

By the Committees on Fiscal Policy; Comprehensive Planning,  
Local and Military Affairs; and Senator Carlton

309-1993-99

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 for a  
23          temporary waiver of the permit fee for  
24          applications filed using the One-Stop  
25          Permitting System; providing for a permit fee  
26          reduction under certain conditions; creating s.  
27          288.1092, F.S.; creating the One-Stop  
28          Permitting System Grant Program within the  
29          Department of Management Services; providing  
30          for grant moneys to be awarded to counties  
31          certified as Quick Permitting Counties;

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

1           implementing the One-Stop Permitting System;  
2           providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

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

15           Section 2. Paragraph (g) of subsection (2) and  
16 subsection (6) of section 14.2015, Florida Statutes, 1998  
17 Supplement, are amended to read:

18           14.2015 Office of Tourism, Trade, and Economic  
19 Development; creation; powers and duties.--

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

28           (g)1. Administer the Florida Enterprise Zone Act under  
29 ss. 290.001-290.016, the community contribution tax credit  
30 program under ss. 220.183 and 624.5105, the tax refund program  
31 for qualified target industry businesses under s. 288.106,

1 contracts for transportation projects under s. 288.063, the  
2 sports franchise facility program under s. 288.1162, the  
3 professional golf hall of fame facility program under s.  
4 288.1168, the expedited permitting process under s. 403.973,  
5 ~~the Florida Jobs Siting Act under ss. 403.950-403.972,~~the  
6 Rural Community Development Revolving Loan Fund under s.  
7 288.065, the Regional Rural Development Grants Program under  
8 s. 288.018, the Certified Capital Company Act under s. 288.99,  
9 the Florida State Rural Development Council, and the Rural  
10 Economic Development Initiative.

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

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

30 ~~(b) As used in this subsection, the term "permit"~~  
31 ~~means any approval of an agency required as a condition of~~

1 ~~operating a business in this state, including, but not limited~~  
2 ~~to, licenses and registrations.~~

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

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

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

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

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

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

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

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

28 (II) ~~Assistance in the completion of such~~  
29 ~~applications.~~

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

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

3  
4 ~~if the Legislature establishes such a registry, subsequent~~  
5 ~~annual reports must cover the status and performance of this~~  
6 ~~registry.~~

7           ~~4. Serve as a clearinghouse for information on which~~  
8 ~~permits are required for a particular business and on the~~  
9 ~~respective application process, including criteria applied in~~  
10 ~~making a determination on a permit application. Each state~~  
11 ~~agency that requires a permit, license, or registration for a~~  
12 ~~business shall submit to the Office of Tourism, Trade, and~~  
13 ~~Economic Development by August 1 of each year a list of the~~  
14 ~~types of businesses and professions that it regulates and of~~  
15 ~~each permit, license, or registration that it requires for a~~  
16 ~~type of business or profession.~~

17           ~~5. Obtain information and permit applications from~~  
18 ~~agencies and provide such information and permit applications~~  
19 ~~to the public.~~

20           ~~6. Arrange, upon request, informal conferences between~~  
21 ~~a business and an agency to clarify regulatory requirements or~~  
22 ~~standards or to identify and address problems in the permit~~  
23 ~~review process.~~

24           ~~7. Determine, upon request, the status of a particular~~  
25 ~~permit application.~~

26           ~~8. Receive complaints and suggestions concerning~~  
27 ~~permitting policies and activities of governmental agencies~~  
28 ~~which affect businesses.~~

29           (c)(d) Use of the services authorized in this  
30 subsection does not preclude a person or business from dealing  
31 directly with an agency.

1           ~~(d)(e)~~ In carrying out its duties under this  
2 subsection, the Office of Tourism, Trade, and Economic  
3 Development may consult with state agency personnel appointed  
4 to serve as economic development liaisons under s. 288.021.

