

1                                   A bill to be entitled  
2           An act relating to environmental regulation; amending  
3           s. 125.022, F.S.; prohibiting a county from requiring  
4           an applicant to obtain a permit or approval from any  
5           state or federal agency as a condition of processing a  
6           development permit under certain conditions;  
7           authorizing a county to attach certain disclaimers to  
8           the issuance of a development permit; amending s.  
9           161.041, F.S.; providing conditions under which the  
10          department is authorized to issue such permits in  
11          advance of the issuance of incidental take  
12          authorizations as provided under the Endangered  
13          Species Act; amending s. 166.033, F.S.; prohibiting a  
14          municipality from requiring an applicant to obtain a  
15          permit or approval from any state or federal agency as  
16          a condition of processing a development permit under  
17          certain conditions; authorizing a municipality to  
18          attach certain disclaimers to the issuance of a  
19          development permit; amending s. 218.075, F.S.;  
20          providing for the reduction or waiver of permit  
21          processing fees relating to projects that serve a  
22          public purpose for certain entities created by special  
23          act, local ordinance, or interlocal agreement;  
24          amending s. 373.026, F.S.; requiring the department to  
25          expand its use of Internet-based self-certification  
26          services for exemptions and permits issued by the  
27          department and water management districts; amending s.  
28          373.326, F.S.; exempting certain underground injection

29 control wells from permitting requirements under part  
30 III of chapter 373, F.S., relating to regulation of  
31 wells; providing a requirement for the construction of  
32 such wells; amending s. 373.4141, F.S.; reducing the  
33 time within which a permit must be approved, denied,  
34 or subject to notice of proposed agency action;  
35 prohibiting a state agency or an agency of the state  
36 from requiring additional permits or approval from a  
37 local, state, or federal agency without explicit  
38 authority; amending s. 373.4144, F.S.; providing  
39 legislative intent with respect to the coordination of  
40 regulatory duties among specified state and federal  
41 agencies; encouraging expanded use of the state  
42 programmatic general permit or regional general  
43 permits; providing for a voluntary state programmatic  
44 general permit for certain dredge and fill activities;  
45 amending s. 376.3071, F.S.; increasing the priority  
46 ranking score for participation in the low-scored site  
47 initiative; exempting program deductibles, copayments,  
48 and certain assessment report requirements from  
49 expenditures under the low-scored site initiative;  
50 amending s. 376.30715, F.S.; providing that the  
51 transfer of a contaminated site from an owner to a  
52 child of the owner or corporate entity does not  
53 disqualify the site from the innocent victim petroleum  
54 storage system restoration financial assistance  
55 program; authorizing certain applicants to reapply for  
56 financial assistance; amending s. 380.0657, F.S.;

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

85 waste management facilities designed with leachate  
86 control systems that meet department requirements;  
87 requiring permit fees to be adjusted; providing  
88 applicability; specifying a permit term for solid  
89 waste management facilities that do not have leachate  
90 control systems meeting department requirements under  
91 certain conditions; authorizing the department to  
92 adopt rules; providing that the department is not  
93 required to submit the rules to the Environmental  
94 Regulation Commission for approval; requiring permit  
95 fee caps to be prorated; amending s. 403.7125, F.S.;  
96 requiring the department to require by rule that  
97 owners or operators of solid waste management  
98 facilities receiving waste after October 9, 1993,  
99 provide financial assurance for the cost of completing  
100 certain corrective actions; amending s. 403.814, F.S.;  
101 providing for issuance of general permits for the  
102 construction, alteration, and maintenance of certain  
103 surface water management systems without the action of  
104 the department or a water management district;  
105 specifying conditions for the general permits;  
106 amending s. 403.853, F.S.; providing for the  
107 department, or a local county health department  
108 designated by the department, to perform sanitary  
109 surveys for certain transient noncommunity water  
110 systems; amending s. 403.973, F.S.; authorizing  
111 expedited permitting for certain commercial or  
112 industrial development projects that individually or

113 collectively will create a minimum number of jobs;  
114 providing for a project-specific memorandum of  
115 agreement to apply to a project subject to expedited  
116 permitting; clarifying the authority of the department  
117 to enter final orders for the issuance of certain  
118 licenses; revising criteria for the review of certain  
119 sites; amending s. 526.203, F.S.; revising the  
120 definitions of the terms "blended gasoline" and  
121 "unblended gasoline"; defining the term "alternative  
122 fuel"; authorizing the sale of unblended gasoline for  
123 certain uses; providing that holders of valid permits  
124 or other authorizations are not required to make  
125 payments to authorizing agencies for use of certain  
126 extensions granted under chapter 2011-139, Laws of  
127 Florida; providing retroactive applicability and  
128 effect; providing a 2-year permit extension; providing  
129 an effective date.

130  
131 Be It Enacted by the Legislature of the State of Florida:

132  
133 Section 1. Section 125.022, Florida Statutes, is amended to  
134 read:

135 125.022 Development permits.—When a county denies an  
136 application for a development permit, the county shall give  
137 written notice to the applicant. The notice must include a  
138 citation to the applicable portions of an ordinance, rule,  
139 statute, or other legal authority for the denial of the permit.  
140 As used in this section, the term "development permit" has the

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

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

164 161.041 Permits required.—

165 (5) Notwithstanding any other provision of law, the  
166 department may issue a permit pursuant to this part in advance  
167 of the issuance of an incidental take authorization as provided  
168 under the Endangered Species Act and its implementing

169 regulations if the permit and authorization include a condition  
170 requiring that authorized activities not begin until the  
171 incidental take authorization is issued.

