibit
170 a county from providing information to an applicant regarding
171 what other state or federal permits may apply.

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

174 161.041 Permits required.-

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

177 (a) If the department requests additional information as
178 part of the permit process, the department must cite applicable
179 statutory and rule provisions that justify each item listed in
180 the request for additional information.

181 (b) The department may not issue guidelines that are
182 enforceable as standards for beach management, inlet management,
183 and other erosion control projects without adopting such
184 guidelines by rule.

185 (6) The Legislature intends to simplify the permitting
186 process for the periodic maintenance of previously permitted and
187 constructed beach nourishment and inlet management projects
188 under the joint coastal permit process. A detailed review of a
189 previously permitted project is not required if there have been
190 no substantial changes in the scope of the project and past
191 performance of the project indicates that it has performed
192 according to design expectations. The department shall amend
193 chapters 62B-41 and 62B-49 of the Florida Administrative Code to
194 streamline the permitting process for periodic beach maintenance
195 projects and inlet sand bypassing activities.

196 (7) Notwithstanding any other provision of law, the

197 department may issue a permit pursuant to this part in advance
 198 of the issuance of an incidental take authorization as provided
 199 under the Endangered Species Act and its implementing
 200 regulations if the permit and authorization include a condition
 201 requiring that authorized activities not begin until the
 202 incidental take authorization is issued.

203 Section 3. Section 166.033, Florida Statutes, is amended
 204 to read:

205 166.033 Development permits.—When a municipality denies an
 206 application for a development permit, the municipality shall
 207 give written notice to the applicant. The notice must include a
 208 citation to the applicable portions of an ordinance, rule,
 209 statute, or other legal authority for the denial of the permit.
 210 As used in this section, the term "development permit" has the
 211 same meaning as in s. 163.3164. A municipality may not require
 212 as a condition of processing a development permit that an
 213 applicant obtain a permit or approval from any state or federal
 214 agency unless the agency has issued a notice of intent to deny
 215 the federal or state permit before the municipal action on the
 216 local development permit. Issuance of a development permit by a
 217 municipality does not in any way create any right on the part of
 218 an applicant to obtain a permit from a state or federal agency
 219 and does not create any liability on the part of the
 220 municipality for issuance of the permit if the applicant fails
 221 to fulfill its legal obligations to obtain requisite approvals
 222 or fulfill the obligations imposed by a state or federal agency.
 223 A municipality may attach such a disclaimer to the issuance of
 224 development permits and may include a permit condition that all

225 other applicable state or federal permits be obtained before
 226 commencement of the development. This section does not prohibit
 227 a municipality from providing information to an applicant
 228 regarding what other state or federal permits may apply.

229 Section 4. Section 218.075, Florida Statutes, is amended
 230 to read:

231 218.075 Reduction or waiver of permit processing fees.—
 232 Notwithstanding any other provision of law, the Department of
 233 Environmental Protection and the water management districts
 234 shall reduce or waive permit processing fees for counties with a
 235 population of 50,000 or less on April 1, 1994, until such
 236 counties exceed a population of 75,000 and municipalities with a
 237 population of 25,000 or less, or for an entity created by
 238 special act, local ordinance, or interlocal agreement of such
 239 counties or municipalities, or for any county or municipality
 240 not included within a metropolitan statistical area. Fee
 241 reductions or waivers shall be approved on the basis of fiscal
 242 hardship or environmental need for a particular project or
 243 activity. The governing body must certify that the cost of the
 244 permit processing fee is a fiscal hardship due to one of the
 245 following factors:

- 246 (1) Per capita taxable value is less than the statewide
 247 average for the current fiscal year;
- 248 (2) Percentage of assessed property value that is exempt
 249 from ad valorem taxation is higher than the statewide average
 250 for the current fiscal year;
- 251 (3) Any condition specified in s. 218.503(1) which results
 252 in the county or municipality being in a state of financial

253 emergency;

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

256 (5) A financial condition that is documented in annual
 257 financial statements at the end of the current fiscal year and
 258 indicates an inability to pay the permit processing fee during
 259 that fiscal year.

260

261 The permit applicant must be the governing body of a county or
 262 municipality or a third party under contract with a county or
 263 municipality or an entity created by special act, local
 264 ordinance, or interlocal agreement and the project for which the
 265 fee reduction or waiver is sought must serve a public purpose.
 266 If a permit processing fee is reduced, the total fee shall not
 267 exceed \$100.

268 Section 5. Paragraphs (a) and (b) of subsection (3) of
 269 section 258.397, Florida Statutes, are amended to read:

270 258.397 Biscayne Bay Aquatic Preserve.—

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

275 (a) ~~No further~~ Sale, transfer, or lease of sovereignty
 276 submerged lands in the preserve may not ~~shall~~ be approved or
 277 consummated by the board of trustees, except upon a showing of
 278 extreme hardship on the part of the applicant and a
 279 determination by the board of trustees that such sale, transfer,
 280 or lease is in the public interest. A municipal applicant

281 proposing a project under paragraph (b) is exempt from showing
 282 extreme hardship.

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

286 1. Such minimum dredging and spoiling as may be authorized
 287 for public navigation projects or for such minimum dredging and
 288 spoiling as may be constituted as a public necessity or for
 289 preservation of the bay according to the expressed intent of
 290 this section.