5           ~~(f) The office shall clearly represent that its  
6 services are advisory, informational, and facilitative only.  
7 Advice, information, and assistance rendered by the office  
8 does not relieve any person or business from the obligation to  
9 secure a required permit. The office is not liable for any  
10 consequences resulting from the failure to issue or to secure  
11 a required consequences resulting from the failure to issue or  
12 to secure a required permit. However, an applicant who uses  
13 the services of the office and who receives a written  
14 statement identifying required state permits relating to a  
15 business activity may not be assessed a penalty for failure to  
16 obtain a state permit that was not identified, if the  
17 applicant submits an application for each such permit within  
18 60 days after written notification from the agency responsible  
19 for issuing the permit.~~

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

22           288.021 Economic development liaison.--

23           (1) The heads of the Department of Transportation, the  
24 Department of Environmental Protection and an additional  
25 member appointed by the secretary of the department, the  
26 Department of Labor and Employment Security, the Department of  
27 Education, the Department of Community Affairs, the Department  
28 of Management Services, the Department of Revenue, and the  
29 Game and Fresh Water Fish Commission, each water management  
30 district, and each Department of Transportation District  
31 office shall designate a high-level staff member from within

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

14 Section 4. Section 288.109, Florida Statutes, is  
15 created to read:

16 288.109 One-Stop Permitting System.--

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

30 (2) The department shall develop the One-Stop  
31 Permitting System Internet site to allow an applicant to



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

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

16 (a) Wetland or environmental resource permits.

17 (b) Surface-water management permits.

18 (c) Stormwater permits.

19 (d) Site-plan approvals.

20 (e) Zoning approvals and comprehensive plan

21 amendments.

22 (f) Building permits.

23 (g) Transportation concurrency approvals.

24 (h) Consumptive water-use permits.

25 (i) Wastewater permits.

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

29 (a) The Department of Environmental Protection.

30 (b) The Department of Community Affairs.

31 (c) The Department of Management Services.

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.  
20           (f) The Department of Revenue.  
21           (g) The Department of State.  
22           (h) The Game and Freshwater Fish 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) Notwithstanding the provisions of s. 120.60(1),  
31 each completed application for a permit or license filed using

1 the One-Stop Permitting System must be approved or denied  
2 within 60 days after its receipt. In the case of permits  
3 issued by the water management districts, each completed  
4 application that does not require governing board approval  
5 must be approved or denied within 60 days after receipt. For  
6 permits that require governing board approval, the completed  
7 application must be approved or denied by the governing board  
8 at the next regularly scheduled meeting after the 60-day  
9 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 High Speed Rail Transportation Siting Act, ss.  
30 341.3201-341.386.

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1           (11) A state agency or water management district is  
2 authorized to reduce a permit fee by 25 percent for applicants  
3 who submit a complete application over the Internet when the  
4 applicant is not required to submit additional information to  
5 the agency or water management district.

6           Section 5. Section 288.1092, Florida Statutes, is  
7 created to read:

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

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1           Section 6. Section 288.1093, Florida Statutes, is  
2 created to read:

3           288.1093 Quick Permitting County Designation  
4 Program.--

5           (1) There is established within the Department of  
6 Management Services the Quick Permitting County Designation  
7 Program. To be designated as a Quick Permitting County, the  
8 Chair of the Board of County Commissioners of the applying  
9 county must certify to the Department of Management Services  
10 that the county meets the criteria specified in subsection  
11 (3).

12           (2) As used in this section, the term "development  
13 permitting" includes permits and approvals necessary for the  
14 physical location of a business, including, but not limited  
15 to:

- 16           (a) Wetland or environmental resource permits.
- 17           (b) Surface-water management permits.
- 18           (c) Stormwater permits.
- 19           (d) Site-plan approvals.
- 20           (e) Zoning and comprehensive plan amendments.
- 21           (f) Building permits.
- 22           (g) Transportation concurrency approvals.
- 23           (h) Consumptive water-use permits.
- 24           (i) Wastewater permits.