172 Section 3. Section 166.033, Florida Statutes, is amended  
173 to read:

174 166.033 Development permits.—When a municipality denies an  
175 application for a development permit, the municipality shall  
176 give written notice to the applicant. The notice must include a  
177 citation to the applicable portions of an ordinance, rule,  
178 statute, or other legal authority for the denial of the permit.  
179 As used in this section, the term "development permit" has the  
180 same meaning as in s. 163.3164. For any development permit  
181 application filed with the municipality after July 1, 2012, a  
182 municipality may not require as a condition of processing or  
183 issuing a development permit that an applicant obtain a permit  
184 or approval from any state or federal agency unless the agency  
185 has issued a final agency action that denies the federal or  
186 state permit before the municipal action on the local  
187 development permit. Issuance of a development permit by a  
188 municipality does not in any way create any right on the part of  
189 an applicant to obtain a permit from a state or federal agency  
190 and does not create any liability on the part of the  
191 municipality for issuance of the permit if the applicant fails  
192 to obtain requisite approvals or fulfill the obligations imposed  
193 by a state or federal agency or undertakes actions that result  
194 in a violation of state or federal law. A municipality may  
195 attach such a disclaimer to the issuance of development permits  
196 and may include a permit condition that all other applicable

197 state or federal permits be obtained before commencement of the  
 198 development. This section does not prohibit a municipality from  
 199 providing information to an applicant regarding what other state  
 200 or federal permits may apply.

201 Section 4. Section 218.075, Florida Statutes, is amended  
 202 to read:

203 218.075 Reduction or waiver of permit processing fees.—  
 204 Notwithstanding any other provision of law, the Department of  
 205 Environmental Protection and the water management districts  
 206 shall reduce or waive permit processing fees for counties with a  
 207 population of 50,000 or less on April 1, 1994, until such  
 208 counties exceed a population of 75,000 and municipalities with a  
 209 population of 25,000 or less, or for an entity created by  
 210 special act, local ordinance, or interlocal agreement of such  
 211 counties or municipalities, or for any county or municipality  
 212 not included within a metropolitan statistical area. Fee  
 213 reductions or waivers shall be approved on the basis of fiscal  
 214 hardship or environmental need for a particular project or  
 215 activity. The governing body must certify that the cost of the  
 216 permit processing fee is a fiscal hardship due to one of the  
 217 following factors:

- 218 (1) Per capita taxable value is less than the statewide  
 219 average for the current fiscal year;
- 220 (2) Percentage of assessed property value that is exempt  
 221 from ad valorem taxation is higher than the statewide average  
 222 for the current fiscal year;
- 223 (3) Any condition specified in s. 218.503(1) which results  
 224 in the county or municipality being in a state of financial



225 emergency;

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

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

232

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

240 Section 5. Subsection (10) is added to section 373.026,  
 241 Florida Statutes, to read:

242 373.026 General powers and duties of the department.—The  
 243 department, or its successor agency, shall be responsible for  
 244 the administration of this chapter at the state level. However,  
 245 it is the policy of the state that, to the greatest extent  
 246 possible, the department may enter into interagency or  
 247 interlocal agreements with any other state agency, any water  
 248 management district, or any local government conducting programs  
 249 related to or materially affecting the water resources of the  
 250 state. All such agreements shall be subject to the provisions of  
 251 s. 373.046. In addition to its other powers and duties, the  
 252 department shall, to the greatest extent possible:

253       (10) Expand the use of Internet-based self-certification  
254 services for appropriate exemptions and general permits issued  
255 by the department and the water management districts, if such  
256 expansion is economically feasible. In addition to expanding the  
257 use of Internet-based self-certification services for  
258 appropriate exemptions and general permits, the department and  
259 water management districts shall identify and develop general  
260 permits for appropriate activities currently requiring  
261 individual review which could be expedited through the use of  
262 applicable professional certification.

263       Section 6. Subsection (3) is added to section 373.326,  
264 Florida Statutes, to read:

265       373.326 Exemptions.—

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

273       Section 7. Subsection (2) of section 373.4141, Florida  
274 Statutes, is amended, and subsection (4) is added to that  
275 section, to read:

276       373.4141 Permits; processing.—

277       (2) A permit shall be approved, ~~or~~ denied, or subject to a  
278 notice of proposed agency action within 60 ~~90~~ days after receipt  
279 of the original application, the last item of timely requested  
280 additional material, or the applicant's written request to begin

281 processing the permit application.

282 (4) A state agency or an agency of the state may not  
 283 require as a condition of approval for a permit or as an item to  
 284 complete a pending permit application that an applicant obtain a  
 285 permit or approval from any other local, state, or federal  
 286 agency without explicit statutory authority to require such  
 287 permit or approval.

288 Section 8. Section 373.4144, Florida Statutes, is amended  
 289 to read:

290 373.4144 Federal environmental permitting.—

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

292 (a) Facilitate coordination and a more efficient process  
 293 of implementing regulatory duties and functions between the  
 294 Department of Environmental Protection, the water management  
 295 districts, the United States Army Corps of Engineers, the United  
 296 States Fish and Wildlife Service, the National Marine Fisheries  
 297 Service, the United States Environmental Protection Agency, the  
 298 Fish and Wildlife Conservation Commission, and other relevant  
 299 federal and state agencies.

300 (b) Authorize the Department of Environmental Protection  
 301 to obtain issuance by the United States Army Corps of Engineers,  
 302 pursuant to state and federal law and as set forth in this  
 303 section, of an expanded state programmatic general permit, or a  
 304 series of regional general permits, for categories of activities  
 305 in waters of the United States governed by the Clean Water Act  
 306 and in navigable waters under the Rivers and Harbors Act of 1899  
 307 which are similar in nature, which will cause only minimal  
 308 adverse environmental effects when performed separately, and

309 which will have only minimal cumulative adverse effects on the  
310 environment.

311 (c) Use the mechanism of such a state general permit or  
312 such regional general permits to eliminate overlapping federal  
313 regulations and state rules that seek to protect the same  
314 resource and to avoid duplication of permitting between the  
315 United States Army Corps of Engineers and the department for  
316 minor work located in waters of the United States, including  
317 navigable waters, thus eliminating, in appropriate cases, the  
318 need for a separate individual approval from the United States  
319 Army Corps of Engineers while ensuring the most stringent  
320 protection of wetland resources.

