



384062

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/31/2009	.	
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The Committee on Community Affairs (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. (1) Except as provided in subsection (4), and in recognition of the 2009 real estate market conditions, any permit issued by the Department of Environmental Protection, any permit issued by a water management district under part IV of chapter 373, any development order issued by the Department of Community Affairs pursuant to s. 380.06, and any development order, building permit, or other land use approval issued by a



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12 local government that expired or will expire on or after
13 September 1, 2008 but before September 1, 2011, is extended and
14 renewed for a period of 3 years following its date of
15 expiration. For development orders and land use approvals,
16 including but not limited to certificates of concurrency and
17 development agreements, this extension shall also include phase,
18 commencement, and buildout dates, including any buildout date
19 extension previously granted under s. 380.06(19)(c). This
20 subsection shall not be construed to prohibit conversion from
21 the construction phase to the operation phase upon completion of
22 construction for combined construction and operation permits.

23 (2) The completion date for any required mitigation
24 associated with a phased construction project shall be extended
25 and renewed so that mitigation takes place in the same timeframe
26 relative to the phase as originally permitted.

27 (3) The holder of an agency or district permit, or a
28 development, order, building permit, or other land use approval
29 issued by a local government that is eligible for the 3-year
30 extension shall notify the authorizing agency in writing no
31 later than September 30, 2010, identifying the specific
32 authorization for which the holder intends to use the extended
33 or renewed permit, order, or approval.

34 (4) The extensions and renewals provided for in subsection
35 (1) do not apply to:

36 (a) A permit or other authorization under any programmatic
37 or regional general permit issued by the United States Army
38 Corps of Engineers.

39 (b) An agency or district permit, or a development order,
40 building permit, or other land use approval issued by a local



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41 government and held by an owner or operator determined to be in
42 significant noncompliance with the conditions of the permit,
43 order, or approval as established through the issuance of a
44 warning letter or notice of violation, the initiation of formal
45 enforcement, or other equivalent action by the authorizing
46 agency.

47 (5) Permits, development orders, and other land use
48 approvals extended and renewed under this section shall continue
49 to be governed by rules in effect at the time the permit, order,
50 or approval was issued. This subsection shall apply to any
51 modification of the plans, terms, and conditions of such permit,
52 development order, or other land use approval that lessens the
53 environmental impact, except that any such modification shall
54 not extend the permit, order, or other land use approval beyond
55 the 3 years authorized under subsection (1).

56 Section 2. Subsection (1) of section 120.569, Florida
57 Statutes, is amended to read:

58 120.569 Decisions which affect substantial interests.—

59 (1) The provisions of this section apply in all proceedings
60 in which the substantial interests of a party are determined by
61 an agency, unless the parties are proceeding under s. 120.573 or
62 s. 120.574. Unless waived by all parties, s. 120.57(1) applies
63 whenever the proceeding involves a disputed issue of material
64 fact. Unless otherwise agreed, s. 120.57(2) applies in all other
65 cases. If a disputed issue of material fact arises during a
66 proceeding under s. 120.57(2), then, unless waived by all
67 parties, the proceeding under s. 120.57(2) shall be terminated
68 and a proceeding under s. 120.57(1) shall be conducted. Parties
69 shall be notified of any order, including a final order. Unless



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70 waived, a copy of the order shall be delivered or mailed to each
71 party or the party's attorney of record at the address of
72 record. Each notice shall inform the recipient of any
73 administrative hearing or judicial review that is available
74 under this section, s. 120.57, or s. 120.68; shall indicate the
75 procedure which must be followed to obtain the hearing or
76 judicial review; and shall state the time limits which apply.
77 Notwithstanding any other provision of law, notice of the
78 procedure to obtain an administrative hearing or judicial
79 review, including any items required by the uniform rules
80 adopted pursuant to s. 120.54(5), may be provided via a link to
81 a publicly available Internet site.

82 Section 3. Subsection (1) of Section 120.60, Florida
83 Statutes, is amended to read:

84 120.60 Licensing.—

85 (1) Upon receipt of an application for a license, an agency
86 shall examine the application and, within 30 days after such
87 receipt, notify the applicant of any apparent errors or
88 omissions and request any additional information the agency is
89 permitted by law to require. If the applicant believes the
90 request for such additional information is not authorized by law
91 or agency rule, the agency, at the applicant's request, shall
92 proceed to process the permit application. An agency shall not
93 deny a license for failure to correct an error or omission or to
94 supply additional information unless the agency timely notified
95 the applicant within this 30-day period. An application shall be
96 considered complete upon receipt of all requested information
97 and correction of any error or omission for which the applicant
98 was timely notified or when the time for such notification has