25           (3) In order to qualify for a Quick Permitting County  
26 designation, a county must certify to the department that the  
27 county has implemented the following best-management  
28 practices:

- 29           (a) The establishment of a single point of contact for  
30 a business seeking assistance in obtaining a permit;

31

1           (b) The selection of high-priority projects for  
2 accelerated permit review;

3           (c) The use of documented preapplication meetings  
4 following standard procedures;

5           (d) The maintenance of an inventory of sites suitable  
6 for high-priority projects;

7           (e) The development of a list of consultants who  
8 conduct business in the county;

9           (f) The evaluation and elimination of duplicative  
10 approval and permitting requirements within the county;

11           (g) The commitment to participate, through the entry  
12 of an interlocal agreement for individual projects, in the  
13 expedited permit process set forth in s. 403.973;

14           (h) The development of a timetable for processing  
15 development permits and approvals; and

16           (i) The use of interagency coordination to facilitate  
17 permit processing.

18           Section 7. Section 288.1095, Florida Statutes, is  
19 created to read:

20           288.1095 Information concerning the One-Stop  
21 Permitting System.--The Office of Tourism, Trade, and Economic  
22 Development shall develop literature that explains the  
23 One-Stop Permitting System and identifies those counties that  
24 have been designated as Quick Permitting Counties. The  
25 literature must be updated at least once each year. To the  
26 maximum extent feasible, state agencies and Enterprise  
27 Florida, Inc., shall distribute such literature and inform the  
28 public of the One-Stop Permitting System and the Quick  
29 Permitting Counties. In addition, Enterprise Florida, Inc.,  
30 shall provide this information to prospective, new, expanding,  
31 and relocating businesses seeking to conduct business in this

1 state, municipalities, counties, economic-development  
2 organizations, and chambers of commerce.

3 Section 8. Sections 403.950, 403.951, 403.952,  
4 403.953, 403.954, 403.955, 403.9551, 403.956, 403.957,  
5 403.958, 403.959, 403.960, 403.961, 403.9615, 403.962,  
6 403.963, 403.964, 403.965, 403.966, 403.967, 403.968, 403.969,  
7 403.970, 403.971, and 403.972, Florida Statutes, are repealed.

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

10 403.973 Expedited permitting; comprehensive plan  
11 amendments.--

12 (1) It is the intent of the Legislature to encourage  
13 and facilitate the location and expansion of those types of  
14 economic development projects which offer job creation and  
15 high wages, strengthen and diversify the state's economy, and  
16 have been thoughtfully planned to take into consideration the  
17 protection of the state's environment. It is also the intent  
18 of the Legislature to provide for an expedited permitting and  
19 comprehensive plan amendment process for such projects.

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

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

1 interested parties may appear at the meeting and be heard with  
2 respect to the memorandum of agreement.

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

5 (c) "Office" means the Office of Tourism, Trade, and  
6 Economic Development.

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

10 (3)(a) The Governor, through the office, shall direct  
11 the creation of regional permit action teams, for the purpose  
12 of expediting review of permit applications and local  
13 comprehensive plan amendments submitted by:

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

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

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



1 which the project may be located, the office shall consider  
2 economic impact factors that include, but are not limited to:

- 3 1. The proposed wage and skill levels relative to  
4 those existing in the area in which the project may be  
5 located;
- 6 2. The project's potential to diversify and strengthen  
7 the area's economy;
- 8 3. The amount of capital investment; and
- 9 4. The number of jobs that will be made available for  
10 persons served by the WAGES Program.

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

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

31

1           (5)~~(4)~~ The regional teams shall be established through  
2 the execution of memoranda of agreement between the office and  
3 the respective heads of the Department ~~Departments~~ of  
4 Environmental Protection, the Department of Community Affairs,  
5 the Department of Transportation and its district offices, the  
6 Department of Agriculture and Consumer Services, the Game and  
7 Fresh Water Fish Commission, appropriate regional planning  
8 councils, appropriate water management districts, and  
9 voluntarily participating municipalities and counties. The  
10 memoranda of agreement should also accommodate participation  
11 in this expedited process by other local governments and  
12 federal agencies as circumstances warrant.

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

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

1 otherwise alter existing local government nonprocedural  
2 standards for permit applications, unless expressly authorized  
3 by law.