321 (d) Direct the department not to seek issuance of or take  
322 any action pursuant to any such permit or permits unless such  
323 conditions are at least as protective of the environment and  
324 natural resources as existing state law under this part and  
325 federal law under the Clean Water Act and the Rivers and Harbors  
326 Act of 1899. ~~The department is directed to develop, on or before~~  
327 ~~October 1, 2005, a mechanism or plan to consolidate, to the~~  
328 ~~maximum extent practicable, the federal and state wetland~~  
329 ~~permitting programs. It is the intent of the Legislature that~~  
330 ~~all dredge and fill activities impacting 10 acres or less of~~  
331 ~~wetlands or waters, including navigable waters, be processed by~~  
332 ~~the state as part of the environmental resource permitting~~  
333 ~~program implemented by the department and the water management~~  
334 ~~districts. The resulting mechanism or plan shall analyze and~~  
335 ~~propose the development of an expanded state programmatic~~  
336 ~~general permit program in conjunction with the United States~~

337 ~~Army Corps of Engineers pursuant to s. 404 of the Clean Water~~  
338 ~~Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,~~  
339 ~~and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,~~  
340 ~~or in combination with an expanded state programmatic general~~  
341 ~~permit, the mechanism or plan may propose the creation of a~~  
342 ~~series of regional general permits issued by the United States~~  
343 ~~Army Corps of Engineers pursuant to the referenced statutes. All~~  
344 ~~of the regional general permits must be administered by the~~  
345 ~~department or the water management districts or their designees.~~

346       (2) In order to effectuate efficient wetland permitting  
347 and avoid duplication, the department and water management  
348 districts are authorized to implement a voluntary state  
349 programmatic general permit for all dredge and fill activities  
350 impacting 3 acres or less of wetlands or other surface waters,  
351 including navigable waters, subject to agreement with the United  
352 States Army Corps of Engineers, if the general permit is at  
353 least as protective of the environment and natural resources as  
354 existing state law under this part and federal law under the  
355 Clean Water Act and the Rivers and Harbors Act of 1899. The  
356 ~~department is directed to file with the Speaker of the House of~~  
357 ~~Representatives and the President of the Senate a report~~  
358 ~~proposing any required federal and state statutory changes that~~  
359 ~~would be necessary to accomplish the directives listed in this~~  
360 ~~section and to coordinate with the Florida Congressional~~  
361 ~~Delegation on any necessary changes to federal law to implement~~  
362 ~~the directives.~~

363       (3) ~~Nothing in This section~~ may not ~~shall~~ be construed to  
364 preclude the department from pursuing a series of regional

365 general permits for construction activities in wetlands or  
 366 surface waters or complete assumption of federal permitting  
 367 programs regulating the discharge of dredged or fill material  
 368 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,  
 369 as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers  
 370 and Harbors Act of 1899, so long as the assumption encompasses  
 371 all dredge and fill activities in, on, or over jurisdictional  
 372 wetlands or waters, including navigable waters, within the  
 373 state.

374 Section 9. Subsection (11) of section 376.3071, Florida  
 375 Statutes, is amended to read:

376 376.3071 Inland Protection Trust Fund; creation; purposes;  
 377 funding.—

378 (11) SITE CLEANUP.—

379 (a) Voluntary cleanup.—~~Nothing in~~ This section shall does  
 380 not be deemed to prohibit a person from conducting site  
 381 rehabilitation either through his or her own personnel or  
 382 through responsible response action contractors or  
 383 subcontractors when such person is not seeking site  
 384 rehabilitation funding from the fund. Such voluntary cleanups  
 385 must meet all applicable environmental standards.

386 (b) Low-scored site initiative.—Notwithstanding s.  
 387 376.30711, any site with a priority ranking score of 29 ~~10~~  
 388 points or less may voluntarily participate in the low-scored  
 389 site initiative, whether or not the site is eligible for state  
 390 restoration funding.

391 1. To participate in the low-scored site initiative, the  
 392 responsible party or property owner must affirmatively

393 demonstrate that the following conditions are met:

394 a. Upon reassessment pursuant to department rule, the site  
395 retains a priority ranking score of 29 ~~40~~ points or less.

396 b. No excessively contaminated soil, as defined by  
397 department rule, exists onsite as a result of a release of  
398 petroleum products.

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

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

404 e. The area of groundwater containing the petroleum  
405 products' chemicals of concern is less than one-quarter acre and  
406 is confined to the source property boundaries of the real  
407 property on which the discharge originated.

408 f. Soils onsite that are subject to human exposure found  
409 between land surface and 2 feet below land surface meet the soil  
410 cleanup target levels established by department rule or human  
411 exposure is limited by appropriate institutional or engineering  
412 controls.

413 2. Upon affirmative demonstration of the conditions under  
414 subparagraph 1., the department shall issue a determination of  
415 "No Further Action." Such determination acknowledges that  
416 minimal contamination exists onsite and that such contamination  
417 is not a threat to human health or the environment. If no  
418 contamination is detected, the department may issue a site  
419 rehabilitation completion order.

420 3. Sites that are eligible for state restoration funding

421 may receive payment of preapproved costs for the low-scored site  
 422 initiative as follows:

423 a. A responsible party or property owner may submit an  
 424 assessment plan designed to affirmatively demonstrate that the  
 425 site meets the conditions under subparagraph 1. Notwithstanding  
 426 the priority ranking score of the site, the department may  
 427 preapprove the cost of the assessment pursuant to s. 376.30711,  
 428 including 6 months of groundwater monitoring, not to exceed  
 429 \$30,000 for each site. The department may not pay the costs  
 430 associated with the establishment of institutional or  
 431 engineering controls.

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

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

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

443 Section 10. Section 376.30715, Florida Statutes, is  
 444 amended to read:

445 376.30715 Innocent victim petroleum storage system  
 446 restoration.—A contaminated site acquired by the current owner  
 447 prior to July 1, 1990, which has ceased operating as a petroleum  
 448 storage or retail business prior to January 1, 1985, is eligible



449 for financial assistance pursuant to s. 376.305(6),  
450 notwithstanding s. 376.305(6)(a). For purposes of this section,  
451 the term "acquired" means the acquisition of title to the  
452 property; however, a subsequent transfer of the property to a  
453 spouse or child of the owner, a surviving spouse or child of the  
454 owner in trust or free of trust, ~~or~~ a revocable trust created  
455 for the benefit of the settlor, or a corporate entity created by  
456 the owner to hold title to the site does not disqualify the site  
457 from financial assistance pursuant to s. 376.305(6) and  
458 applicants previously denied coverage may reapply. Eligible  
459 sites shall be ranked in accordance with s. 376.3071(5).