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99 expired. Every application for a license shall be approved or
100 denied within 90 days after receipt of a completed application
101 unless a shorter period of time for agency action is provided by
102 law. The 90-day time period shall be tolled by the initiation of
103 a proceeding under ss. 120.569 and 120.57. Any application for a
104 license that is not approved or denied within the 90-day or
105 shorter time period, within 15 days after conclusion of a public
106 hearing held on the application, or within 45 days after a
107 recommended order is submitted to the agency and the parties,
108 whichever action and timeframe is latest and applicable, is
109 considered approved unless the recommended order recommends that
110 the agency deny the license. Subject to the satisfactory
111 completion of an examination if required as a prerequisite to
112 licensure, any license that is considered approved shall be
113 issued and may include such reasonable conditions as are
114 authorized by law. Any applicant for licensure seeking to claim
115 licensure by default under this subsection shall notify the
116 agency clerk of the licensing agency, in writing, of the intent
117 to rely upon the default license provision of this subsection,
118 and shall not take any action based upon the default license
119 until after receipt of such notice by the agency clerk.

120 Section 4. Section 125.022, Florida Statutes, is amended to
121 read:

122 125.022 Development permits.—When a county denies an
123 application for a development permit, the county shall give
124 written notice to the applicant. The notice must include a
125 citation to the applicable portions of an ordinance, rule,
126 statute, or other legal authority for the denial of the permit.
127 As used in this section, the term “development permit” has the



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128 same meaning as in s. 163.3164. No county may require as a
129 condition of approval for a development permit that an applicant
130 obtain a permit or approval from any other state or federal
131 agency. Issuance of a development permit by a county does not in
132 any way create any rights on the part of an applicant to obtain
133 a permit from another state or federal agency and does not
134 create any liability on the part of the county for issuance of
135 the permit in the event that an applicant fails to fulfill its
136 legal obligations to obtain requisite approvals or fulfill the
137 obligations imposed by other state or federal agencies. Counties
138 may attach this disclaimer to the issuance of development
139 permits and may include a permit condition that all other
140 applicable state or federal permits must be obtained prior to
141 development. This shall not be construed to prohibit a county
142 from providing information to an applicant regarding what other
143 state or federal permits may be applicable.

144 Section 5. Section 161.032, Florida Statutes, is created to
145 read:

146 161.032 Application reviews; additional information.-

147 (1) Within 30 days after receipt of an application for a
148 permit under this part, the department shall review the
149 application and shall request submittal of all additional
150 information the department is permitted by law or rule to
151 require. If the applicant believes any request for additional
152 information is not authorized by law or rule, the applicant may
153 request a hearing pursuant to s. 120.57. Within 30 days after
154 receipt of such additional information, the department shall
155 review it and may request only that information needed to
156 clarify such additional information or to answer new questions



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157 raised by or directly related to such additional information. If
158 the applicant believes the request of the department for such
159 additional information is not authorized by law or rule, the
160 department, at the applicant's request, shall proceed to process
161 the permit application.

162 (2) Notwithstanding the provisions of s. 120.60, an
163 applicant for a permit under this part shall have 90 days from
164 the date of a timely request for additional information to
165 submit that information. If an applicant requires more than 90
166 days in which to respond to a request for additional
167 information, the applicant may notify the agency processing the
168 permit application in writing of the circumstances, at which
169 time the application shall be held in active status for no more
170 than one additional period of up to 90 days. Additional
171 extensions may be granted for good cause shown by the applicant.
172 A showing that the applicant is making a diligent effort to
173 obtain the requested additional information shall constitute
174 good cause. Failure of an applicant to provide the timely
175 requested information by the applicable deadline shall result in
176 denial of the application without prejudice.

177 Section 6. Section 166.033, Florida Statutes, is amended to
178 read:

179 166.033 Development permits.—When a municipality denies an
180 application for a development permit, the municipality shall
181 give written notice to the applicant. The notice must include a
182 citation to the applicable portions of an ordinance, rule,
183 statute, or other legal authority for the denial of the permit.
184 As used in this section, the term "development permit" has the
185 same meaning as in s. 163.3164. No municipality may require as a



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186 condition of approval for a development permit that an applicant
187 obtain a permit or approval from any other state or federal
188 agency. Issuance of a development permit by a municipality does
189 not in any way create any rights on the part of an applicant to
190 obtain a permit from another state or federal agency and does
191 not create any liability on the part of the municipality for
192 issuance of the permit in the event that an applicant fails to
193 fulfill its legal obligations to obtain requisite approvals or
194 fulfill the obligations imposed by other state or federal
195 agencies. Municipalities may attach this disclaimer to the
196 issuance of development permits and may include a permit
197 condition that all other applicable state or federal permits
198 must be obtained prior to development. This shall not be
199 construed to prohibit a municipality from providing information
200 to an applicant regarding what other state or federal permits
201 may be applicable.