291 2. Such other alteration of physical conditions, including
 292 the placement of riprap, as may be necessary to enhance the
 293 quality and utility of the preserve.

294 3. Such minimum dredging and filling as may be authorized
 295 for the creation and maintenance of marinas, piers, and docks
 296 and their attendant navigation channels and access roads. Such
 297 projects may ~~only~~ be authorized only upon a specific finding by
 298 the board of trustees that there is assurance that the project
 299 will be constructed and operated in a manner that will not
 300 adversely affect the water quality and utility of the preserve.
 301 This subparagraph does ~~shall~~ not authorize the connection of
 302 upland canals to the waters of the preserve.

303 4. Such dredging as is necessary for the purpose of
 304 eliminating conditions hazardous to the public health or for the
 305 purpose of eliminating stagnant waters, islands, and spoil
 306 banks, the dredging of which would enhance the aesthetic and
 307 environmental quality and utility of the preserve and be clearly
 308 in the public interest as determined by the board of trustees.

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

311
312 Any dredging or filling under this subsection or improvements
313 under subsection (5) may ~~shall~~ be approved only after public
314 notice as provided by s. 253.115.

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

317 373.026 General powers and duties of the department.—The
318 department, or its successor agency, shall be responsible for
319 the administration of this chapter at the state level. However,
320 it is the policy of the state that, to the greatest extent
321 possible, the department may enter into interagency or
322 interlocal agreements with any other state agency, any water
323 management district, or any local government conducting programs
324 related to or materially affecting the water resources of the
325 state. All such agreements shall be subject to the provisions of
326 s. 373.046. In addition to its other powers and duties, the
327 department shall, to the greatest extent possible:

328 (10) Expand the use of Internet-based self-certification
329 services for appropriate exemptions and general permits issued
330 by the department and the water management districts, if such
331 expansion is economically feasible. In addition to expanding the
332 use of Internet-based self-certification services for
333 appropriate exemptions and general permits, the department and
334 water management districts shall identify and develop general
335 permits for appropriate activities currently requiring
336 individual review which could be expedited through the use of

337 applicable professional certification.

338 Section 7. Section 373.306, Florida Statutes, is amended
339 to read:

340 373.306 Scope.—

341 (1) A ~~Ne~~ person may not shall construct, repair, abandon,
342 or cause to be constructed, repaired, or abandoned, any water
343 well contrary to ~~the provisions of~~ this part and applicable
344 rules and regulations.

345 (2) This part does shall not apply to:

346 (a) Equipment used temporarily for dewatering purposes.

347 (b) ~~or to~~ The process used in dewatering.

348 (c) Wells authorized pursuant to ss. 403.061 and 403.087
349 under the State Underground Injection Control Program identified
350 in Rule 62-528.110, Florida Administrative Code.

351 Section 8. Subsection (2) of section 373.4141, Florida
352 Statutes, is amended, and subsection (4) is added to that
353 section, to read:

354 373.4141 Permits; processing.—

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

360 (4) A state agency or an agency of the state may not
361 require as a condition of approval for a permit or as an item to
362 complete a pending permit application that an applicant obtain a
363 permit or approval from any other local, state, or federal
364 agency without explicit statutory authority to require such

365 permit or approval.

366 Section 9. Section 373.4144, Florida Statutes, is amended
367 to read:

368 373.4144 Federal environmental permitting.—

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

370 (a) Facilitate coordination and a more efficient process
371 of implementing regulatory duties and functions between the
372 Department of Environmental Protection, the water management
373 districts, the United States Army Corps of Engineers, the United
374 States Fish and Wildlife Service, the National Marine Fisheries
375 Service, the United States Environmental Protection Agency, the
376 Fish and Wildlife Conservation Commission, and other relevant
377 federal and state agencies.

378 (b) Authorize the Department of Environmental Protection
379 to obtain issuance by the United States Army Corps of Engineers,
380 pursuant to state and federal law and as set forth in this
381 section, of an expanded state programmatic general permit, or a
382 series of regional general permits, for categories of activities
383 in waters of the United States governed by the Clean Water Act
384 and in navigable waters under the Rivers and Harbors Act of 1899
385 which are similar in nature, which will cause only minimal
386 adverse environmental effects when performed separately, and
387 which will have only minimal cumulative adverse effects on the
388 environment.

389 (c) Use the mechanism of such a state general permit or
390 such regional general permits to eliminate overlapping federal
391 regulations and state rules that seek to protect the same
392 resource and to avoid duplication of permitting between the

393 United States Army Corps of Engineers and the department for
394 minor work located in waters of the United States, including
395 navigable waters, thus eliminating, in appropriate cases, the
396 need for a separate individual approval from the United States
397 Army Corps of Engineers while ensuring the most stringent
398 protection of wetland resources.