460 Section 11. Subsection (1) of section 380.0657, Florida  
461 Statutes, is amended to read:

462 380.0657 Expedited permitting process for economic  
463 development projects.—

464 (1) The Department of Environmental Protection and, as  
465 appropriate, the water management districts created under  
466 chapter 373 shall adopt programs to expedite the processing of  
467 wetland resource and environmental resource permits for economic  
468 development projects that have been identified by a municipality  
469 or county as meeting the definition of target industry  
470 businesses under s. 288.106, or any intermodal logistics center  
471 receiving or sending cargo to or from Florida ports, with the  
472 exception of those projects requiring approval by the Board of  
473 Trustees of the Internal Improvement Trust Fund.

474 Section 12. Subsection (11) of section 403.061, Florida  
475 Statutes, is amended to read:

476 403.061 Department; powers and duties.—The department

477 shall have the power and the duty to control and prohibit  
478 pollution of air and water in accordance with the law and rules  
479 adopted and promulgated by it and, for this purpose, to:

480 (11) Establish ambient air quality and water quality  
481 standards for the state as a whole or for any part thereof, and  
482 also standards for the abatement of excessive and unnecessary  
483 noise. The department is authorized to establish reasonable  
484 zones of mixing for discharges into waters. For existing  
485 installations as defined by rule 62-520.200(10), Florida  
486 Administrative Code, effective July 12, 2009, zones of discharge  
487 to groundwater are authorized horizontally to a facility's or  
488 owner's property boundary and extending vertically to the base  
489 of a specifically designated aquifer or aquifers. Such zones of  
490 discharge may be modified in accordance with procedures  
491 specified in department rules. Exceedance of primary and  
492 secondary groundwater standards that occur within a zone of  
493 discharge does not create liability pursuant to this chapter or  
494 chapter 376 for site cleanup, and the exceedance of soil cleanup  
495 target levels is not a basis for enforcement or site cleanup.

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

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

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

505           3. The discharge does not cause a measurable increase in  
 506 the degree of noncompliance with the standard at the boundary of  
 507 the mixing zone; and

508           4. The discharge otherwise complies with the mixing zone  
 509 provisions specified in department rules.

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

512           1. Sources that have received permits from the department  
 513 prior to April 1, 1982, or the date of designation, whichever is  
 514 later;

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

517           3. Discharges of water necessary for water management  
 518 purposes which have been approved by the governing board of a  
 519 water management district and, if required by law, by the  
 520 secretary; and

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

525           (c) The department, by rule, shall establish water quality  
 526 criteria for wetlands which criteria give appropriate  
 527 recognition to the water quality of such wetlands in their  
 528 natural state.

529  
 530 ~~Nothing in~~ This act may not ~~shall~~ be construed to invalidate any  
 531 existing department rule relating to mixing zones. The  
 532 department shall cooperate with the Department of Highway Safety

533 and Motor Vehicles in the development of regulations required by  
 534 s. 316.272(1).

535  
 536 The department shall implement such programs in conjunction with  
 537 its other powers and duties and shall place special emphasis on  
 538 reducing and eliminating contamination that presents a threat to  
 539 humans, animals or plants, or to the environment.

540 Section 13. Subsection (7) of section 403.087, Florida  
 541 Statutes, is amended to read:

542 403.087 Permits; general issuance; denial; revocation;  
 543 prohibition; penalty.—

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

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

550 (b) ~~Has~~ Violated law, department orders, rules, ~~or~~  
 551 regulations, or permit conditions which directly relate to the  
 552 permit;

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

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

559 Section 14. Subsection (2) of section 403.1838, Florida  
 560 Statutes, is amended to read:

561 403.1838 Small Community Sewer Construction Assistance  
 562 Act.—

563 (2) The department shall use funds specifically  
 564 appropriated to award grants under this section to assist  
 565 financially disadvantaged small communities with their needs for  
 566 adequate sewer facilities. For purposes of this section, the  
 567 term "financially disadvantaged small community" means a  
 568 municipality that has ~~with~~ a population of 10,000 ~~7,500~~ or fewer  
 569 ~~less~~, according to the latest decennial census and a per capita  
 570 annual income less than the state per capita annual income as  
 571 determined by the United States Department of Commerce.

572 Section 15. Paragraph (f) of subsection (1) of section  
 573 403.7045, Florida Statutes, is amended to read:

574 403.7045 Application of act and integration with other  
 575 acts.—

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

578 (f) Industrial byproducts, if:

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

581 2. The industrial byproducts are not discharged,  
 582 deposited, injected, dumped, spilled, leaked, or placed upon any  
 583 land or water so that such industrial byproducts, or any  
 584 constituent thereof, may enter other lands or be emitted into  
 585 the air or discharged into any waters, including groundwaters,  
 586 or otherwise enter the environment such that a threat of  
 587 contamination in excess of applicable department standards and  
 588 criteria or a significant threat to public health is caused.

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

591  
 592 Sludge from an industrial waste treatment works that meets the  
 593 exemption requirements of this paragraph is not solid waste as  
 594 defined in s. 403.703(32).

595 Section 16. Paragraph (a) of subsection (4) of section  
 596 403.706, Florida Statutes, is amended to read:

597 403.706 Local government solid waste responsibilities.—

598 (4) (a) In order to promote the production of renewable  
 599 energy from solid waste, each megawatt-hour produced by a  
 600 renewable energy facility using solid waste as a fuel shall  
 601 count as 1 ton of recycled material and shall be applied toward  
 602 meeting the recycling goals set forth in this section. If a  
 603 county creating renewable energy from solid waste implements and  
 604 maintains a program to recycle at least 50 percent of municipal  
 605 solid waste by a means other than creating renewable energy,  
 606 that county shall count 1.25 ~~2~~ tons of recycled material for  
 607 each megawatt-hour produced. If waste originates from a county  
 608 other than the county in which the renewable energy facility  
 609 resides, the originating county shall receive such recycling  
 610 credit. ~~Any county that has a debt service payment related to~~  
 611 ~~its waste to energy facility shall receive 1 ton of recycled~~  
 612 ~~materials credit for each ton of solid waste processed at the~~  
 613 ~~facility.~~ Any byproduct resulting from the creation of renewable  
 614 energy that is recycled shall count towards the county recycling  
 615 goals in accordance with the methods and criteria developed  
 616 pursuant to paragraph (2) (h) does not count as waste.

