

By the Committee on Governmental Operations and
Representative Constantine

1 A bill to be entitled
2 An act relating to expedited permitting;
3 providing legislative intent with respect to
4 creating a statewide one-stop permitting
5 system; amending s. 14.2015, F.S.; deleting
6 provisions authorizing the Office of Tourism,
7 Trade, and Economic Development to make
8 recommendations to the Legislature on improving
9 permitting procedures; amending s. 288.021,
10 F.S.; authorizing the appointment of certain
11 economic development liaisons; creating s.
12 288.109, F.S.; requiring that the Department of
13 Management Services establish a One-Stop
14 Permitting System using the Internet; providing
15 requirements for the system; requiring that the
16 department develop a protocol for adding state
17 agencies and counties to the One-Stop
18 Permitting System; specifying the various state
19 agencies to be provided access to the system;
20 requiring a permit that is filed using the
21 One-Stop Permitting System to be approved or
22 denied within a specified time; providing an
23 exception; providing for a temporary waiver of
24 certain permit fees for applications filed
25 using the One-Stop Permitting System; creating
26 s. 288.1092, F.S.; creating the One-Stop
27 Permitting System Grant Program within the
28 Department of Management Services; providing
29 for grant moneys to be awarded to counties
30 certified as Quick Permitting Counties;
31 providing requirements for the use of grant

1 moneys; creating s. 288.1093, F.S.; creating
2 the Quick Permitting County Designation Program
3 within the Department of Management Services;
4 providing criteria under which the department
5 may designate a county as a Quick Permitting
6 County; creating s. 288.1095, F.S.; requiring
7 that the Office of Tourism, Trade, and Economic
8 Development, Enterprise Florida, Inc., and
9 state agencies provide information on the
10 One-Stop Permitting System and the Quick
11 Permitting Counties; repealing ss. 403.950,
12 403.951, 403.952, 403.953, 403.954, 403.955,
13 403.9551, 403.956, 403.957, 403.958, 403.959,
14 403.960, 403.961, 403.9615, 403.962, 403.963,
15 403.964, 403.965, 403.966, 403.967, 403.968,
16 403.969, 403.970, 403.971, and 403.972, F.S.,
17 relating to the Florida Jobs Siting Act;
18 amending s. 403.973, F.S.; providing that
19 certain projects located in certain counties
20 may be certified as eligible for expedited
21 permitting; requiring that the Office of
22 Tourism, Trade, and Economic Development
23 delegate certain responsibilities to a county
24 designated as a Quick Permitting County;
25 requiring a memorandum of agreement for
26 projects that qualify for expedited review;
27 providing requirements for such memoranda of
28 agreement; deleting obsolete provisions;
29 providing an appropriation; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Legislative intent.--It is the intent of
4 the Legislature to create a functional statewide one-stop
5 permitting system in order to make permitting in this state
6 more user-friendly without diminishing environmental, public
7 health, or safety standards. In addition, the Legislature
8 intends to encourage local governments to expedite and
9 streamline permitting, to adopt best management practices, and
10 to integrate the local permitting process with the statewide
11 one-stop permitting process.

12 Section 2. Paragraph (g) of subsection (2) and
13 subsection (6) of section 14.2015, Florida Statutes, 1998
14 Supplement, are amended to read:

15 14.2015 Office of Tourism, Trade, and Economic
16 Development; creation; powers and duties.--

17 (2) The purpose of the Office of Tourism, Trade, and
18 Economic Development is to assist the Governor in working with
19 the Legislature, state agencies, business leaders, and
20 economic development professionals to formulate and implement
21 coherent and consistent policies and strategies designed to
22 provide economic opportunities for all Floridians. To
23 accomplish such purposes, the Office of Tourism, Trade, and
24 Economic Development shall:

25 (g)1. Administer the Florida Enterprise Zone Act under
26 ss. 290.001-290.016, the community contribution tax credit
27 program under ss. 220.183 and 624.5105, the tax refund program
28 for qualified target industry businesses under s. 288.106,
29 contracts for transportation projects under s. 288.063, the
30 sports franchise facility program under s. 288.1162, the
31 professional golf hall of fame facility program under s.