399 (d) Direct the department not to seek issuance of or take
400 any action pursuant to any such permit or permits unless such
401 conditions are at least as protective of the environment and
402 natural resources as existing state law under this part and
403 federal law under the Clean Water Act and the Rivers and Harbors
404 Act of 1899. The department is directed to develop, on or before
405 October 1, 2005, a mechanism or plan to consolidate, to the
406 maximum extent practicable, the federal and state wetland
407 permitting programs. It is the intent of the Legislature that
408 all dredge and fill activities impacting 10 acres or less of
409 wetlands or waters, including navigable waters, be processed by
410 the state as part of the environmental resource permitting
411 program implemented by the department and the water management
412 districts. The resulting mechanism or plan shall analyze and
413 propose the development of an expanded state programmatic
414 general permit program in conjunction with the United States
415 Army Corps of Engineers pursuant to s. 404 of the Clean Water
416 Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,
417 and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,
418 or in combination with an expanded state programmatic general
419 permit, the mechanism or plan may propose the creation of a
420 series of regional general permits issued by the United States

421 ~~Army Corps of Engineers pursuant to the referenced statutes. All~~
422 ~~of the regional general permits must be administered by the~~
423 ~~department or the water management districts or their designees.~~

424 (2) In order to effectuate efficient wetland permitting
425 and avoid duplication, the department and water management
426 districts are authorized to implement a voluntary state
427 programmatically general permit for all dredge and fill activities
428 impacting 3 acres or less of wetlands or other surface waters,
429 including navigable waters, subject to agreement with the United
430 States Army Corps of Engineers, if the general permit is at
431 least as protective of the environment and natural resources as
432 existing state law under this part and federal law under the
433 Clean Water Act and the Rivers and Harbors Act of 1899. The
434 ~~department is directed to file with the Speaker of the House of~~
435 ~~Representatives and the President of the Senate a report~~
436 ~~proposing any required federal and state statutory changes that~~
437 ~~would be necessary to accomplish the directives listed in this~~
438 ~~section and to coordinate with the Florida Congressional~~
439 ~~Delegation on any necessary changes to federal law to implement~~
440 ~~the directives.~~

441 (3) ~~Nothing in~~ This section may not shall be construed to
442 preclude the department from pursuing a series of regional
443 general permits for construction activities in wetlands or
444 surface waters or complete assumption of federal permitting
445 programs regulating the discharge of dredged or fill material
446 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,
447 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers
448 and Harbors Act of 1899, so long as the assumption encompasses

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449 all dredge and fill activities in, on, or over jurisdictional
450 wetlands or waters, including navigable waters, within the
451 state.

452 Section 10. Present subsections (3), (4), and (5) of
453 section 373.441, Florida Statutes, are renumbered as subsections
454 (7), (8), and (9), respectively, and new subsections (3), (4),
455 (5), and (6) are added to that section to read:

456 373.441 Role of counties, municipalities, and local
457 pollution control programs in permit processing; delegation.—

458 (3) A county or municipality having a population of
459 400,000 or more that implements a local pollution control
460 program regulating all or a portion of the wetlands or surface
461 waters throughout its geographic boundary must apply for
462 delegation of state environmental resource permitting authority
463 on or before January 1, 2014. If such a county or municipality
464 fails to receive delegation of all or a portion of state
465 environmental resource permitting authority within 2 years after
466 submitting its application for delegation or by January 1, 2016,
467 at the latest, it may not require permits that in part or in
468 full are substantially similar to the requirements needed to
469 obtain an environmental resource permit. A county or
470 municipality that has received delegation before January 1,
471 2014, does not need to reapply.

472 (4) The department is responsible for all delegations of
473 state environmental resource permitting authority to local
474 governments. The department must grant or deny an application
475 for delegation submitted by a county or municipality that meets
476 the criteria in subsection (3) within 2 years after the receipt

477 of the application. If an application for delegation is denied,
 478 any available legal challenge to such denial shall toll the
 479 preemption deadline until resolution of the legal challenge.
 480 Upon delegation to a qualified local government, the department
 481 and water management district may not regulate the activities
 482 subject to the delegation within that jurisdiction.

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

489 (6) Notwithstanding subsections (3), (4), and (5), this
 490 section does not apply to environmental resource permitting or
 491 reclamation applications for solid mineral mining and does not
 492 prohibit the application of local government regulations to any
 493 new solid mineral mine or any proposed addition to, change to,
 494 or expansion of an existing solid mineral mine.

495 Section 11. Paragraph (b) of subsection (11) of section
 496 376.3071, Florida Statutes, is amended to read:

497 376.3071 Inland Protection Trust Fund; creation; purposes;
 498 funding.—

499 (11)

500 (b) Low-scored site initiative.—Notwithstanding s.
 501 376.30711, any site with a priority ranking score of 10 points
 502 or less may voluntarily participate in the low-scored site
 503 initiative, whether or not the site is eligible for state
 504 restoration funding.

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

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

510 b. No excessively contaminated soil, as defined by
511 department rule, exists onsite as a result of a release of
512 petroleum products.

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

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

518 e. The area of groundwater containing the petroleum
519 products' chemicals of concern is less than one-quarter acre and
520 is confined to the source property boundaries of the real
521 property on which the discharge originated.

522 f. Soils onsite that are subject to human exposure found
523 between land surface and 2 feet below land surface meet the soil
524 cleanup target levels established by department rule or human
525 exposure is limited by appropriate institutional or engineering
526 controls.

527 2. Upon affirmative demonstration of the conditions under
528 subparagraph 1., the department shall issue a determination of
529 "No Further Action." Such determination acknowledges that
530 minimal contamination exists onsite and that such contamination
531 is not a threat to human health or the environment. If no
532 contamination is detected, the department may issue a site

533 rehabilitation completion order.