4 (8)~~(7)~~ At the option of the participating local  
5 government, appeals of its final approval for a project may be  
6 pursuant to the summary hearing provisions of s. 120.574,  
7 pursuant to subsection(15)~~(13)~~, or pursuant to other  
8 appellate processes available to the local government. The  
9 local government's decision to enter into a summary hearing  
10 must be made as provided in s. 120.574 or in the memorandum of  
11 agreement.

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

25 (10)~~(9)~~ The office shall inform the Legislature by  
26 October 1 of each year, ~~1997, and every October thereafter,~~  
27 which agencies have not entered into or implemented an  
28 agreement, and identify any barriers to achieving success of  
29 the program. ~~The Office of Program Policy Analysis and~~  
30 ~~Government Accountability shall study the implementation of~~  
31 ~~this program and make recommendations to the Governor and the~~

1 ~~Legislature by October 1, 1998, on how this program may be~~  
2 ~~made more efficient and effective.~~

3       (11)~~(10)~~ The memoranda of agreement may provide for  
4 the waiver or modification of procedural rules prescribing  
5 forms, fees, procedures, or time limits for the review or  
6 processing of permit applications under the jurisdiction of  
7 those agencies that are party to the memoranda of agreement.  
8 Notwithstanding any other provision of law to the contrary, a  
9 memorandum of agreement must to the extent feasible provide  
10 for proceedings and hearings otherwise held separately by the  
11 parties to the memorandum of agreement to be combined into one  
12 proceeding or held jointly and at one location. Such waivers  
13 or modifications shall not be available for permit  
14 applications governed by federally delegated or approved  
15 permitting programs, the requirements of which would prohibit,  
16 or be inconsistent with, such a waiver or modification.

17       (12)~~(11)~~ The memoranda of agreement shall include  
18 guidelines to be used in working with state, regional, and  
19 local permitting authorities. Guidelines may include, but are  
20 not limited to, the following:

21           (a) A central contact point for filing permit  
22 applications and local comprehensive plan amendments and for  
23 obtaining information on permit and local comprehensive plan  
24 amendment requirements;

25           (b) Identification of the individual or individuals  
26 within each respective agency who will be responsible for  
27 processing the expedited permit application or local  
28 comprehensive plan amendment for that agency;

29           (c) A mandatory preapplication review process to  
30 reduce permitting conflicts by providing guidance to  
31 applicants regarding the permits needed from each agency and

1 governmental entity, site planning and development, site  
2 suitability and limitations, facility design, and steps the  
3 applicant can take to ensure expeditious permit application  
4 and local comprehensive plan amendment review. As a part of  
5 this process, the first interagency meeting to discuss a  
6 project shall be held within 14 days after the office's  
7 determination that the project is eligible for expedited  
8 review. Subsequent interagency meetings may be scheduled to  
9 accommodate the needs of participating local governments that  
10 are unable to meet public notice requirements for executing a  
11 memorandum of agreement within this timeframe. This  
12 accommodation may not exceed 45 days from the office's  
13 determination that the project is eligible for expedited  
14 review;

15 (d) The preparation of a single coordinated project  
16 description form and checklist and an agreement by state and  
17 regional agencies to reduce the burden on an applicant to  
18 provide duplicate information to multiple agencies;

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

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

29 (13) The applicant, the regional permit-action team,  
30 and participating local governments may agree to incorporate  
31 into a single document the permits, licenses, and approvals

1 that are obtained through the expedited permit process. This  
2 consolidated permit is subject to the summary hearing  
3 provisions set forth in subsection (15).

4 (14)~~(12)~~ Notwithstanding any other provisions of law:

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

8 (b) Projects qualified under this section are not  
9 subject to interstate highway level of service standards  
10 adopted by the Department of Transportation for concurrency  
11 purposes. The memorandum of agreement specified in subsection  
12 (6)~~(5)~~ must include a process by which the applicant will be  
13 assessed a fair share of the cost of mitigating the project's  
14 significant traffic impacts, as defined in chapter 380 and  
15 related rules. The agreement must also specify whether the  
16 significant traffic impacts on the interstate system will be  
17 mitigated through the implementation of a project or payment  
18 of funds to the Department of Transportation. Where funds are  
19 paid, the Department of Transportation must include in the  
20 5-year work program transportation projects or project phases,  
21 in an amount equal to the funds received, to mitigate the  
22 traffic impacts associated with the proposed project.