1 288.1168, the expedited permitting process under s. 403.973,
2 ~~the Florida Jobs Siting Act under ss. 403.950-403.972,~~the
3 Rural Community Development Revolving Loan Fund under s.
4 288.065, the Regional Rural Development Grants Program under
5 s. 288.018, the Certified Capital Company Act under s. 288.99,
6 the Florida State Rural Development Council, and the Rural
7 Economic Development Initiative.

8 2. The office may enter into contracts in connection
9 with the fulfillment of its duties concerning the Florida
10 First Business Bond Pool under chapter 159, tax incentives
11 under chapters 212 and 220, tax incentives under the Certified
12 Capital Company Act in chapter 288, foreign offices under
13 chapter 288, the Enterprise Zone program under chapter 290,
14 the Seaport Employment Training program under chapter 311, the
15 Florida Professional Sports Team License Plates under chapter
16 320, Spaceport Florida under chapter 331, ~~Job Siting and~~
17 ~~Expedited Permitting~~ under chapter 403, and in carrying out
18 other functions that are specifically assigned to the office
19 by law.

20 (6)(a) In order to improve the state's regulatory
21 environment, the Office of Tourism, Trade, and Economic
22 Development shall consider the impact of agency rules on
23 ~~businesses, provide one-stop permit information and~~
24 ~~assistance,~~and serve as an advocate for businesses,
25 particularly small businesses, in their dealings with state
26 agencies.

27 ~~(b) As used in this subsection, the term "permit"~~
28 ~~means any approval of an agency required as a condition of~~
29 ~~operating a business in this state, including, but not limited~~
30 ~~to, licenses and registrations.~~

31 (b)(c) The office shall have powers and duties to:

1 1. Review proposed agency actions for impacts on small
2 businesses and offer alternatives to mitigate such impacts, as
3 provided in s. 120.54.

4 2. In consultation with the Governor's rules
5 ombudsman, make recommendations to agencies on any existing
6 and proposed rules for alleviating unnecessary or
7 disproportionate adverse effects to businesses.

8 ~~3. Make recommendations to the Legislature and to~~
9 ~~agencies for improving permitting procedures affecting~~
10 ~~business activities in the state. By October 1, 1997, and~~
11 ~~annually thereafter, the Office of Tourism, Trade, and~~
12 ~~Economic Development shall submit a report to the Legislature~~
13 ~~containing the following:~~

14 ~~a. An identification and description of methods to~~
15 ~~eliminate, consolidate, simplify, or expedite permits.~~

16 ~~b. An identification and description of those agency~~
17 ~~rules repealed or modified during each calendar year to~~
18 ~~improve the regulatory climate for businesses operating in the~~
19 ~~state.~~

20 ~~c. A recommendation for an operating plan and funding~~
21 ~~level for establishing an automated one-stop permit registry~~
22 ~~to provide the following services:~~

23 ~~(I) Access by computer network to all permit~~
24 ~~applications and approval requirements of each state agency.~~

25 ~~(II) Assistance in the completion of such~~
26 ~~applications.~~

27 ~~(III) Centralized collection of any permit fees and~~
28 ~~distribution of such fees to agencies.~~

29 ~~(IV) Submission of application data and circulation of~~
30 ~~such data among state agencies by computer network.~~