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

537 a. A responsible party or property owner may submit an
538 assessment plan designed to affirmatively demonstrate that the
539 site meets the conditions under subparagraph 1. Notwithstanding
540 the priority ranking score of the site, the department may
541 preapprove the cost of the assessment pursuant to s. 376.30711,
542 including 6 months of groundwater monitoring, not to exceed
543 \$30,000 for each site. The department may not pay the costs
544 associated with the establishment of institutional or
545 engineering controls.

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

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

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

557 Section 12. Section 376.30715, Florida Statutes, is
558 amended to read:

559 376.30715 Innocent victim petroleum storage system
560 restoration.—A contaminated site acquired by the current owner

561 prior to July 1, 1990, which has ceased operating as a petroleum
562 storage or retail business prior to January 1, 1985, is eligible
563 for financial assistance pursuant to s. 376.305(6),
564 notwithstanding s. 376.305(6)(a). For purposes of this section,
565 the term "acquired" means the acquisition of title to the
566 property; however, a subsequent transfer of the property to a
567 spouse or child of the owner, a surviving spouse or child of the
568 owner in trust or free of trust, ~~or~~ a revocable trust created
569 for the benefit of the settlor, or a corporate entity created by
570 the owner to hold title to the site does not disqualify the site
571 from financial assistance pursuant to s. 376.305(6) and
572 applicants previously denied coverage may reapply. Eligible
573 sites shall be ranked in accordance with s. 376.3071(5).

574 Section 13. Subsection (1) of section 380.0657, Florida
575 Statutes, is amended to read:

576 380.0657 Expedited permitting process for economic
577 development projects.—

578 (1) The Department of Environmental Protection and, as
579 appropriate, the water management districts created under
580 chapter 373 shall adopt programs to expedite the processing of
581 wetland resource and environmental resource permits for economic
582 development projects that have been identified by a municipality
583 or county as meeting the definition of target industry
584 businesses under s. 288.106, or any inland multimodal facility
585 receiving or sending cargo to or from Florida ports, with the
586 exception of those projects requiring approval by the Board of
587 Trustees of the Internal Improvement Trust Fund.

588 Section 14. Paragraph (j) is added to subsection (5) of

589 section 381.0065, Florida Statutes, to read:

590 381.0065 Onsite sewage treatment and disposal systems;
591 regulation.—

592 (5) EVALUATION AND ASSESSMENT.—

593 (j) This subsection only applies to owners of onsite
594 sewage treatment and disposal systems in a county in which the
595 board of county commissioners has adopted a resolution
596 subjecting owners to the requirements of the program and
597 submitted a copy of the resolution to the department.

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

600 403.061 Department; powers and duties.—The department
601 shall have the power and the duty to control and prohibit
602 pollution of air and water in accordance with the law and rules
603 adopted and promulgated by it and, for this purpose, to:

604 (11) Establish ambient air quality and water quality
605 standards for the state as a whole or for any part thereof, and
606 also standards for the abatement of excessive and unnecessary
607 noise. The department is authorized to establish reasonable
608 zones of mixing for discharges into waters. For existing
609 installations as defined by rule 62-520.200(10), Florida
610 Administrative Code, effective July 12, 2009, zones of discharge
611 to groundwater are authorized to a facility's or owner's
612 property boundary and extending to the base of a specifically
613 designated aquifer or aquifers. Exceedance of primary and
614 secondary groundwater standards that occur within a zone of
615 discharge does not create liability pursuant to this chapter or
616 chapter 376 for site cleanup, and the exceedance of soil cleanup

617 target levels is not a basis for enforcement or site cleanup.

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

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

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

627 3. The discharge does not cause a measurable increase in
 628 the degree of noncompliance with the standard at the boundary of
 629 the mixing zone; and

630 4. The discharge otherwise complies with the mixing zone
 631 provisions specified in department rules.

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

634 1. Sources that have received permits from the department
 635 prior to April 1, 1982, or the date of designation, whichever is
 636 later;

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

639 3. Discharges of water necessary for water management
 640 purposes which have been approved by the governing board of a
 641 water management district and, if required by law, by the
 642 secretary; and

643 4. The discharge of demineralization concentrate which has
 644 been determined permittable under s. 403.0882 and which meets

645 the specific provisions of s. 403.0882(4) (a) and (b), if the
 646 proposed discharge is clearly in the public interest.

647 (c) The department, by rule, shall establish water quality
 648 criteria for wetlands which criteria give appropriate
 649 recognition to the water quality of such wetlands in their
 650 natural state.

651
 652 ~~Nothing in~~ This act may not ~~shall~~ be construed to invalidate any
 653 existing department rule relating to mixing zones. The
 654 department shall cooperate with the Department of Highway Safety
 655 and Motor Vehicles in the development of regulations required by
 656 s. 316.272(1).

657
 658 The department shall implement such programs in conjunction with
 659 its other powers and duties and shall place special emphasis on
 660 reducing and eliminating contamination that presents a threat to
 661 humans, animals or plants, or to the environment.