617 Section 17. Subsections (1), (2), and (3) of section  
 618 403.707, Florida Statutes, are amended to read:

619 403.707 Permits.—

620 (1) A solid waste management facility may not be operated,  
 621 maintained, constructed, expanded, modified, or closed without  
 622 an appropriate and currently valid permit issued by the  
 623 department. The department may by rule exempt specified types of  
 624 facilities from the requirement for a permit under this part if  
 625 it determines that construction or operation of the facility is  
 626 not expected to create any significant threat to the environment  
 627 or public health. For purposes of this part, and only when  
 628 specified by department rule, a permit may include registrations  
 629 as well as other forms of licenses as defined in s. 120.52.

630 Solid waste construction permits issued under this section may  
 631 include any permit conditions necessary to achieve compliance  
 632 with the recycling requirements of this act. The department  
 633 shall pursue reasonable timeframes for closure and construction  
 634 requirements, considering pending federal requirements and  
 635 implementation costs to the permittee. The department shall  
 636 adopt a rule establishing performance standards for construction  
 637 and closure of solid waste management facilities. The standards  
 638 shall allow flexibility in design and consideration for site-  
 639 specific characteristics. For the purpose of permitting under  
 640 this chapter, the department shall allow waste-to-energy  
 641 facilities to maximize acceptance and processing of nonhazardous  
 642 solid and liquid waste.

643 (2) Except as provided in s. 403.722(6), a permit under  
 644 this section is not required for the following, ~~if the activity~~

645 ~~does not create a public nuisance or any condition adversely~~  
 646 ~~affecting the environment or public health and does not violate~~  
 647 ~~other state or local laws, ordinances, rules, regulations, or~~  
 648 ~~orders:~~

649 (a) Disposal by persons of solid waste resulting from  
 650 their own activities on their own property, if such waste is  
 651 ordinary household waste from their residential property or is  
 652 rocks, soils, trees, tree remains, and other vegetative matter  
 653 that normally result from land development operations. Disposal  
 654 of materials that could create a public nuisance or adversely  
 655 affect the environment or public health, such as white goods;  
 656 automotive materials, such as batteries and tires; petroleum  
 657 products; pesticides; solvents; or hazardous substances, is not  
 658 covered under this exemption.

659 (b) Storage in containers by persons of solid waste  
 660 resulting from their own activities on their property, leased or  
 661 rented property, or property subject to a homeowners' ~~homeowners~~  
 662 or maintenance association for which the person contributes  
 663 association assessments, if the solid waste in such containers  
 664 is collected at least once a week.

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

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

671 2. Addressed or authorized by, or exempted from the  
 672 requirement to obtain, a groundwater monitoring plan approved by



673 the department. If a facility has a permit authorizing disposal  
674 activity, new areas where solid waste is being disposed of which  
675 are monitored by an existing or modified groundwater monitoring  
676 plan are not required to be specifically authorized in a permit  
677 or other certification.

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

681 (e) Disposal of solid waste resulting from normal farming  
682 operations as defined by department rule. Polyethylene  
683 agricultural plastic, damaged, nonsalvageable, untreated wood  
684 pallets, and packing material that cannot be feasibly recycled,  
685 which are used in connection with agricultural operations  
686 related to the growing, harvesting, or maintenance of crops, may  
687 be disposed of by open burning if a public nuisance or any  
688 condition adversely affecting the environment or the public  
689 health is not created by the open burning and state or federal  
690 ambient air quality standards are not violated.

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

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

699 (3) (a) All applicable provisions of ss. 403.087 and  
700 403.088, relating to permits, apply to the control of solid

701 waste management facilities.

702 (b) A permit, including a general permit, issued to a  
703 solid waste management facility that is designed with a leachate  
704 control system meeting department requirements shall be issued  
705 for a term of 20 years unless the applicant requests a shorter  
706 permit term. This paragraph applies to a qualifying solid waste  
707 management facility that applies for an operating or  
708 construction permit or renews an existing operating or  
709 construction permit on or after October 1, 2012.

710 (c) A permit, including a general permit, but not  
711 including a registration, issued to a solid waste management  
712 facility that does not have a leachate control system meeting  
713 department requirements shall be renewed for a term of 10 years,  
714 unless the applicant requests a shorter permit term, if the  
715 following conditions are met:

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

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

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

724 b. The department has not notified the applicant that it  
725 is required to implement assessment or evaluation monitoring as  
726 a result of exceedances of applicable groundwater standards or  
727 criteria or, if applicable, the applicant is completing  
728 corrective actions in accordance with applicable department

729 rules; and

730 c. The applicant is in compliance with the applicable  
731 financial assurance requirements.

732 (d) The department may adopt rules to administer this  
733 subsection. However, the department is not required to submit  
734 such rules to the Environmental Regulation Commission for  
735 approval. Notwithstanding the limitations of s. 403.087(6)(a),  
736 permit fee caps for solid waste management facilities shall be  
737 prorated to reflect the extended permit term authorized by this  
738 subsection.

739 Section 18. Section 403.7125, Florida Statutes, is amended  
740 to read:

741 403.7125 Financial assurance ~~for closure.~~-

742 (1) Every owner or operator of a landfill is jointly and  
743 severally liable for the improper operation and closure of the  
744 landfill, as provided by law. As used in this section, the term  
745 "owner or operator" means any owner of record of any interest in  
746 land wherein a landfill is or has been located and any person or  
747 corporation that owns a majority interest in any other  
748 corporation that is the owner or operator of a landfill.

749 (2) The owner or operator of a landfill owned or operated  
750 by a local or state government or the Federal Government shall  
751 establish a fee, or a surcharge on existing fees or other  
752 appropriate revenue-producing mechanism, to ensure the  
753 availability of financial resources for the proper closure of  
754 the landfill. However, the disposal of solid waste by persons on  
755 their own property, as described in s. 403.707(2), is exempt  
756 from this section.