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1 ~~If the Legislature establishes such a registry, subsequent~~
2 ~~annual reports must cover the status and performance of this~~
3 ~~registry.~~
4 ~~4. Serve as a clearinghouse for information on which~~
5 ~~permits are required for a particular business and on the~~
6 ~~respective application process, including criteria applied in~~
7 ~~making a determination on a permit application. Each state~~
8 ~~agency that requires a permit, license, or registration for a~~
9 ~~business shall submit to the Office of Tourism, Trade, and~~
10 ~~Economic Development by August 1 of each year a list of the~~
11 ~~types of businesses and professions that it regulates and of~~
12 ~~each permit, license, or registration that it requires for a~~
13 ~~type of business or profession.~~
14 ~~5. Obtain information and permit applications from~~
15 ~~agencies and provide such information and permit applications~~
16 ~~to the public.~~
17 ~~6. Arrange, upon request, informal conferences between~~
18 ~~a business and an agency to clarify regulatory requirements or~~
19 ~~standards or to identify and address problems in the permit~~
20 ~~review process.~~
21 ~~7. Determine, upon request, the status of a particular~~
22 ~~permit application.~~
23 ~~8. Receive complaints and suggestions concerning~~
24 ~~permitting policies and activities of governmental agencies~~
25 ~~which affect businesses.~~
26 (c)~~(d)~~ Use of the services authorized in this
27 subsection does not preclude a person or business from dealing
28 directly with an agency.
29 (d)~~(e)~~ In carrying out its duties under this
30 subsection, the Office of Tourism, Trade, and Economic
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1 Development may consult with state agency personnel appointed
2 to serve as economic development liaisons under s. 288.021.
3 ~~(f) The office shall clearly represent that its~~
4 ~~services are advisory, informational, and facilitative only.~~
5 ~~Advice, information, and assistance rendered by the office~~
6 ~~does not relieve any person or business from the obligation to~~
7 ~~secure a required permit. The office is not liable for any~~
8 ~~consequences resulting from the failure to issue or to secure~~
9 ~~a required consequences resulting from the failure to issue or~~
10 ~~to secure a required permit. However, an applicant who uses~~
11 ~~the services of the office and who receives a written~~
12 ~~statement identifying required state permits relating to a~~
13 ~~business activity may not be assessed a penalty for failure to~~
14 ~~obtain a state permit that was not identified, if the~~
15 ~~applicant submits an application for each such permit within~~
16 ~~60 days after written notification from the agency responsible~~
17 ~~for issuing the permit.~~

18 Section 3. Subsection (1) of section 288.021, Florida
19 Statutes, is amended to read:

20 288.021 Economic development liaison.--

21 (1) The heads of the Department of Transportation, the
22 Department of Environmental Protection and an additional
23 member appointed by the secretary of the department, the
24 Department of Labor and Employment Security, the Department of
25 Education, the Department of Community Affairs, the Department
26 of Management Services, the Department of Revenue, ~~and~~ the
27 Game and Fresh Water Fish Commission, each water management
28 district, and each Department of Transportation District
29 office shall designate a high-level staff member from within
30 such agency to serve as the economic development liaison for
31 the agency. This person shall report to the agency head and

1 have general knowledge both of the state's permitting and
2 other regulatory functions and of the state's economic goals,
3 policies, and programs. This person shall also be the primary
4 point of contact for the agency with the Office of Tourism,
5 Trade, and Economic Development on issues and projects
6 important to the economic development of Florida, including
7 its rural areas, to expedite project review, to ensure a
8 prompt, effective response to problems arising with regard to
9 permitting and regulatory functions, and to work closely with
10 the other economic development liaisons to resolve interagency
11 conflicts.

12 Section 4. Section 288.109, Florida Statutes, is
13 created to read:

14 288.109 One-Stop Permitting System.--

15 (1) By January 1, 2000, the Department of Management
16 Services must establish and implement an Internet site for the
17 One-Stop Permitting System. The One-Stop Permitting System
18 Internet site shall provide individuals and businesses with
19 information concerning development permits; guidance on what
20 development permits are needed for particular projects; permit
21 requirements; and who may be contacted for more information
22 concerning a particular development permit for a specific
23 location. The department shall design and construct the
24 Internet site and may competitively procure and contract for
25 services to develop the site. In designing and constructing
26 the Internet site, the department must solicit input from
27 potential users of the site.

28 (2) The department shall develop the One-Stop
29 Permitting System Internet site to allow an applicant to
30 complete and submit application forms for development permits
31 to agencies and counties. The Internet site must be capable of

1 allowing an applicant to submit payment for permit fees and
2 must provide payment options. After initially establishing the
3 Internet site, the department shall implement, in the most
4 timely manner possible, the capabilities described in this
5 subsection. The department shall also develop a protocol for
6 adding to the One-Stop Permitting System additional state
7 agencies and counties that agree to participate. The
8 department may competitively procure and contract for services
9 to develop such capabilities.

10 (3) As used in this section, the term "development
11 permit" includes any state, regional, or local permits or
12 approvals necessary for the physical location or expansion of
13 a business, including, but not limited to:

14 (a) Wetland or environmental resource permits.

15 (b) Surface-water management permits.

16 (c) Stormwater permits.

17 (d) Site-plan approvals.

18 (e) Zoning approvals and comprehensive plan

19 amendments.

20 (f) Building permits.

21 (g) Transportation concurrency approvals.

22 (h) Consumptive water-use permits.

23 (i) Wastewater permits.