202 Section 7. Subsection (14) is added to section 253.034,
203 Florida Statutes, to read:

204 253.034 State-owned lands; uses.-

205 (14) Deposition of dredged material on state-owned
206 submerged lands for the purpose of restoring previously dredged
207 holes to natural conditions shall be conducted in such a manner
208 as to maximize environmental benefits. In such cases, the
209 dredged material shall be placed in the dredge hole at an
210 elevation consistent with the surrounding area to allow light
211 penetration so as to maximize propagation of native vegetation.
212 When available dredged material is of insufficient quantity to
213 raise the entire dredge hole to prior natural elevations, then
214 placement shall be limited to a portion of the dredge hole where



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215 elevations can be restored to natural elevations.

216 Section 8. Subsection (10) of section 373.026, Florida
217 Statutes, is created to read:

218 373.026 General powers and duties of the department.—The
219 department, or its successor agency, shall be responsible for
220 the administration of this chapter at the state level. However,
221 it is the policy of the state that, to the greatest extent
222 possible, the department may enter into interagency or
223 interlocal agreements with any other state agency, any water
224 management district, or any local government conducting programs
225 related to or materially affecting the water resources of the
226 state. All such agreements shall be subject to the provisions of
227 s. 373.046. In addition to its other powers and duties, the
228 department shall, to the greatest extent possible:

229 (10) Expand the use of Internet based self certification
230 services for appropriate exemptions and general permits issued
231 by the department and water management districts. In addition to
232 expanding the use of Internet based self certification services
233 for appropriate exemptions and general permits, the department
234 and water management districts shall identify and develop
235 general permits for activities currently requiring individual
236 review that could be expedited through the use of professional
237 certifications.

238 Section 9. Subsection (4) is added to section 373.441,
239 Florida Statutes, created to read:

240 373.441 Role of counties, municipalities, and local
241 pollution control programs in permit processing.—

242 (4) Activities subject to a permit issued under authority
243 delegated to a county, municipality, or local pollution control



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244 program by the department or the appropriate water management
245 district may not be regulated by the department or the district
246 unless such regulation is required pursuant to the delegation
247 agreement.

248 Section 10. Subsection (2) of Section 373.4141, Florida
249 Statutes, is amended to read:

250 373.4141 Permits; processing.-

251 ~~(2) A permit shall be approved or denied within 90 days~~
252 ~~after receipt of the original application, the last item of~~
253 ~~timely requested additional material, or the applicant's written~~
254 ~~request to begin processing the permit application.~~

255 Notwithstanding the provisions of s. 120.60, an applicant for a
256 permit under this part shall have 90 days from the date of a
257 timely request for additional information to submit that
258 information. If an applicant requires more than 90 days in which
259 to respond to a request for additional information, the
260 applicant may notify the agency processing the permit
261 application in writing of the circumstances, at which time the
262 application shall be held in active status for no more than one
263 additional period of up to 90 days. Additional extensions may be
264 granted for good cause shown by the applicant. A showing that
265 the applicant is making a diligent effort to obtain the
266 requested additional information shall constitute good cause.
267 Failure of an applicant to provide the timely requested
268 information by the applicable deadline shall result in denial of
269 the application without prejudice.

270 Section 11. Paragraph (a) of subsection (4) of section
271 373.079, Florida Statutes, is amended to read:

272 373.079 Members of governing board; oath of office; staff.-



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273 (4) (a) The governing board of the district is authorized to
274 employ an executive director, ombudsman, and such engineers,
275 other professional persons, and other personnel and assistants
276 as it deems necessary and under such terms and conditions as it
277 may determine and to terminate such employment. The appointment
278 of an executive director by the governing board is subject to
279 approval by the Governor and must be initially confirmed by the
280 Florida Senate. The governing board may delegate all or part of
281 its authority under this paragraph to the executive director.
282 However, the governing board shall delegate all of its authority
283 to take final action on permit applications under part II or
284 part IV, or petitions for variances or waivers of permitting
285 requirements under part II or part IV, except as provided for
286 under ss. 373.083(5) and 373.118(4). This delegation shall not
287 be subject to the rulemaking requirements of chapter 120. The
288 executive director must be confirmed by the Senate upon
289 employment and must be confirmed or reconfirmed by the Senate
290 during the second regular session of the Legislature following a
291 gubernatorial election.