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

760 (b) The revenue shall be deposited in an interest-bearing  
761 escrow account to be held and administered by the owner or  
762 operator. The owner or operator shall file with the department  
763 an annual audit of the account. The audit shall be conducted by  
764 an independent certified public accountant. Failure to collect  
765 or report such revenue, except as allowed in subsection (3), is  
766 a noncriminal violation punishable by a fine of not more than  
767 \$5,000 for each offense. The owner or operator may make  
768 expenditures from the account and its accumulated interest only  
769 for the purpose of landfill closure and, if such expenditures do  
770 not deplete the fund to the detriment of eventual closure, for  
771 planning and construction of resource recovery or landfill  
772 facilities. Any moneys remaining in the account after paying for  
773 proper and complete closure, as determined by the department,  
774 shall, if the owner or operator does not operate a landfill, be  
775 deposited by the owner or operator into the general fund or the  
776 appropriate solid waste fund of the local government of  
777 jurisdiction.

778 (c) The revenue generated under this subsection and any  
779 accumulated interest thereon may be applied to the payment of,  
780 or pledged as security for, the payment of revenue bonds issued  
781 in whole or in part for the purpose of complying with state and  
782 federal landfill closure requirements. Such application or  
783 pledge may be made directly in the proceedings authorizing such  
784 bonds or in an agreement with an insurer of bonds to assure such

785 insurer of additional security therefor.

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

790 (e) The owner or operator of any landfill that had  
791 established an escrow account in accordance with this section  
792 and the conditions of its permit prior to January 1, 2007, may  
793 continue to use that escrow account to provide financial  
794 assurance for closure of that landfill, even if that landfill is  
795 not owned or operated by a local or state government or the  
796 Federal Government.

797 (3) An owner or operator of a landfill owned or operated  
798 by a local or state government or by the Federal Government may  
799 provide financial assurance to the department in lieu of the  
800 requirements of subsection (2). An owner or operator of any  
801 other landfill, or any other solid waste management facility  
802 designated by department rule, shall provide financial assurance  
803 to the department for the closure of the facility. Such  
804 financial assurance may include surety bonds, certificates of  
805 deposit, securities, letters of credit, or other documents  
806 showing that the owner or operator has sufficient financial  
807 resources to cover, at a minimum, the costs of complying with  
808 applicable closure requirements. The owner or operator shall  
809 estimate such costs to the satisfaction of the department.

810 (4) This section does not repeal, limit, or abrogate any  
811 other law authorizing local governments to fix, levy, or charge  
812 rates, fees, or charges for the purpose of complying with state

813 and federal landfill closure requirements.

814 (5) The department shall by rule require that the owner or  
815 operator of a solid waste management facility that receives  
816 waste after October 9, 1993, and that is required by department  
817 rule to undertake corrective actions for violations of water  
818 quality standards provide financial assurance for the cost of  
819 completing such corrective actions. The same financial assurance  
820 mechanisms that are available for closure costs shall be  
821 available for costs associated with undertaking corrective  
822 actions.

823 (6) ~~(5)~~ The department shall adopt rules to implement this  
824 section.

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

827 403.814 General permits; delegation.—

828 (12) A general permit is granted for the construction,  
829 alteration, and maintenance of a stormwater management system  
830 serving a total project area of up to 10 acres. When the  
831 stormwater management system is designed, operated, and  
832 maintained in accordance with applicable rules adopted pursuant  
833 to part IV of chapter 373, there is a rebuttable presumption  
834 that the discharge for such system will comply with state water  
835 quality standards. The construction of such a system may proceed  
836 without any further agency action by the department or water  
837 management district if, within 30 days after construction  
838 begins, an electronic self-certification is submitted to the  
839 department or water management district that certifies the  
840 proposed system was designed by a Florida registered

841 professional to meet the following requirements:

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

844 (b) No activities will impact wetlands or other surface  
845 waters;

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

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

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

853 (f) The project does not:

854 1. Cause adverse water quantity or flooding impacts to  
855 receiving water and adjacent lands;

856 2. Cause adverse impacts to existing surface water storage  
857 and conveyance capabilities;

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

859 4. Cause an adverse impact to the maintenance of surface  
860 or ground water levels or surface water flows established

861 pursuant to s. 373.042 or a work of the district established

862 pursuant to s. 373.086.

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

865 403.853 Drinking water standards.—

866 (6) Upon the request of the owner or operator of a  
867 transient noncommunity water system using groundwater as a  
868 source of supply and serving religious institutions or

869 businesses, other than restaurants or other public food service  
870 establishments or religious institutions with school or day care  
871 services, ~~and using groundwater as a source of supply~~, the  
872 department, or a local county health department designated by  
873 the department, shall perform a sanitary survey of the facility.  
874 Upon receipt of satisfactory survey results according to  
875 department criteria, the department shall reduce the  
876 requirements of such owner or operator from monitoring and  
877 reporting on a quarterly basis to performing these functions on  
878 an annual basis. Any revised monitoring and reporting schedule  
879 approved by the department under this subsection shall apply  
880 until such time as a violation of applicable state or federal  
881 primary drinking water standards is determined by the system  
882 owner or operator, by the department, or by an agency designated  
883 by the department, after a random or routine sanitary survey.  
884 Certified operators are not required for transient noncommunity  
885 water systems of the type and size covered by this subsection.  
886 Any reports required of such system shall be limited to the  
887 minimum as required by federal law. When not contrary to the  
888 provisions of federal law, the department may, upon request and  
889 by rule, waive additional provisions of state drinking water  
890 regulations for such systems.

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

894 403.973 Expedited permitting; amendments to comprehensive  
895 plans.—

896 (3) (a) The secretary shall direct the creation of regional



897 permit action teams for the purpose of expediting review of  
 898 permit applications and local comprehensive plan amendments  
 899 submitted by:

900 1. Businesses creating at least 50 jobs or a commercial or  
 901 industrial development project that will be occupied by  
 902 businesses that would individually or collectively create at  
 903 least 50 jobs; or

904 2. Businesses creating at least 25 jobs if the project is  
 905 located in an enterprise zone, or in a county having a  
 906 population of fewer than 75,000 or in a county having a  
 907 population of fewer than 125,000 which is contiguous to a county  
 908 having a population of fewer than 75,000, as determined by the  
 909 most recent decennial census, residing in incorporated and  
 910 unincorporated areas of the county.