24 (4) The One-Stop Permitting System must initially
25 provide access to the following state agencies, water
26 management districts, and counties, with other agencies and
27 counties that agree to participate:

28 (a) The Department of Environmental Protection.

29 (b) The Department of Community Affairs.

30 (c) The Department of Management Services.

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- 1 (d) The Department of Transportation, including
2 district offices.
- 3 (e) The Northwest Florida Water Management District.
4 (f) The St. Johns River Water Management District.
5 (g) The Southwest Florida Water Management District.
6 (h) The Suwannee River Water Management District.
7 (i) The South Florida Water Management District.
8 (j) Selected counties that agree to participate.
- 9 (5) By January 1, 2001, the following state agencies,
10 and the programs within such agencies which require the
11 issuance of licenses, permits, and approvals to businesses,
12 must also be integrated into the One-Stop Permitting System:
- 13 (a) The Department of Agriculture and Consumer
14 Services.
- 15 (b) The Department of Business and Professional
16 Regulation.
- 17 (c) The Department of Health.
18 (d) The Department of Insurance.
19 (e) The Department of Labor and Employment Security.
20 (f) The Department of Revenue.
21 (g) The Department of State.
22 (h) The Fish and Wildlife Conservation Commission.
23 (i) Other state agencies.
- 24 (6) The department may add counties and municipalities
25 to the One-Stop Permitting System as such local governments
26 agree to participate and develop the technical capability of
27 joining the system.
- 28 (7) To the extent feasible, state agencies are
29 directed to develop and implement on-line permitting systems.
- 30 (8) Section 120.60(1) shall apply to any permit or
31 license filed under the One-Stop Permitting System, except

1 that the time period for approving or denying a completed
2 application shall be 60 days. In the case of permits issued
3 by the water management districts, each completed application
4 that does not require governing board approval must be
5 approved or denied within 60 days after receipt. However,
6 completed permit applications which must be considered by a
7 water management district governing board shall be approved or
8 denied at the next regularly scheduled meeting after the
9 60-day period has expired.

10 (9) Each agency shall maintain a record of the time
11 required for that agency to process each application that is
12 filed using the One-Stop Permitting System and submit a report
13 to the President of the Senate and the Speaker of the House of
14 Representatives by January 1 of each year which compiles such
15 information.

16 (10) Notwithstanding any other provision of law or
17 administrative rule to the contrary, the fee imposed by a
18 state agency or water management district for issuing a permit
19 shall be waived for a 6-month period beginning on the date the
20 state agency or water management district begins accepting
21 permit applications over the Internet and the applicant
22 submits the permit to the agency or district using the
23 One-Stop Permitting System. The 6-month fee waiver shall not
24 apply to permit fees assessed by the Electrical Power Plant
25 Siting Act, ss. 403.501-403.519, the Transmission Line Siting
26 Act, ss. 403.52-403.5365; the Statewide Multi-purpose
27 Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the
28 Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and
29 the Florida High Speed Rail Transportation Siting Act, ss.
30 341.3201-341.386.

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1 Section 5. Section 288.1092, Florida Statutes, is
2 created to read:

3 288.1092 One-Stop Permitting Grant Program.--There is
4 created within the Department of Management Services the
5 One-Stop Permitting System Grant Program. The purpose of the
6 grant program is to encourage counties to coordinate and
7 integrate the development of the county's permitting process
8 with the One-Stop Permitting System. The department shall
9 review grant applications and, subject to available funds, if
10 a county is certified as a Quick Permitting County under s.
11 288.1093, shall award a grant of up to \$50,000 to provide for
12 such integration. The department must review a grant
13 application for consistency with the purpose of the One-Stop
14 Permitting System to provide access to development permit
15 information and application forms. Grants shall be issued on a
16 first-come, first-served basis to qualified Quick Permitting
17 Counties. The grant moneys may be used to purchase software,
18 hardware, or consulting services necessary for the county to
19 create an interface with the One-Stop Permitting System. Grant
20 moneys may not be used to pay administrative costs. The grant
21 application must specify what items or services the county
22 intends to purchase using the grant moneys, the amount of each
23 of the items or services to be purchased, and how the items or
24 services are necessary for the county to create an interface
25 with the One-Stop Permitting System.