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

664 403.087 Permits; general issuance; denial; revocation;
 665 prohibition; penalty.—

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

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

672 (b) ~~Has~~ Violated law, department orders, rules, ~~or~~

673 ~~regulations,~~ or ~~permit~~ conditions;

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

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

680 Section 17. Subsection (2) of section 403.1838, Florida
 681 Statutes, is amended to read:

682 403.1838 Small Community Sewer Construction Assistance
 683 Act.—

684 (2) The department shall use funds specifically
 685 appropriated to award grants under this section to assist
 686 financially disadvantaged small communities with their needs for
 687 adequate sewer facilities. For purposes of this section, the
 688 term "financially disadvantaged small community" means a
 689 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer
 690 ~~less~~, according to the latest decennial census and a per capita
 691 annual income less than the state per capita annual income as
 692 determined by the United States Department of Commerce.

693 Section 18. Paragraph (f) of subsection (1) of section
 694 403.7045, Florida Statutes, is amended to read:

695 403.7045 Application of act and integration with other
 696 acts.—

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

699 (f) Industrial byproducts, if:

700 1. A majority of the industrial byproducts are

701 demonstrated to be sold, used, or reused within 1 year.

702 2. The industrial byproducts are not discharged,
 703 deposited, injected, dumped, spilled, leaked, or placed upon any
 704 land or water so that such industrial byproducts, or any
 705 constituent thereof, may enter other lands or be emitted into
 706 the air or discharged into any waters, including groundwaters,
 707 or otherwise enter the environment such that a threat of
 708 contamination in excess of applicable department standards and
 709 criteria or a significant threat to public health is caused.

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

712
 713 Sludge from an industrial waste treatment works that meets the
 714 exemption requirements of this paragraph is not solid waste as
 715 defined in s. 403.703(32).

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

718 403.707 Permits.—

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

725 (a) Disposal by persons of solid waste resulting from
 726 their own activities on their own property, if such waste is
 727 ordinary household waste from their residential property or is
 728 rocks, soils, trees, tree remains, and other vegetative matter

729 that normally result from land development operations. Disposal
730 of materials that could create a public nuisance or adversely
731 affect the environment or public health, such as white goods;
732 automotive materials, such as batteries and tires; petroleum
733 products; pesticides; solvents; or hazardous substances, is not
734 covered under this exemption.

735 (b) Storage in containers by persons of solid waste
736 resulting from their own activities on their property, leased or
737 rented property, or property subject to a homeowners' ~~homeowners~~
738 or maintenance association for which the person contributes
739 association assessments, if the solid waste in such containers
740 is collected at least once a week.

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

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

747 2. Addressed or authorized by, or exempted from the
748 requirement to obtain, a groundwater monitoring plan approved by
749 the department. If a facility has a permit authorizing disposal
750 activity, new areas where solid waste is being disposed of which
751 are monitored by an existing or modified groundwater monitoring
752 plan are not required to be specifically authorized in a permit
753 or other certification.

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

757 (e) Disposal of solid waste resulting from normal farming
 758 operations as defined by department rule. Polyethylene
 759 agricultural plastic, damaged, nonsalvageable, untreated wood
 760 pallets, and packing material that cannot be feasibly recycled,
 761 which are used in connection with agricultural operations
 762 related to the growing, harvesting, or maintenance of crops, may
 763 be disposed of by open burning if a public nuisance or any
 764 condition adversely affecting the environment or the public
 765 health is not created by the open burning and state or federal
 766 ambient air quality standards are not violated.

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

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

775 (3) (a) All applicable provisions of ss. 403.087 and
 776 403.088, relating to permits, apply to the control of solid
 777 waste management facilities.

778 (b) A permit, including a general permit, issued to a
 779 solid waste management facility that is designed with a leachate
 780 control system meeting department requirements shall be issued
 781 for a term of 20 years unless the applicant requests a shorter
 782 permit term. Notwithstanding the limitations of s.

783 403.087(6) (a), existing permit fees for a qualifying solid waste
 784 management facility shall be adjusted to reflect the permit term

785 authorized by this section. This paragraph applies to a
 786 qualifying solid waste management facility that applies for an
 787 operating or construction permit or renews an existing operating
 788 or construction permit on or after October 1, 2012.

789 (c) A permit, including a general permit, but not
 790 including a registration, issued to a solid waste management
 791 facility that does not have a leachate control system meeting
 792 department requirements shall be renewed for a term of 10 years,
 793 unless the applicant requests a shorter permit term, if the
 794 following conditions are met:

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

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

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

803 b. The department has not notified the applicant that it
 804 is required to implement assessment or evaluation monitoring as
 805 a result of exceedances of applicable groundwater standards or
 806 criteria or, if applicable, the applicant is completing
 807 corrective actions in accordance with applicable department
 808 rules; and

809 c. The applicant is in compliance with the applicable
 810 financial assurance requirements.

811 (d) The department may adopt rules to administer this
 812 subsection. However, the department is not required to submit

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813 such rules to the Environmental Regulation Commission for
814 approval. Notwithstanding the limitations of s. 403.087(6)(a),
815 permit fee caps for solid waste management facilities shall be
816 prorated to reflect the extended permit term authorized by this
817 subsection.

818 Section 20. Section 403.7125, Florida Statutes, is amended
819 to read:

820 403.7125 Financial assurance ~~for closure.~~

821 (1) Every owner or operator of a landfill is jointly and
822 severally liable for the improper operation and closure of the
823 landfill, as provided by law. As used in this section, the term
824 "owner or operator" means any owner of record of any interest in
825 land wherein a landfill is or has been located and any person or
826 corporation that owns a majority interest in any other
827 corporation that is the owner or operator of a landfill.