292 Section 12. Subsection (5) of section 373.083, Florida
293 Statutes, is amended to read:

294 373.083 General powers and duties of the governing board.-
295 In addition to other powers and duties allowed it by law, the
296 governing board is authorized to:

297 (5) Execute any of the powers, duties, and functions vested
298 in the governing board through a member or members thereof, the
299 executive director, or other district staff as designated by the
300 governing board. The governing board may establish the scope and
301 terms of any delegation. ~~However, if~~ The governing board shall



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302 delegates to the executive director the authority to take final
303 action on permit applications under part II or part IV, or
304 petitions for variances or waivers of permitting requirements
305 under part II or part IV, and this delegation shall not be
306 subject to the rulemaking requirements of chapter 120. However,
307 the governing board shall provide a process for referring any
308 denial of such application or petition to the governing board to
309 take final action. Such process shall expressly prohibit any
310 member of a governing board from intervening in the review of an
311 application prior to said application being referred to the
312 governing board to final action. The authority in this
313 subsection is supplemental to any other provision of this
314 chapter granting authority to the governing board to delegate
315 specific powers, duties, or functions.

316 Section 13. Subsection (4) of section 373.118, Florida
317 Statutes, is amended to read:

318 373.118 General permits; delegation.—

319 (4) To provide for greater efficiency, the governing board
320 ~~may shall~~ delegate ~~by rule~~ its powers and duties pertaining to
321 general permits to the executive director and this delegation
322 shall not be subject to the rulemaking requirements of chapter
323 120. The executive director may execute such delegated authority
324 through designated staff. However, when delegating the authority
325 to take final action on permit applications under part II or
326 part IV or petitions for variances or waivers of permitting
327 requirements under part II or part IV, the governing board shall
328 provide a process for referring any denial of such application
329 or petition to the governing board to take such final action.

330 Section 14. Subsection (6) is added to section 373.236,



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331 Florida Statutes, to read:

332 373.236 Duration of permits; compliance reports.—

333 (6) (a) The need for alternative water supply development
334 projects to meet anticipated public water supply demands of the
335 state is such that it is essential to encourage participation in
336 and contribution to such projects by private rural landowners
337 who characteristically have relatively modest near-term water
338 demands but substantially increasing demands after the 20-year
339 planning horizon provided in s. 373.0361. Where such landowners
340 make extraordinary contributions of lands or construction
341 funding to enable the expeditious implementation of such
342 projects, water management districts and the department are
343 authorized to grant permits for such projects for a period of up
344 to 50 years to municipalities, counties, special districts,
345 regional water supply authorities, multijurisdictional water
346 supply entities, and publicly owned or privately owned utilities
347 created for or by the private landowners on or before April 1,
348 2009, which entities have entered into an agreement with the
349 private landowner, for the purposes of more efficiently pursuing
350 alternative public water supply development projects identified
351 in a district's regional water supply plan and meeting water
352 demands of both the applicant and the landowner.

353 (b) Any permit pursuant to paragraph (a) shall be granted
354 only for that period of time for which there is sufficient data
355 to provide reasonable assurance that the conditions for permit
356 issuance will be met. Such a permit shall require a compliance
357 report by the permittee every 5 years during the term of the
358 permit. The report shall contain sufficient data to maintain
359 reasonable assurance that the conditions for permit issuance,



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360 applicable at the time of district review of the compliance
361 report, are met. Following review of the report, the governing
362 board or the department may modify the permit to ensure that the
363 use meets the conditions for issuance.

364
365 This subsection shall not be construed to limit the authority of
366 the department or a water management district governing board to
367 modify or revoke a consumptive use permit.

368 Section 15. Subsection (12) is added to section 373.406,
369 Florida Statutes, to read:

370 373.406 Exemptions.—The following exemptions shall apply:

371 (12) (a) Construction of public use facilities in accordance
372 with Florida Communities Trust grant-approved projects on
373 county-owned natural lands. Such facilities may include a
374 parking lot, including an access road, not to exceed a total
375 size of 0.7 acres that is located entirely in uplands; at-grade
376 access trails located entirely in uplands; pile supported
377 boardwalks having a maximum width of six feet (with exceptions
378 for ADA compliance); and pile-supported observation platforms
379 each of which shall not to exceed 120 square feet in size.

380 (b) No fill shall be placed in, on, or over wetlands or
381 other surface waters except pilings for boardwalks and
382 observation platforms all of which structures located in, on, or
383 over wetlands and other surface waters shall be sited,
384 constructed, and elevated to minimize adverse impacts to native
385 vegetation and shall be limited to an over water surface area
386 not to exceed 0.5 acres. All stormwater flow from roads, parking
387 areas, and trails shall sheet flow into uplands, and the use of
388 pervious pavement is encouraged.