26 Section 6. Section 288.1093, Florida Statutes, is
27 created to read:

28 288.1093 Quick Permitting County Designation
29 Program.--

30 (1) There is established within the Department of
31 Management Services the Quick Permitting County Designation

1 Program. To be designated as a Quick Permitting County, the
2 chair of the board of county commissioners of the applying
3 county must certify to the Department of Management Services
4 that the county meets the criteria specified in subsection
5 (3).

6 (2) As used in this section, the term "development
7 permitting" includes permits and approvals necessary for the
8 physical location of a business, including, but not limited
9 to:

10 (a) Wetland or environmental resource permits.

11 (b) Surface-water management permits.

12 (c) Stormwater permits.

13 (d) Site-plan approvals.

14 (e) Zoning and comprehensive plan amendments.

15 (f) Building permits.

16 (g) Transportation concurrency approvals.

17 (h) Wastewater permits.

18 (3) In order to qualify for a Quick Permitting County
19 designation, a county must certify to the department that the
20 county has implemented the following best management
21 practices:

22 (a) The establishment of a single point of contact for
23 a business seeking assistance in obtaining a permit.

24 (b) The selection of high-priority projects for
25 accelerated permit review.

26 (c) The use of documented preapplication meetings
27 following standard procedures.

28 (d) The maintenance of an inventory of sites suitable
29 for high-priority projects.

30 (e) The development of a list of consultants who
31 conduct business in the county.

1 (f) The evaluation and elimination of duplicative
2 approval and permitting requirements within the county.

3 (g) The commitment to participate, through the entry
4 of an interlocal agreement for individual projects, in the
5 expedited permit process set forth in s. 403.973.

6 (h) The development of a timetable for processing
7 development permits and approvals.

8 (i) The use of interagency coordination to facilitate
9 permit processing.

10 Section 7. Section 288.1095, Florida Statutes, is
11 created to read:

12 288.1095 Information concerning the One-Stop
13 Permitting System.--The Office of Tourism, Trade, and Economic
14 Development shall develop literature that explains the
15 One-Stop Permitting System and identifies those counties that
16 have been designated as Quick Permitting Counties. The
17 literature must be updated at least once each year. To the
18 maximum extent feasible, state agencies and Enterprise
19 Florida, Inc., shall distribute such literature and inform the
20 public of the One-Stop Permitting System and the Quick
21 Permitting Counties. In addition, Enterprise Florida, Inc.,
22 shall provide this information to prospective, new, expanding,
23 and relocating businesses seeking to conduct business in this
24 state, in municipalities, in counties, in economic-development
25 organizations, and in chambers of commerce.

26 Section 8. Sections 403.950, 403.951, 403.952,
27 403.953, 403.954, 403.955, 403.9551, 403.956, 403.957,
28 403.958, 403.959, 403.960, 403.961, 403.9615, 403.962,
29 403.963, 403.964, 403.965, 403.966, 403.967, 403.968, 403.969,
30 403.970, 403.971, and 403.972, Florida Statutes, are repealed.

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1 Section 9. Section 403.973, Florida Statutes, is
2 amended to read:

3 403.973 Expedited permitting; comprehensive plan
4 amendments.--

5 (1) It is the intent of the Legislature to encourage
6 and facilitate the location and expansion of those types of
7 economic development projects which offer job creation and
8 high wages, strengthen and diversify the state's economy, and
9 have been thoughtfully planned to take into consideration the
10 protection of the state's environment. It is also the intent
11 of the Legislature to provide for an expedited permitting and
12 comprehensive plan amendment process for such projects.

13 (2) As used in this section, the term:

14 (a) "Duly noticed" means publication in a newspaper of
15 general circulation in the municipality or county with
16 jurisdiction. The notice shall appear on at least 2 separate
17 days, one of which shall be at least 7 days before the
18 meeting. The notice shall state the date, time, and place of
19 the meeting scheduled to discuss or enact the memorandum of
20 agreement, and the places within the municipality or county
21 where such proposed memorandum of agreement may be inspected
22 by the public. The notice must be one-eighth of a page in size
23 and must be published in a portion of the paper other than the
24 legal notices section. The notice shall also advise that
25 interested parties may appear at the meeting and be heard with
26 respect to the memorandum of agreement.

27 (b) "Jobs" means permanent, full-time equivalent
28 positions not including construction jobs.

29 (c) "Office" means the Office of Tourism, Trade, and
30 Economic Development.