828 (2) The owner or operator of a landfill owned or operated
829 by a local or state government or the Federal Government shall
830 establish a fee, or a surcharge on existing fees or other
831 appropriate revenue-producing mechanism, to ensure the
832 availability of financial resources for the proper closure of
833 the landfill. However, the disposal of solid waste by persons on
834 their own property, as described in s. 403.707(2), is exempt
835 from this section.

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

839 (b) The revenue shall be deposited in an interest-bearing
840 escrow account to be held and administered by the owner or

841 operator. The owner or operator shall file with the department
842 an annual audit of the account. The audit shall be conducted by
843 an independent certified public accountant. Failure to collect
844 or report such revenue, except as allowed in subsection (3), is
845 a noncriminal violation punishable by a fine of not more than
846 \$5,000 for each offense. The owner or operator may make
847 expenditures from the account and its accumulated interest only
848 for the purpose of landfill closure and, if such expenditures do
849 not deplete the fund to the detriment of eventual closure, for
850 planning and construction of resource recovery or landfill
851 facilities. Any moneys remaining in the account after paying for
852 proper and complete closure, as determined by the department,
853 shall, if the owner or operator does not operate a landfill, be
854 deposited by the owner or operator into the general fund or the
855 appropriate solid waste fund of the local government of
856 jurisdiction.

857 (c) The revenue generated under this subsection and any
858 accumulated interest thereon may be applied to the payment of,
859 or pledged as security for, the payment of revenue bonds issued
860 in whole or in part for the purpose of complying with state and
861 federal landfill closure requirements. Such application or
862 pledge may be made directly in the proceedings authorizing such
863 bonds or in an agreement with an insurer of bonds to assure such
864 insurer of additional security therefor.

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

869 (e) The owner or operator of any landfill that had
870 established an escrow account in accordance with this section
871 and the conditions of its permit prior to January 1, 2007, may
872 continue to use that escrow account to provide financial
873 assurance for closure of that landfill, even if that landfill is
874 not owned or operated by a local or state government or the
875 Federal Government.

876 (3) An owner or operator of a landfill owned or operated
877 by a local or state government or by the Federal Government may
878 provide financial assurance to the department in lieu of the
879 requirements of subsection (2). An owner or operator of any
880 other landfill, or any other solid waste management facility
881 designated by department rule, shall provide financial assurance
882 to the department for the closure of the facility. Such
883 financial assurance may include surety bonds, certificates of
884 deposit, securities, letters of credit, or other documents
885 showing that the owner or operator has sufficient financial
886 resources to cover, at a minimum, the costs of complying with
887 applicable closure requirements. The owner or operator shall
888 estimate such costs to the satisfaction of the department.

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

893 (5) The department shall by rule require that the owner or
894 operator of a solid waste management facility that receives
895 waste after October 9, 1993, and that is required by department
896 rule to undertake corrective actions for violations of water

897 quality standards provide financial assurance for the cost of
 898 completing such corrective actions. The same financial assurance
 899 mechanisms that are available for closure costs shall be
 900 available for costs associated with undertaking corrective
 901 actions.

902 ~~(6)~~(5) The department shall adopt rules to implement this
 903 section.

904 Section 21. Subsection (12) is added to section 403.814,
 905 Florida Statutes, to read:

906 403.814 General permits; delegation.—

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

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

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

915 (c) No activities will impact wetlands or other surface
 916 waters;

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

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

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

924 (g) The project does not:

- 925 1. Cause adverse water quantity or flooding impacts to
 926 receiving water and adjacent lands;
- 927 2. Cause adverse impacts to existing surface water storage
 928 and conveyance capabilities;
- 929 3. Cause a violation of state water quality standards; or
 930 4. Cause an adverse impact to the maintenance of surface
 931 or ground water levels or surface water flows established
 932 pursuant to s. 373.042 or a work of the district established
 933 pursuant to s. 373.086; and

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

939 Section 22. Subsection (6) of section 403.853, Florida
 940 Statutes, is amended to read:

941 403.853 Drinking water standards.—

942 (6) Upon the request of the owner or operator of a
 943 transient noncommunity water system using groundwater as a
 944 source of supply and serving religious institutions or
 945 businesses, other than restaurants or other public food service
 946 establishments or religious institutions with school or day care
 947 services, and using groundwater as a source of supply, the
 948 department, or a local county health department designated by
 949 the department, shall perform a sanitary survey of the facility.
 950 Upon receipt of satisfactory survey results according to
 951 department criteria, the department shall reduce the
 952 requirements of such owner or operator from monitoring and

953 reporting on a quarterly basis to performing these functions on
 954 an annual basis. Any revised monitoring and reporting schedule
 955 approved by the department under this subsection shall apply
 956 until such time as a violation of applicable state or federal
 957 primary drinking water standards is determined by the system
 958 owner or operator, by the department, or by an agency designated
 959 by the department, after a random or routine sanitary survey.
 960 Certified operators are not required for transient noncommunity
 961 water systems of the type and size covered by this subsection.
 962 Any reports required of such system shall be limited to the
 963 minimum as required by federal law. When not contrary to the
 964 provisions of federal law, the department may, upon request and
 965 by rule, waive additional provisions of state drinking water
 966 regulations for such systems.