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389 Section 16. Section 373.4061, Florida Statutes, is created
390 to read:

391 373.4061 Noticed General Permit to Counties for
392 Environmental Restoration Activities. -

393 (1) A general permit is hereby granted to counties to
394 construct, operate, alter, maintain or remove systems for the
395 purposes of environmental restoration or water quality
396 improvements, subject to the limitations and conditions of this
397 section.

398 (2) The following restoration activities are authorized by
399 this general permit:

400 (a) Backfilling of existing agricultural or drainage
401 ditches for the sole purpose of restoring a more natural
402 hydroperiod to publicly owned lands, provided that adjacent
403 properties are not adversely affected;

404 (b) Placement of riprap within fifteen feet waterward of
405 the mean or ordinary high water line for the purpose of
406 preventing or abating erosion of a predominantly natural
407 shoreline, provided that mangrove, seagrass, coral, sponge, and
408 other protected marine communities are not adversely affected;

409 (c) Placement of riprap within ten feet waterward of an
410 existing seawall or bulkhead and backfilling of the area between
411 the riprap and seawall or bulkhead with clean fill for the sole
412 purpose of planting mangroves and Spartina sp., provided that
413 seagrass, coral, sponge, and other protected marine communities
414 are not adversely affected;

415 (d) Scrape down of spoil islands to an intertidal elevation
416 or a lower elevation at which light penetration is expected to
417 allow for seagrass recruitment;



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418 (e) Backfilling of existing dredge holes that are at least
419 five feet deeper than surrounding natural grades to an
420 intertidal elevation if doing so provides a regional net
421 environmental benefit or, at a minimum, to an elevation at which
422 light penetration is expected to allow for seagrass recruitment,
423 with no more than minimum displacement of highly organic
424 sediments; and

425 (f) Placement of rock riprap or clean concrete in existing
426 dredge holes that are at least five feet deeper than surrounding
427 natural grades, provided that placed rock or concrete does not
428 protrude above surrounding natural grades.

429 (3) In order to qualify for this general permit, the
430 activity must comply with the following:

431 (a) The project must be included in a management plan that
432 has been the subject of at least one public workshop;

433 (b) The county commission must conduct at least one public
434 hearing within one year of project initiation;

435 (c) No activity under this part may be considered as
436 mitigation for any other project;

437 (d) Activities in tidal waters are limited to those
438 waterbodies given priority restoration status pursuant to s.
439 373.453(1)(c); and

440 (e) Prior to submittal of a notice to use this general
441 permit, the county shall conduct at least one pre-application
442 meeting with appropriate district or department staff to discuss
443 project designs, implementation details, resource concerns, and
444 conditions for meeting applicable state water quality standards.

445 (4) This general permit shall be subject to the following
446 specific conditions:



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447 (a) A project under this general permit shall not
448 significantly impede navigation or unreasonably infringe upon
449 the riparian rights of others. When a court of competent
450 jurisdiction determines that riparian rights have been
451 unlawfully affected, the structure or activity shall be modified
452 in accordance with the court's decision;

453 (b) All erodible surfaces, including intertidal slopes
454 shall be revegetated with appropriate native plantings within 72
455 hours of completion of construction;

456 (c) Riprap material shall be clean limestone, granite or
457 other native rock one foot to three feet in diameter;

458 (d) Fill material used to backfill dredge holes or seawall
459 planter areas shall be local, native material legally removed
460 from nearby submerged lands or shall be material brought to the
461 site, either of which shall comply with the standard of not more
462 than 10% of the material passing through a #200 standard sieve
463 and containing no more than 10% organic content, and is free of
464 contaminants that will cause violations of state water quality
465 standards;

466 (e) Turbidity shall be monitored and controlled at all
467 times such that turbidity immediately outside the project area
468 complies with Rules 62-302 and 62-4.242, F.A.C.;

469 (f) Equipment, barges, and staging areas shall not be
470 stored or operated over seagrass, coral, sponge, or other
471 protected marine communities;

472 (g) Structures shall be maintained in a functional
473 condition and shall be repaired or removed if they become
474 dilapidated to such an extent that they are no longer
475 functional. This shall not be construed to prohibit the repair



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476 or replacement subject to the provisions of Rule 18-21.005,
477 F.A.C. within one year, of a structure being damaged in a
478 discrete event such as a storm, flood, accident, or fire;

479 (h) All work under this general permit shall be conducted
480 in conformance with the general conditions of Rule 62-341.215,
481 Florida Administrative Code;

482 (i) Construction, use, or operation of the structure or
483 activity shall not adversely affect any species which is
484 endangered, threatened or of special concern, as listed in Rules
485 68A-27.003, 68A-27.004 and 68A-27.005, Florida Administrative
486 Code; and

487 (j) The activity may not adversely impact vessels or
488 structures of archaeological or historical value relating to the
489 history, government and culture of the state that are defined as
490 historic properties in s.267.021(3).