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1 (d) "Permit applications" means state permits and
2 licenses, and at the option of a participating local
3 government, local development permits or orders.

4 (3)(a) The Governor, through the office, shall direct
5 the creation of regional permit action teams, for the purpose
6 of expediting review of permit applications and local
7 comprehensive plan amendments submitted by:

8 1.(a) Businesses creating at least 100 jobs, or

9 2.(b) Businesses creating at least 50 jobs if the
10 project is located in an enterprise zone, or in a county
11 having a population of less than 75,000 or in a county having
12 a population of less than 100,000 which is contiguous to a
13 county having a population of less than 75,000, as determined
14 by the most recent decennial census, residing in incorporated
15 and unincorporated areas of the county, or

16 (b)(c) On a case-by-case basis and at the request of a
17 county or municipal government, the office may certify as
18 eligible for expedited review a project not meeting the
19 minimum job creation thresholds but creating a minimum of 10
20 jobs. The recommendation from the governing body of the county
21 or municipality in which the project may be located is
22 required in order for the office to certify that any project
23 is eligible for expedited review under this paragraph. When
24 considering projects that do not meet the minimum job creation
25 thresholds but that are recommended by the governing body in
26 which the project may be located, the office shall consider
27 economic impact factors that include, but are not limited to:

28 1. The proposed wage and skill levels relative to
29 those existing in the area in which the project may be
30 located;

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1 2. The project's potential to diversify and strengthen
2 the area's economy;

3 3. The amount of capital investment; and

4 4. The number of jobs that will be made available for
5 persons served by the WAGES Program.

6 (c) At the request of a county or municipal
7 government, the office or a Quick Permitting County may
8 certify projects located in counties where the ratio of new
9 jobs per WAGES client, as determined by the Workforce
10 Development Board of Enterprise Florida, is less than one or
11 otherwise critical, as eligible for the expedited permitting
12 process. Such projects must meet the numerical job creation
13 criteria of subsection (3), but the jobs created by the
14 project do not have to be high-wage jobs that diversify the
15 state's economy.

16 (4) The office may delegate to a Quick Permitting
17 County designated under s. 288.1093 the responsibility for
18 convening regional permit teams and, in consultation with the
19 office, for certifying as eligible for expedited review
20 projects that meet the criteria of subsection (3) and that are
21 consistent with the economic goals of the county. In order to
22 receive such a delegation, the Quick Permitting County must
23 hold the public hearing required under subsection (7) and
24 agree to execute a memorandum of agreement for each qualified
25 project.

26 (5)~~(4)~~ The regional teams shall be established through
27 the execution of memoranda of agreement between the office and
28 the respective heads of the Department ~~Departments~~ of
29 Environmental Protection, the Department of Community Affairs,
30 the Department of Transportation and its district offices, the
31 Department of Agriculture and Consumer Services, the Game and

1 Fresh Water Fish Commission, appropriate regional planning
2 councils, appropriate water management districts, and
3 voluntarily participating municipalities and counties. The
4 memoranda of agreement should also accommodate participation
5 in this expedited process by other local governments and
6 federal agencies as circumstances warrant.

7 (6)~~(5)~~ In order to facilitate local government's
8 option to participate in this expedited review process, the
9 office shall, in cooperation with local governments and
10 participating state agencies, create a standard form
11 memorandum of agreement. A local government shall hold a duly
12 noticed public workshop to review and explain to the public
13 the expedited permitting process and the terms and conditions
14 of the standard form memorandum of agreement.

15 (7)~~(6)~~ The local government shall hold a duly noticed
16 public hearing to execute a memorandum of agreement for each
17 qualified project. The memorandum of agreement that a local
18 government signs shall include a provision identifying
19 necessary local government procedures and time limits that
20 will be modified to allow for the local government decision on
21 the project within 90 days. The memorandum of agreement
22 applies to projects, on a case-by-case basis, that qualify for
23 special review and approval as specified in this section. The
24 memorandum of agreement must make it clear that this expedited
25 permitting and review process does not modify, qualify, or
26 otherwise alter existing local government nonprocedural
27 standards for permit applications, unless expressly authorized
28 by law.