911 (4) The regional teams shall be established through the  
 912 execution of a project-specific memoranda of agreement developed  
 913 and executed by the applicant and the secretary, with input  
 914 solicited from ~~the Department of Economic Opportunity~~ and the  
 915 respective heads of the Department of Transportation and its  
 916 district offices, the Department of Agriculture and Consumer  
 917 Services, the Fish and Wildlife Conservation Commission,  
 918 appropriate regional planning councils, appropriate water  
 919 management districts, and voluntarily participating  
 920 municipalities and counties. The memoranda of agreement should  
 921 also accommodate participation in this expedited process by  
 922 other local governments and federal agencies as circumstances  
 923 warrant.

924 (5) In order to facilitate local government's option to

925 participate in this expedited review process, the secretary  
 926 shall, in cooperation with local governments and participating  
 927 state agencies, create a standard form memorandum of agreement.  
 928 The standard form of the memorandum of agreement shall be used  
 929 only if the local government participates in the expedited  
 930 review process. In the absence of local government  
 931 participation, only the project-specific memorandum of agreement  
 932 executed pursuant to subsection (4) applies. A local government  
 933 shall hold a duly noticed public workshop to review and explain  
 934 to the public the expedited permitting process and the terms and  
 935 conditions of the standard form memorandum of agreement.

936 (10) The memoranda of agreement may provide for the waiver  
 937 or modification of procedural rules prescribing forms, fees,  
 938 procedures, or time limits for the review or processing of  
 939 permit applications under the jurisdiction of those agencies  
 940 that are members of the regional permit action team ~~party to the~~  
 941 ~~memoranda of agreement~~. Notwithstanding any other provision of  
 942 law to the contrary, a memorandum of agreement must to the  
 943 extent feasible provide for proceedings and hearings otherwise  
 944 held separately ~~by the parties to the memorandum of agreement~~ to  
 945 be combined into one proceeding or held jointly and at one  
 946 location. Such waivers or modifications are not authorized ~~shall~~  
 947 ~~not be available~~ for permit applications governed by federally  
 948 delegated or approved permitting programs, the requirements of  
 949 which would prohibit, or be inconsistent with, such a waiver or  
 950 modification.

951 (11) The ~~standard form for~~ memoranda of agreement shall  
 952 include guidelines to be used in working with state, regional,

953 and local permitting authorities. Guidelines may include, but  
954 are not limited to, the following:

955 (a) A central contact point for filing permit applications  
956 and local comprehensive plan amendments and for obtaining  
957 information on permit and local comprehensive plan amendment  
958 requirements.†

959 (b) Identification of the individual or individuals within  
960 each respective agency who will be responsible for processing  
961 the expedited permit application or local comprehensive plan  
962 amendment for that agency.†

963 (c) A mandatory preapplication review process to reduce  
964 permitting conflicts by providing guidance to applicants  
965 regarding the permits needed from each agency and governmental  
966 entity, site planning and development, site suitability and  
967 limitations, facility design, and steps the applicant can take  
968 to ensure expeditious permit application and local comprehensive  
969 plan amendment review. As a part of this process, the first  
970 interagency meeting to discuss a project shall be held within 14  
971 days after the secretary's determination that the project is  
972 eligible for expedited review. Subsequent interagency meetings  
973 may be scheduled to accommodate the needs of participating local  
974 governments that are unable to meet public notice requirements  
975 for executing a memorandum of agreement within this timeframe.  
976 This accommodation may not exceed 45 days from the secretary's  
977 determination that the project is eligible for expedited  
978 review.†

979 (d) The preparation of a single coordinated project  
980 description form and checklist and an agreement by state and

981 regional agencies to reduce the burden on an applicant to  
982 provide duplicate information to multiple agencies.†

983 (e) Establishment of a process for the adoption and review  
984 of any comprehensive plan amendment needed by any certified  
985 project within 90 days after the submission of an application  
986 for a comprehensive plan amendment. However, the memorandum of  
987 agreement may not prevent affected persons as defined in s.  
988 163.3184 from appealing or participating in this expedited plan  
989 amendment process and any review or appeals of decisions made  
990 under this paragraph.†~~and~~

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

993 (14) (a) Challenges to state agency action in the expedited  
994 permitting process for projects processed under this section are  
995 subject to the summary hearing provisions of s. 120.574, except  
996 that the administrative law judge's decision, as provided in s.  
997 120.574(2) (f), shall be in the form of a recommended order and  
998 do not constitute the final action of the state agency. In those  
999 proceedings where the action of only one agency of the state  
1000 other than the Department of Environmental Protection is  
1001 challenged, the agency of the state shall issue the final order  
1002 within 45 working days after receipt of the administrative law  
1003 judge's recommended order, and the recommended order shall  
1004 inform the parties of their right to file exceptions or  
1005 responses to the recommended order in accordance with the  
1006 uniform rules of procedure pursuant to s. 120.54. In those  
1007 proceedings where the actions of more than one agency of the  
1008 state are challenged, the Governor shall issue the final order

1009 within 45 working days after receipt of the administrative law  
1010 judge's recommended order, and the recommended order shall  
1011 inform the parties of their right to file exceptions or  
1012 responses to the recommended order in accordance with the  
1013 uniform rules of procedure pursuant to s. 120.54. For This  
1014 ~~paragraph does not apply to~~ the issuance of department licenses  
1015 required under any federally delegated or approved permit  
1016 program. ~~In such instances,~~ the department, and not the  
1017 Governor, shall enter the final order. The participating  
1018 agencies of the state may opt at the preliminary hearing  
1019 conference to allow the administrative law judge's decision to  
1020 constitute the final agency action.

1021 (b) Projects identified in paragraph (3)(f) or challenges  
1022 to state agency action in the expedited permitting process for  
1023 establishment of a state-of-the-art biomedical research  
1024 institution and campus in this state by the grantee under s.  
1025 288.955 are subject to the same requirements as challenges  
1026 brought under paragraph (a), except that, notwithstanding s.  
1027 120.574, summary proceedings must be conducted within 30 days  
1028 after a party files the motion for summary hearing, regardless  
1029 of whether the parties agree to the summary proceeding.