967 Section 23. Paragraph (a) of subsection (3) and
 968 subsections (4), (5), (10), (11), (14), (15), and (18) of
 969 section 403.973, Florida Statutes, are amended to read:

970 403.973 Expedited permitting; amendments to comprehensive
 971 plans.—

972 (3) (a) The secretary shall direct the creation of regional
 973 permit action teams for the purpose of expediting review of
 974 permit applications and local comprehensive plan amendments
 975 submitted by:

976 1. Businesses creating at least 50 jobs or a commercial or
 977 industrial development project that will be occupied by
 978 businesses that would individually or collectively create at
 979 least 50 jobs; or

980 2. Businesses creating at least 25 jobs if the project is

981 | located in an enterprise zone, or in a county having a
 982 | population of fewer than 75,000 or in a county having a
 983 | population of fewer than 125,000 which is contiguous to a county
 984 | having a population of fewer than 75,000, as determined by the
 985 | most recent decennial census, residing in incorporated and
 986 | unincorporated areas of the county.

987 | (4) The regional teams shall be established through the
 988 | execution of a project-specific memoranda of agreement developed
 989 | and executed by the applicant and the secretary, with input
 990 | solicited from ~~the Department of Economic Opportunity and the~~
 991 | respective heads of the Department of Transportation and its
 992 | district offices, the Department of Agriculture and Consumer
 993 | Services, the Fish and Wildlife Conservation Commission,
 994 | appropriate regional planning councils, appropriate water
 995 | management districts, and voluntarily participating
 996 | municipalities and counties. The memoranda of agreement should
 997 | also accommodate participation in this expedited process by
 998 | other local governments and federal agencies as circumstances
 999 | warrant.

1000 | (5) In order to facilitate local government's option to
 1001 | participate in this expedited review process, the secretary
 1002 | shall, in cooperation with local governments and participating
 1003 | state agencies, create a standard form memorandum of agreement.
 1004 | The standard form of the memorandum of agreement shall be used
 1005 | only if the local government participates in the expedited
 1006 | review process. In the absence of local government
 1007 | participation, only the project-specific memorandum of agreement
 1008 | executed pursuant to subsection (4) applies. A local government

1009 shall hold a duly noticed public workshop to review and explain
 1010 to the public the expedited permitting process and the terms and
 1011 conditions of the standard form memorandum of agreement.

1012 (10) The memoranda of agreement may provide for the waiver
 1013 or modification of procedural rules prescribing forms, fees,
 1014 procedures, or time limits for the review or processing of
 1015 permit applications under the jurisdiction of those agencies
 1016 that are members of the regional permit action team ~~party to the~~
 1017 ~~memoranda of agreement~~. Notwithstanding any other provision of
 1018 law to the contrary, a memorandum of agreement must to the
 1019 extent feasible provide for proceedings and hearings otherwise
 1020 held separately ~~by the parties to the memorandum of agreement~~ to
 1021 be combined into one proceeding or held jointly and at one
 1022 location. Such waivers or modifications are not authorized ~~shall~~
 1023 ~~not be available~~ for permit applications governed by federally
 1024 delegated or approved permitting programs, the requirements of
 1025 which would prohibit, or be inconsistent with, such a waiver or
 1026 modification.

1027 (11) The ~~standard form for~~ memoranda of agreement shall
 1028 include guidelines to be used in working with state, regional,
 1029 and local permitting authorities. Guidelines may include, but
 1030 are not limited to, the following:

1031 (a) A central contact point for filing permit applications
 1032 and local comprehensive plan amendments and for obtaining
 1033 information on permit and local comprehensive plan amendment
 1034 requirements. ~~†~~

1035 (b) Identification of the individual or individuals within
 1036 each respective agency who will be responsible for processing

1037 the expedited permit application or local comprehensive plan
 1038 amendment for that agency.†

1039 (c) A mandatory preapplication review process to reduce
 1040 permitting conflicts by providing guidance to applicants
 1041 regarding the permits needed from each agency and governmental
 1042 entity, site planning and development, site suitability and
 1043 limitations, facility design, and steps the applicant can take
 1044 to ensure expeditious permit application and local comprehensive
 1045 plan amendment review. As a part of this process, the first
 1046 interagency meeting to discuss a project shall be held within 14
 1047 days after the secretary's determination that the project is
 1048 eligible for expedited review. Subsequent interagency meetings
 1049 may be scheduled to accommodate the needs of participating local
 1050 governments that are unable to meet public notice requirements
 1051 for executing a memorandum of agreement within this timeframe.
 1052 This accommodation may not exceed 45 days from the secretary's
 1053 determination that the project is eligible for expedited
 1054 review.†

1055 (d) The preparation of a single coordinated project
 1056 description form and checklist and an agreement by state and
 1057 regional agencies to reduce the burden on an applicant to
 1058 provide duplicate information to multiple agencies.†

1059 (e) Establishment of a process for the adoption and review
 1060 of any comprehensive plan amendment needed by any certified
 1061 project within 90 days after the submission of an application
 1062 for a comprehensive plan amendment. However, the memorandum of
 1063 agreement may not prevent affected persons as defined in s.
 1064 163.3184 from appealing or participating in this expedited plan

1065 amendment process and any review or appeals of decisions made
 1066 under this paragraph. ~~and~~

1067 (f) Additional incentives for an applicant who proposes a
 1068 project that provides a net ecosystem benefit.