491 (5) The district or department, as applicable, shall
492 provide written notification as to whether the proposed activity
493 qualifies for the general permit within 30 days of receipt of
494 written notice of a county's intent to use the general permit.
495 If the district or department notifies the county that the
496 system does not qualify for a noticed general permit due to an
497 error or omission in the original notice to the district or the
498 department, the county shall have 30 days from the date of the
499 notification to amend the notice to use the general permit and
500 submit such additional information to correct such error or
501 omission.

502 (6) This general permit constitutes a letter of consent by
503 the Trustees of the Internal Improvement Trust Fund under
504 chapters 253 and 258, where applicable, and chapters 18-18, 18-



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505 20, and 18-21, Florida Administrative Code, where applicable,
506 for the county to enter upon and use state-owned submerged lands
507 to the extent necessary to complete the activities. No
508 activities conducted under this general permit shall divest the
509 state of Florida from the continued ownership of lands that were
510 state-owned, sovereign submerged lands prior to any use,
511 construction, or implementation of this general permit.

512 Section 17. Subsection (29) of section 403.061, Florida
513 Statutes, is amended, present subsection (40) of that section is
514 redesignated as subsection (43), and new subsections (40), (41)
515 and (42) are added to that section to read:

516 403.061 Department; powers and duties.— The department
517 shall have the power and the duty to control and prohibit
518 pollution of air and water in accordance with the law and rules
519 adopted and promulgated by it and, for this purpose, to:

520 (29) Adopt by rule special criteria to protect Class II
521 shellfish harvesting waters. Rules previously adopted by the
522 department in rule 17-4.28(8)(a), Florida Administrative Code,
523 are hereby ratified and determined to be a valid exercise of
524 delegated legislative authority and shall remain in effect
525 unless amended by the Environmental Regulation Commission. Such
526 rules may include special criteria for approval of docking
527 facilities with 10 or fewer slips where construction and
528 operation of such facilities will not result in the closure of
529 shellfish waters.

530 (40) Maintain a list of projects or activities, including
531 mitigation banks, that applicants may consider when developing
532 proposals to meet the mitigation or public interest requirements
533 of chapter 253, chapter 373, or this chapter. The contents of



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534 such a list are not a rule as defined in chapter 120, and
535 listing a specific project or activity does not imply approval
536 by the department for such project or activity. Each county
537 government is encouraged to develop an inventory of projects or
538 activities for inclusion on the list by obtaining input from
539 local stakeholder groups in the public, private, and nonprofit
540 sectors, including local governments, port authorities, marine
541 contractors, other representatives of the marine construction
542 industry, environmental or conservation organizations, and other
543 interested parties. Counties may establish dedicated funds for
544 depositing public interest donations into a reserve for future
545 public interest projects, including improvements to on water law
546 enforcement.

547 (41) Develop a project management plan to implement an e-
548 permitting program that allows for timely submittal and exchange
549 of permit application and compliance information that yields
550 positive benefits in support of the department's mission, permit
551 applicants, permit holders, and the public. The plan shall
552 include an implementation timetable, estimated costs, and
553 transaction fees. The department shall submit the plan to the
554 President of the Senate, Speaker of the House of Representatives
555 and the Legislative Committee on Intergovernmental Relations by
556 January 15, 2010.

557 (42) Expand the use of Internet based self certification
558 services for appropriate exemptions and general permits issued
559 by the department. Notwithstanding any other provision of law a
560 local government is prohibited from specifying the method or
561 form of documentation that a project meets the provisions for
562 authorization under chapters 161, 253, 373, or 403. This shall



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563 include Internet based programs of the department or water
564 management district that provide for self certification.

565 ~~(43)~~(40) Serve as the state's single point of contact for
566 performing the responsibilities described in Presidential
567 Executive Order 12372, including administration and operation of
568 the Florida State Clearinghouse. The Florida State Clearinghouse
569 shall be responsible for coordinating interagency reviews of the
570 following: federal activities and actions subject to the federal
571 consistency requirements of s. 307 of the Coastal Zone
572 Management Act; documents prepared pursuant to the National
573 Environmental Policy Act, 42 U.S.C. ss. 4321 et seq., and the
574 Outer Continental Shelf Lands Act, 43 U.S.C. ss. 1331 et seq.;
575 applications for federal funding pursuant to s. 216.212; and
576 other notices and information regarding federal activities in
577 the state, as appropriate. The Florida State Clearinghouse shall
578 ensure that state agency comments and recommendations on the
579 environmental, social, and economic impact of proposed federal
580 actions are communicated to federal agencies, applicants, local
581 governments, and interested parties.

