

By Representative Lynn

1 A bill to be entitled
2 An act relating to environmental permitting;
3 requiring the Department of Environmental
4 Protection and water management districts to
5 develop checklists of permit requirements and
6 to provide such checklists to permit
7 applicants; requiring the department and water
8 management districts to timely review all
9 permit applications; providing responsibilities
10 of the department and water management
11 districts; providing for appeal of department
12 and water management district decisions;
13 providing for refund of a permit application
14 fee under certain circumstances; amending s.
15 403.815, F.S.; providing for notice to certain
16 adjacent property owners of applications for
17 certain permits from the department; providing
18 an effective date.

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

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22 Section 1. (1) The Department of Environmental
23 Protection and the water management districts shall develop
24 checklists for each permit issued by the department or a water
25 management district, if such checklists do not already exist.
26 Such checklists shall list all requirements which must be
27 complied with before a permit may be issued by either the
28 department or a water management district, as applicable. The
29 department and the water management districts shall provide
30 the appropriate checklist to each person who requests a permit
31 application.

1 (2) Except for permits processed pursuant to s.
2 403.0876, Florida Statutes, and except for permits sought
3 under federally delegated or federally approved permitting
4 programs that have independent permitting time clock
5 provisions, the department or the water management district
6 shall, within 30 days after receipt of an application for a
7 permit, review the application and shall request submittal of
8 all additional information the department or the water
9 management district is permitted by law to require. If the
10 applicant believes any request for additional information is
11 not authorized by law or rule, the applicant may request a
12 hearing pursuant to s. 120.57, Florida Statutes. Within 30
13 days after receipt of such additional information, the
14 department or water management district shall review such
15 information and may request only that information needed to
16 clarify such additional information or to answer new questions
17 raised by or directly related to such additional information.
18 If the applicant believes the request of the department or
19 water management district for such additional information is
20 not authorized by law or rule, the department or water
21 management district, at the applicant's request, shall proceed
22 to process the permit application.

23 (3) A permit shall be approved or denied within 90
24 days after receipt of the original application, the last item
25 of timely requested additional material, or the applicant's
26 written request to begin processing the permit application.

27 (4) If the department or water management district
28 fails to complete the review of the application or technical
29 review of the proposal within the time periods specified in
30 this act, the department or water management district shall
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1 refund any application fee charged by the department or water
2 management district for processing such application.

3 Section 2. Section 403.815, Florida Statutes, 1996
4 Supplement, is amended to read:

5 403.815 ~~Public~~ Notice; waiver of hearings.--

6 (1) The department may publish or by rule require the
7 applicant to publish, or the applicant may elect to publish,
8 in a newspaper of general circulation in the area affected,
9 notice of application for a permit submitted under this
10 chapter or chapter 253. The notice of application shall be
11 published within 14 days after the application is filed with
12 the department. Notwithstanding any provision of s. 120.60,
13 the department may publish or by rule require the applicant to
14 publish, or the applicant may elect to publish, in a newspaper
15 of general circulation in the area affected, notice of
16 proposed agency action on any permit application submitted
17 under this chapter or chapter 253. The department shall
18 require the applicant for a permit to construct or expand a
19 solid waste facility to publish such notice. The notice of
20 proposed agency action shall be published at least 14 days
21 prior to final agency action. The ~~90-day~~ time period
22 specified in s. 120.60 shall be tolled by the request of the
23 department for publication of notice of proposed agency action
24 and shall resume 14 days after receipt by the department of
25 proof of publication. However, if a petition is filed for a
26 proceeding pursuant to ss. 120.569 and 120.57, the time
27 periods and tolling provisions of s. 120.60 shall apply. The
28 cost of publication of notice under this section shall be paid
29 by the applicant. The secretary may, by rule, specify the
30 format and size of such notice. Within 14 days after
31 publication of notice of proposed agency action, any person

1 whose substantial interests are affected may request a hearing
2 in accordance with ss. 120.569 and 120.57. The failure to
3 request a hearing within 14 days after publication of notice
4 of proposed agency action constitutes a waiver of any right to
5 a hearing on the application under ss. 120.569 and 120.57.

6 (2) In addition to the public notice required under
7 subsection (1), an applicant for a permit to construct,
8 modify, expand, or operate a sewage-treatment facility must
9 provide notice by certified mail to the owners of real
10 property adjacent to the property subject to the permit. For
11 the purposes of this subsection:

12 (a) An owner of real property is the person or persons
13 listed on the local government tax assessment rolls as being
14 liable for taxes on that real property.

15 (b) The term "real property adjacent to the property
16 subject to the permit" includes real property having a common
17 border with the property upon which the facility is located
18 and real property that is separated by a public right-of-way
19 from the property upon which the facility is located.

20 (c) The provisions of this subsection shall not apply
21 to those facilities constructed pursuant to chapter 180,
22 chapter 125, or chapter 166.

23 Section 3. This act shall take effect October 1, 1997.
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HOUSE SUMMARY

Requires the Department of Environmental Protection and water management districts to develop permit requirement checklists and to provide such checklists to permit applicants. Requires the department and water management districts to timely review all permit applications and specifies procedures for such review. Provides for a refund of permit application fees if the department or a water management district does not timely review an application and proposal. Requires an applicant for a permit to construct, modify, expand, or operate a sewage-treatment facility to provide notice to the owners of property adjacent to the property to be affected by the permit. See bill for details.