1069 (14) (a) Challenges to state agency action in the expedited
 1070 permitting process for projects processed under this section are
 1071 subject to the summary hearing provisions of s. 120.574, except
 1072 that the administrative law judge's decision, as provided in s.
 1073 120.574(2) (f), shall be in the form of a recommended order and
 1074 do not constitute the final action of the state agency. In those
 1075 proceedings where the action of only one agency of the state
 1076 other than the Department of Environmental Protection is
 1077 challenged, the agency of the state shall issue the final order
 1078 within 45 working days after receipt of the administrative law
 1079 judge's recommended order, and the recommended order shall
 1080 inform the parties of their right to file exceptions or
 1081 responses to the recommended order in accordance with the
 1082 uniform rules of procedure pursuant to s. 120.54. In those
 1083 proceedings where the actions of more than one agency of the
 1084 state are challenged, the Governor shall issue the final order
 1085 within 45 working days after receipt of the administrative law
 1086 judge's recommended order, and the recommended order shall
 1087 inform the parties of their right to file exceptions or
 1088 responses to the recommended order in accordance with the
 1089 uniform rules of procedure pursuant to s. 120.54. For ~~This~~
 1090 ~~paragraph does not apply to~~ the issuance of department licenses
 1091 required under any federally delegated or approved permit
 1092 program. ~~In such instances,~~ and not the

1093 Governor, shall enter the final order. The participating
 1094 agencies of the state may opt at the preliminary hearing
 1095 conference to allow the administrative law judge's decision to
 1096 constitute the final agency action.

1097 (b) Projects identified in paragraph (3)(f) or challenges
 1098 to state agency action in the expedited permitting process for
 1099 establishment of a state-of-the-art biomedical research
 1100 institution and campus in this state by the grantee under s.
 1101 288.955 are subject to the same requirements as challenges
 1102 brought under paragraph (a), except that, notwithstanding s.
 1103 120.574, summary proceedings must be conducted within 30 days
 1104 after a party files the motion for summary hearing, regardless
 1105 of whether the parties agree to the summary proceeding.

1106 (15) The Department of Economic Opportunity, working with
 1107 the agencies providing cooperative assistance and input
 1108 regarding the memoranda of agreement, shall review sites
 1109 proposed for the location of facilities that the Department of
 1110 Economic Opportunity has certified to be eligible for the
 1111 Innovation Incentive Program under s. 288.1089. Within 20 days
 1112 after the request for the review by the Department of Economic
 1113 Opportunity, the agencies shall provide to the Department of
 1114 Economic Opportunity a statement as to each site's necessary
 1115 permits under local, state, and federal law and an
 1116 identification of significant permitting issues, which if
 1117 unresolved, may result in the denial of an agency permit or
 1118 approval or any significant delay caused by the permitting
 1119 process.

1120 (18) The Department of Economic Opportunity, working with

1121 the Rural Economic Development Initiative ~~and the agencies~~
 1122 ~~participating in the memoranda of agreement~~, shall provide
 1123 technical assistance in preparing permit applications and local
 1124 comprehensive plan amendments for counties having a population
 1125 of fewer than 75,000 residents, or counties having fewer than
 1126 125,000 residents which are contiguous to counties having fewer
 1127 than 75,000 residents. Additional assistance may include, but
 1128 not be limited to, guidance in land development regulations and
 1129 permitting processes, working cooperatively with state,
 1130 regional, and local entities to identify areas within these
 1131 counties which may be suitable or adaptable for preclearance
 1132 review of specified types of land uses and other activities
 1133 requiring permits.

1134 Section 24. Subsection (1) of section 526.203, Florida
 1135 Statutes, is amended, and subsection (5) is added to that
 1136 section, to read:

1137 526.203 Renewable fuel standard.—

1138 (1) DEFINITIONS.—As used in this act:

1139 (a) "Blender," "importer," "terminal supplier," and
 1140 "wholesaler" are defined as provided in s. 206.01.

1141 (b) "Blended gasoline" means a mixture of 90 to 91 percent
 1142 gasoline and 9 to 10 percent fuel ethanol or other renewable
 1143 fuel, by volume, that meets the specifications as adopted by the
 1144 department. The fuel ethanol portion may be derived from any
 1145 agricultural source.

1146 (c) "Fuel ethanol" means an anhydrous denatured alcohol
 1147 produced by the conversion of carbohydrates that meets the
 1148 specifications as adopted by the department.

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1149 (d) "Renewable fuel" means a fuel produced from renewable
1150 biomass that is used to replace or reduce the quantity of fossil
1151 fuel present in a transportation fuel.

1152 (e) ~~(d)~~ "Unblended gasoline" means gasoline that has not
1153 been blended ~~with fuel ethanol~~ and that meets the specifications
1154 as adopted by the department.

1155 (5) SALE OF UNBLENDED FUELS.—This section does not
1156 prohibit the sale of unblended fuels for the uses exempted under
1157 subsection (3).

1158 Section 25. This act shall take effect July 1, 2012.