1030 (15) The Department of Economic Opportunity, working with  
1031 the agencies providing cooperative assistance and input  
1032 regarding the memoranda of agreement, shall review sites  
1033 proposed for the location of facilities that the Department of  
1034 Economic Opportunity has certified to be eligible for the  
1035 Innovation Incentive Program under s. 288.1089. Within 20 days  
1036 after the request for the review by the Department of Economic

1037 Opportunity, the agencies shall provide to the Department of  
 1038 Economic Opportunity a statement as to each site's necessary  
 1039 permits under local, state, and federal law and an  
 1040 identification of significant permitting issues, which if  
 1041 unresolved, may result in the denial of an agency permit or  
 1042 approval or any significant delay caused by the permitting  
 1043 process.

1044 (18) The Department of Economic Opportunity, working with  
 1045 the Rural Economic Development Initiative ~~and the agencies~~  
 1046 ~~participating in the memoranda of agreement~~, shall provide  
 1047 technical assistance in preparing permit applications and local  
 1048 comprehensive plan amendments for counties having a population  
 1049 of fewer than 75,000 residents, or counties having fewer than  
 1050 125,000 residents which are contiguous to counties having fewer  
 1051 than 75,000 residents. Additional assistance may include, but  
 1052 not be limited to, guidance in land development regulations and  
 1053 permitting processes, working cooperatively with state,  
 1054 regional, and local entities to identify areas within these  
 1055 counties which may be suitable or adaptable for preclearance  
 1056 review of specified types of land uses and other activities  
 1057 requiring permits.

1058 Section 22. Subsection (1) of section 526.203, Florida  
 1059 Statutes, is amended, and subsection (5) is added to that  
 1060 section, to read:

1061 526.203 Renewable fuel standard.—

1062 (1) DEFINITIONS.—As used in this act:

1063 (a) "Alternative fuel" means a fuel produced from biomass,  
 1064 as defined in s. 366.91, that is used to replace or reduce the

1065 quantity of fossil fuel present in a petroleum fuel that meets  
 1066 the specifications as adopted by the department.

1067 (b)-(a) "Blender," "importer," "terminal supplier," and  
 1068 "wholesaler" are defined as provided in s. 206.01.

1069 (c)-(b) "Blended gasoline" means a mixture of 90 to 91  
 1070 percent gasoline and 9 to 10 percent fuel ethanol or other  
 1071 alternative fuel, by volume, that meets the specifications as  
 1072 adopted by the department. The fuel ethanol or other alternative  
 1073 fuel portion may be derived from any agricultural source.

1074 (d)-(e) "Fuel ethanol" means an anhydrous denatured alcohol  
 1075 produced by the conversion of carbohydrates that meets the  
 1076 specifications as adopted by the department.

1077 (e)-(d) "Unblended gasoline" means gasoline that has not  
 1078 been blended with fuel ethanol or other alternative fuel and  
 1079 that meets the specifications as adopted by the department.

1080 (5) SALE OF UNBLENDED GASOLINE.-This section does not  
 1081 prohibit the sale of unblended gasoline for the uses exempted  
 1082 under subsection (3).

1083 Section 23. The holder of a valid permit or other  
 1084 authorization is not required to make a payment to the  
 1085 authorizing agency for use of an extension granted under section  
 1086 73 or section 79 of chapter 2011-139, Laws of Florida, or  
 1087 section 24 of this act. This section applies retroactively and  
 1088 is effective as of June 2, 2011.

1089 Section 24. (1) Any building permit, and any permit  
 1090 issued by the Department of Environmental Protection or by a  
 1091 water management district pursuant to part IV of chapter 373,  
 1092 Florida Statutes, which has an expiration date from January 1,

1093 2012, through January 1, 2014, is extended and renewed for a  
 1094 period of 2 years after its previously scheduled date of  
 1095 expiration. This extension includes any local government-issued  
 1096 development order or building permit including certificates of  
 1097 levels of service. This section does not prohibit conversion  
 1098 from the construction phase to the operation phase upon  
 1099 completion of construction. This extension is in addition to any  
 1100 existing permit extension. Extensions granted pursuant to this  
 1101 section; section 14 of chapter 2009-96, Laws of Florida, as  
 1102 reauthorized by section 47 of chapter 2010-147, Laws of Florida;  
 1103 section 46 of chapter 2010-147, Laws of Florida; or section 74  
 1104 or section 79 of chapter 2011-139, Laws of Florida, shall not  
 1105 exceed 4 years in total. Further, specific development order  
 1106 extensions granted pursuant to s. 380.06(19)(c)2., Florida  
 1107 Statutes, cannot be further extended by this section.

1108 (2) The commencement and completion dates for any required  
 1109 mitigation associated with a phased construction project are  
 1110 extended so that mitigation takes place in the same timeframe  
 1111 relative to the phase as originally permitted.

1112 (3) The holder of a valid permit or other authorization  
 1113 that is eligible for the 2-year extension must notify the  
 1114 authorizing agency in writing by December 31, 2012, identifying  
 1115 the specific authorization for which the holder intends to use  
 1116 the extension and the anticipated timeframe for acting on the  
 1117 authorization.

1118 (4) The extension provided for in subsection (1) does not  
 1119 apply to:

1120 (a) A permit or other authorization under any programmatic



1121 or regional general permit issued by the Army Corps of  
1122 Engineers.

1123 (b) A permit or other authorization held by an owner or  
1124 operator determined to be in significant noncompliance with the  
1125 conditions of the permit or authorization as established through  
1126 the issuance of a warning letter or notice of violation, the  
1127 initiation of formal enforcement, or other equivalent action by  
1128 the authorizing agency.

1129 (c) A permit or other authorization, if granted an  
1130 extension that would delay or prevent compliance with a court  
1131 order.

1132 (5) Permits extended under this section shall continue to  
1133 be governed by the rules in effect at the time the permit was  
1134 issued, except if it is demonstrated that the rules in effect at  
1135 the time the permit was issued would create an immediate threat  
1136 to public safety or health. This provision applies to any  
1137 modification of the plans, terms, and conditions of the permit  
1138 which lessens the environmental impact, except that any such  
1139 modification does not extend the time limit beyond 2 additional  
1140 years.

1141 (6) This section does not impair the authority of a county  
1142 or municipality to require the owner of a property that has  
1143 notified the county or municipality of the owner's intent to  
1144 receive the extension of time granted pursuant to this section  
1145 to maintain and secure the property in a safe and sanitary  
1146 condition in compliance with applicable laws and ordinances.

1147 Section 25. This act shall take effect July 1, 2012.