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

1 receipt of the administrative law judge's recommended order.  
2 In those proceedings where the actions of more than one agency  
3 of the state are challenged, the Governor shall issue the  
4 final order within 10 working days of receipt of the  
5 administrative law judge's recommended order. The  
6 participating agencies of the state may opt at the preliminary  
7 hearing conference to allow the administrative law judge's  
8 decision to constitute the final agency action. If a  
9 participating local government agrees to participate in the  
10 summary hearing provisions of s. 120.574 for purposes of  
11 review of local government comprehensive plan amendments, s.  
12 163.3184(9) and (10) apply.

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

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

27 (18)~~(16)~~ The office, working with the Rural Economic  
28 Development Initiative and the agencies participating in the  
29 memoranda of agreement, shall provide technical assistance in  
30 preparing permit applications and local comprehensive plan  
31 amendments for counties having a population of less than

1 75,000 residents, or counties having fewer than 100,000  
2 residents which are contiguous to counties having fewer than  
3 75,000 residents. Additional assistance may include, but not  
4 be limited to, guidance in land development regulations and  
5 permitting processes, working cooperatively with state,  
6 regional, and local entities to identify areas within these  
7 counties which may be suitable or adaptable for preclearance  
8 review of specified types of land uses and other activities  
9 requiring permits.

10 (19)~~(17)~~ The following projects are ineligible for  
11 review under this part:

12 (a) A project funded and operated by a local  
13 government, as defined in s. 377.709, and located within that  
14 government's jurisdiction.

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

16 1. Effect the final disposal of solid waste,  
17 biomedical waste, or hazardous waste in this state.

18 2. Produce electrical power, unless the production of  
19 electricity is incidental and not the primary function of the  
20 project.

21 3. Extract natural resources.

22 4. Produce oil.

23 5. Construct, maintain, or operate an oil, petroleum,  
24 natural gas, or sewage pipeline.

25 Section 10. The sum of \$500,000 is appropriated from  
26 the General Revenue Fund to the Department of Management  
27 Services to be used for funding Quick Permitting Grants to  
28 counties.

29 Section 11. Effective July 1, 1999, the sum of \$3  
30 million is appropriated from nonrecurring general revenue to  
31 the Executive Branch Administered Funds to be used to offset



1 the potential decline in revenues as a result of the expedited  
2 One-Stop Permitting System. The funds shall be held in reserve  
3 by the Executive Office of the Governor until the principals  
4 of the Revenue Estimating Conference have determined the  
5 amount of loss of permit fees associated with applications  
6 submitted pursuant to the one-stop permitting process. The  
7 Office of Planning and Budgeting shall approve a spending plan  
8 based on an analysis provided by the Revenue Estimating  
9 Conference and distribute and release the appropriated funds  
10 through budget amendments that are subject to the legislative  
11 consultation requirements set forth in section 216.177,  
12 Florida Statutes.

13 Section 12. This act shall take effect July 1, 1999.

14  
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
16 COMMITTEE SUBSTITUTE FOR  
17 CS/SB 662

18 Provides a \$3 million appropriation from non-recurring General  
19 Revenue to be used to offset the potential decline in revenues  
20 as a result of the six month fee waiver in Section 4. of  
CS/SB 662.

21 Provides that for permits issued by water management districts  
22 that require governing board approval, the completed  
23 application must be approved or denied by the governing board  
24 at the next regularly scheduled meeting after the 60 day  
25 period has expired.

26 Provides a permit fee may be reduced by twenty-five percent  
27 for applicants who submit a complete application over the  
28 Internet where the applicant is not required to submit  
29 additional information.  
30  
31