582
583 The department shall implement such programs in conjunction with
584 its other powers and duties and shall place special emphasis on
585 reducing and eliminating contamination that presents a threat to
586 humans, animals or plants, or to the environment.

587 Section 19. Subsections (1) and (2) of section 403.813,
588 Florida Statutes, are amended to read:

589 403.813 Permits issued at district centers; exceptions.—

590 (1) A permit is not required under this chapter, chapter
591 373, chapter 61-691, Laws of Florida, or chapter 25214 or



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592 chapter 25270, 1949, Laws of Florida, for activities associated
593 with the following types of projects; however, except as
594 otherwise provided in this subsection, ~~nothing in this~~
595 subsection does not relieve ~~relieves~~ an applicant from any
596 requirement to obtain permission to use or occupy lands owned by
597 the Board of Trustees of the Internal Improvement Trust Fund or
598 any water management district in its governmental or proprietary
599 capacity or from complying with applicable local pollution
600 control programs authorized under this chapter or other
601 requirements of county and municipal governments:

602 (a) The installation of overhead transmission lines, with
603 support structures which are not constructed in waters of the
604 state and which do not create a navigational hazard.

605 (b) The installation and repair of mooring pilings and
606 dolphins associated with private docking facilities or piers and
607 the installation of private docks, piers and recreational
608 docking facilities, or piers and recreational docking facilities
609 of local governmental entities when the local governmental
610 entity's activities will not take place in any manatee habitat,
611 any of which docks:

612 1. Has 500 square feet or less of over-water surface area
613 for a dock which is located in an area designated as Outstanding
614 Florida Waters or 1,000 square feet or less of over-water
615 surface area for a dock which is located in an area which is not
616 designated as Outstanding Florida Waters;

617 2. Is constructed on or held in place by pilings or is a
618 floating dock which is constructed so as not to involve filling
619 or dredging other than that necessary to install the pilings;

620 3. Shall not substantially impede the flow of water or



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621 create a navigational hazard;

622 4. Is used for recreational, noncommercial activities
623 associated with the mooring or storage of boats and boat
624 paraphernalia; and

625 5. Is the sole dock constructed pursuant to this exemption
626 as measured along the shoreline for a distance of 65 feet,
627 unless the parcel of land or individual lot as platted is less
628 than 65 feet in length along the shoreline, in which case there
629 may be one exempt dock allowed per parcel or lot.

630

631 Nothing in this paragraph shall prohibit the department from
632 taking appropriate enforcement action pursuant to this chapter
633 to abate or prohibit any activity otherwise exempt from
634 permitting pursuant to this paragraph if the department can
635 demonstrate that the exempted activity has caused water
636 pollution in violation of this chapter.

637 (c) The installation and maintenance to design
638 specifications of boat ramps on artificial bodies of water where
639 navigational access to the proposed ramp exists or the
640 installation of boat ramps open to the public in any waters of
641 the state where navigational access to the proposed ramp exists
642 and where the construction of the proposed ramp will be less
643 than 30 feet wide and will involve the removal of less than 25
644 cubic yards of material from the waters of the state, and the
645 maintenance to design specifications of such ramps; however, the
646 material to be removed shall be placed upon a self-contained
647 upland site so as to prevent the escape of the spoil material
648 into the waters of the state.

649 (d) The replacement or repair of existing docks and piers,



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650 except that no fill material is to be used and provided that the
651 replacement or repaired dock or pier is in the same location and
652 of the same configuration and dimensions as the dock or pier
653 being replaced or repaired. This shall not preclude the use of
654 different construction materials or minor deviations to allow
655 upgrades to current structural and design standards.

656 (2) The provisions of subsection (1)~~(2)~~ are superseded by
657 general permits established pursuant to ss. 373.118 and 403.814
658 which include the same activities. Until such time as general
659 permits are established, or if should general permits are be
660 suspended or repealed, the exemptions under subsection (1)~~(2)~~
661 shall remain or shall be reestablished in full force and effect.

662 Section 20. Subsection (12) of section 403.814, Florida
663 Statutes, is created to read:

664 403.814 General permits; delegation.—

665 (12) The department shall expand the use of Internet based
666 self certification services for appropriate exemptions and
667 general permits issued by the department and water management
668 districts. In addition, the department shall identify and
669 develop general permits for activities currently requiring
670 individual review that could be expedited through the use of
671 professional certifications. The department shall submit a
672 report on progress of these efforts to the President of the
673 Senate and the Speaker of the House of Representatives by
674 January 15, 2010.