29 (8)~~(7)~~ At the option of the participating local
30 government, appeals of its final approval for a project may be
31 pursuant to the summary hearing provisions of s. 120.574,

1 pursuant to subsection (15)~~(13)~~, or pursuant to other
2 appellate processes available to the local government. The
3 local government's decision to enter into a summary hearing
4 must be made as provided in s. 120.574 or in the memorandum of
5 agreement.

6 (9)~~(8)~~ Each memorandum of agreement shall include a
7 process for final agency action on permit applications and
8 local comprehensive plan amendment approvals within 90 days
9 after receipt of a completed application, unless the applicant
10 agrees to a longer time period or the office determines that
11 unforeseen or uncontrollable circumstances preclude final
12 agency action within the 90-day timeframe. Permit
13 applications governed by federally delegated or approved
14 permitting programs whose requirements would prohibit or be
15 inconsistent with the 90-day timeframe are exempt from this
16 provision, but must be processed by the agency with federally
17 delegated or approved program responsibility as expeditiously
18 as possible.

19 (10)~~(9)~~ The office shall inform the Legislature by
20 October 1 of each year, ~~1997, and every October thereafter,~~
21 which agencies have not entered into or implemented an
22 agreement, and identify any barriers to achieving success of
23 the program. ~~The Office of Program Policy Analysis and~~
24 ~~Government Accountability shall study the implementation of~~
25 ~~this program and make recommendations to the Governor and the~~
26 ~~Legislature by October 1, 1998, on how this program may be~~
27 ~~made more efficient and effective.~~

28 (11)~~(10)~~ The memoranda of agreement may provide for
29 the waiver or modification of procedural rules prescribing
30 forms, fees, procedures, or time limits for the review or
31 processing of permit applications under the jurisdiction of

1 those agencies that are party to the memoranda of agreement.
2 Notwithstanding any other provision of law to the contrary, a
3 memorandum of agreement must to the extent feasible provide
4 for proceedings and hearings otherwise held separately by the
5 parties to the memorandum of agreement to be combined into one
6 proceeding or held jointly and at one location. Such waivers
7 or modifications shall not be available for permit
8 applications governed by federally delegated or approved
9 permitting programs, the requirements of which would prohibit,
10 or be inconsistent with, such a waiver or modification.

11 (12)~~(11)~~ The memoranda of agreement shall include
12 guidelines to be used in working with state, regional, and
13 local permitting authorities. Guidelines may include, but are
14 not limited to, the following:

15 (a) A central contact point for filing permit
16 applications and local comprehensive plan amendments and for
17 obtaining information on permit and local comprehensive plan
18 amendment requirements;

19 (b) Identification of the individual or individuals
20 within each respective agency who will be responsible for
21 processing the expedited permit application or local
22 comprehensive plan amendment for that agency;

23 (c) A mandatory preapplication review process to
24 reduce permitting conflicts by providing guidance to
25 applicants regarding the permits needed from each agency and
26 governmental entity, site planning and development, site
27 suitability and limitations, facility design, and steps the
28 applicant can take to ensure expeditious permit application
29 and local comprehensive plan amendment review. As a part of
30 this process, the first interagency meeting to discuss a
31 project shall be held within 14 days after the office's

1 determination that the project is eligible for expedited
2 review. Subsequent interagency meetings may be scheduled to
3 accommodate the needs of participating local governments that
4 are unable to meet public notice requirements for executing a
5 memorandum of agreement within this timeframe. This
6 accommodation may not exceed 45 days from the office's
7 determination that the project is eligible for expedited
8 review;

9 (d) The preparation of a single coordinated project
10 description form and checklist and an agreement by state and
11 regional agencies to reduce the burden on an applicant to
12 provide duplicate information to multiple agencies;

13 (e) Establishment of a process for the adoption and
14 review of any comprehensive plan amendment needed by any
15 certified project within 90 days after the submission of an
16 application for a comprehensive plan amendment. However, the
17 memorandum of agreement may not prevent affected persons as
18 defined in s. 163.3184 from appealing or participating in this
19 expedited plan amendment process and any review or appeals of
20 decisions made under this paragraph; and

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

23 (13) The applicant, the regional permit-action team,
24 and participating local governments may agree to incorporate
25 into a single document the permits, licenses, and approvals
26 that are obtained through the expedited permit process. This
27 consolidated permit is subject to the summary hearing
28 provisions set forth in subsection (15).

