

1
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

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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,

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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~~

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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.

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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

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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, water
28 management districts and counties, with other agencies and
29 counties that agree to participate:

30 (a) The Department of Environmental Protection.

31 (b) The Department of Community Affairs.

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

1 (8) Section 120.60(1) shall apply to any development
2 permit or license filed under the One-Stop Permitting System,
3 except the 90-day time period for approving or denying a
4 completed application shall be 60 days. In the case of permits
5 issued by the water management districts, each completed
6 application that does not require governing board approval
7 must be approved or denied within 60 days after receipt.
8 However, completed permit applications which must be
9 considered by a water management district governing board
10 shall be approved or denied at the next regularly scheduled
11 meeting after the 60-day period has expired.

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

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

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1 Pipeline Siting Act, ss. 403.9401-403.9425; and the High Speed
2 Rail Transportation Siting Act, ss. 341.3201-341.386.

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

9 Section 5. Section 288.1092, Florida Statutes, is
10 created to read:

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

1 services are necessary for the county to create an interface
2 with the One-Stop Permitting System.

3 Section 6. Section 288.1093, Florida Statutes, is
4 created to read:

5 288.1093 Quick Permitting County Designation
6 Program.--

7 (1) There is established within the Department of
8 Management Services the Quick Permitting County Designation
9 Program. To be designated as a Quick Permitting County, the
10 Chair of the Board of County Commissioners of the applying
11 county must certify to the Department of Management Services
12 that the county meets the criteria specified in subsection
13 (3).

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

18 (a) Wetland or environmental resource permits.

19 (b) Surface-water management permits.

20 (c) Stormwater permits.

21 (d) Site-plan approvals.

22 (e) Zoning and comprehensive plan amendments.

23 (f) Building permits.

24 (g) Transportation concurrency approvals.

25 (h) Wastewater permits.

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

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

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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

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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.

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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

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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~~

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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

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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 \$100,000 is appropriated from
26 the General Revenue Fund to the Department of Management
27 Services to fund the administrative costs to establish and
28 implement an Internet site for the One-Stop Permitting System.

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

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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.

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