29 (14)~~(12)~~ Notwithstanding any other provisions of law:
30
31

1 (a) Local comprehensive plan amendments for projects
2 qualified under this section are exempt from the twice-a-year
3 limits provision in s. 163.3187; and

4 (b) Projects qualified under this section are not
5 subject to interstate highway level of service standards
6 adopted by the Department of Transportation for concurrency
7 purposes. The memorandum of agreement specified in subsection
8 ~~(6)~~~~(5)~~ must include a process by which the applicant will be
9 assessed a fair share of the cost of mitigating the project's
10 significant traffic impacts, as defined in chapter 380 and
11 related rules. The agreement must also specify whether the
12 significant traffic impacts on the interstate system will be
13 mitigated through the implementation of a project or payment
14 of funds to the Department of Transportation. Where funds are
15 paid, the Department of Transportation must include in the
16 5-year work program transportation projects or project phases,
17 in an amount equal to the funds received, to mitigate the
18 traffic impacts associated with the proposed project.

19 (15)~~(13)~~ Challenges to state agency action in the
20 expedited permitting process for projects processed under this
21 section are subject to the summary hearing provisions of s.
22 120.574, except that the administrative law judge's decision,
23 as provided in s. 120.574(2)(f), shall be in the form of a
24 recommended order and shall not constitute the final action of
25 the state agency. In those proceedings where the action of
26 only one agency of the state is challenged, the agency of the
27 state shall issue the final order within 10 working days of
28 receipt of the administrative law judge's recommended order.
29 In those proceedings where the actions of more than one agency
30 of the state are challenged, the Governor shall issue the
31 final order within 10 working days of receipt of the

1 administrative law judge's recommended order. The
2 participating agencies of the state may opt at the preliminary
3 hearing conference to allow the administrative law judge's
4 decision to constitute the final agency action. If a
5 participating local government agrees to participate in the
6 summary hearing provisions of s. 120.574 for purposes of
7 review of local government comprehensive plan amendments, s.
8 163.3184(9) and (10) apply.

9 (16)~~(14)~~ This expedited permitting process shall not
10 modify, qualify, or otherwise alter existing agency
11 nonprocedural standards for permit applications or local
12 comprehensive plan amendments, unless expressly authorized by
13 law. If it is determined that the applicant is not eligible
14 to use this process, the applicant may apply for permitting of
15 the project through the normal permitting processes.

16 (17)~~(15)~~ The office shall be responsible for
17 certifying a business as eligible for undergoing expedited
18 review under this section. Enterprise Florida, Inc., a county
19 or municipal government, or the Rural Economic Development
20 Initiative may recommend to the Office of Tourism, Trade, and
21 Economic Development that a project meeting the minimum job
22 creation threshold undergo expedited review.

23 (18)~~(16)~~ The office, working with the Rural Economic
24 Development Initiative and the agencies participating in the
25 memoranda of agreement, shall provide technical assistance in
26 preparing permit applications and local comprehensive plan
27 amendments for counties having a population of less than
28 75,000 residents, or counties having fewer than 100,000
29 residents which are contiguous to counties having fewer than
30 75,000 residents. Additional assistance may include, but not
31 be limited to, guidance in land development regulations and

1 | permitting processes, working cooperatively with state,
2 | regional, and local entities to identify areas within these
3 | counties which may be suitable or adaptable for preclearance
4 | review of specified types of land uses and other activities
5 | requiring permits.

6 | ~~(19)(17)~~ The following projects are ineligible for
7 | review under this part:

8 | (a) A project funded and operated by a local
9 | government, as defined in s. 377.709, and located within that
10 | government's jurisdiction.

11 | (b) A project, the primary purpose of which is to:

12 | 1. Effect the final disposal of solid waste,
13 | biomedical waste, or hazardous waste in this state.

14 | 2. Produce electrical power, unless the production of
15 | electricity is incidental and not the primary function of the
16 | project.

17 | 3. Extract natural resources.

18 | 4. Produce oil.

19 | 5. Construct, maintain, or operate an oil, petroleum,
20 | natural gas, or sewage pipeline.

21 | Section 10. The sum of \$500,000 is appropriated from
22 | the General Revenue Fund to the Department of Management
23 | Services to be used for funding Quick Permitting Grants to
24 | counties.

25 | Section 11. This act shall take effect July 1, 1999.

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