675 Section 21. Section 403.973, Florida Statutes, is amended
676 to read:

677 403.973 Expedited permitting; comprehensive plan
678 amendments.—



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679 (1) It is the intent of the Legislature to encourage and
680 facilitate the location and expansion of those types of economic
681 development projects which offer job creation and high wages,
682 strengthen and diversify the state's economy, and have been
683 thoughtfully planned to take into consideration the protection
684 of the state's environment. It is also the intent of the
685 Legislature to provide for an expedited permitting and
686 comprehensive plan amendment process for such projects.

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

688 (a) "Duly noticed" means publication in a newspaper of
689 general circulation in the municipality or county with
690 jurisdiction. The notice shall appear on at least 2 separate
691 days, one of which shall be at least 7 days before the meeting.
692 The notice shall state the date, time, and place of the meeting
693 scheduled to discuss or enact the memorandum of agreement, and
694 the places within the municipality or county where such proposed
695 memorandum of agreement may be inspected by the public. The
696 notice must be one-eighth of a page in size and must be
697 published in a portion of the paper other than the legal notices
698 section. The notice shall also advise that interested parties
699 may appear at the meeting and be heard with respect to the
700 memorandum of agreement.

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

703 ~~(c) "Office" means the Office of Tourism, Trade, and~~
704 ~~Economic Development.~~

705 (c) ~~(d)~~ "Permit applications" means state permits and
706 licenses, and at the option of a participating local government,
707 local development permits or orders.



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708 (d) "Secretary" means the Secretary of Environmental
709 Protection, or his or her designee.

710 (3) (a) The Secretary ~~Governor, through the office,~~ shall
711 direct the creation of regional permit action teams, for the
712 purpose of expediting review of permit applications and local
713 comprehensive plan amendments submitted by:

- 714 1. Businesses creating at least 50 ~~100~~ jobs, or
715 2. Businesses creating at least 25 ~~50~~ jobs if the project
716 is located in an enterprise zone, or in a county having a
717 population of less than 75,000 or in a county having a
718 population of less than 100,000 which is contiguous to a county
719 having a population of less than 75,000, as determined by the
720 most recent decennial census, residing in incorporated and
721 unincorporated areas of the county, or

722 (b) On a case-by-case basis and at the request of a county
723 or municipal government, the Secretary ~~office~~ may certify as
724 eligible for expedited review a project not meeting the minimum
725 job creation thresholds but creating a minimum of 10 jobs. The
726 recommendation from the governing body of the county or
727 municipality in which the project may be located is required in
728 order for the Secretary ~~office~~ to certify that any project is
729 eligible for expedited review under this paragraph. When
730 considering projects that do not meet the minimum job creation
731 thresholds but that are recommended by the governing body in
732 which the project may be located, the Secretary ~~office~~ shall
733 consider economic impact factors that include, but are not
734 limited to:

- 735 1. The proposed wage and skill levels relative to those
736 existing in the area in which the project may be located;



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

739 3. The amount of capital investment; and

740 4. The number of jobs that will be made available for
741 persons served by the welfare transition program.

742 (c) At the request of a county or municipal government, the
743 Secretary office or a Quick Permitting County may certify
744 projects located in counties where the ratio of new jobs per
745 participant in the welfare transition program, as determined by
746 Workforce Florida, Inc., is less than one or otherwise critical,
747 as eligible for the expedited permitting process. Such projects
748 must meet the numerical job creation criteria of this
749 subsection, but the jobs created by the project do not have to
750 be high-wage jobs that diversify the state's economy.

751 (d) Projects located in a designated brownfield area are
752 eligible for the expedited permitting process.

753 (e) Projects that are part of the state-of-the-art
754 biomedical research institution and campus to be established in
755 this state by the grantee under s. 288.955 are eligible for the
756 expedited permitting process, if the projects are designated as
757 part of the institution or campus by the board of county
758 commissioners of the county in which the institution and campus
759 are established.

760 (f) Projects resulting in the cultivation of biofuel
761 feedstock on lands 1,000 acres or larger or the construction of
762 a biofuel or biodiesel processing facility or renewable energy
763 generating facility as defined in s. 366.91(2) (d) are eligible
764 for the expedited permitting process.

765 (4) The regional teams shall be established through the



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766 execution of memoranda of agreement developed by the applicant
767 and ~~between the Secretary office~~ and with input solicited from
768 ~~the respective heads of the Department of Environmental~~
769 ~~Protection, the Department of Community Affairs, the Department~~
770 ~~of Transportation and its district offices, the Department of~~
771 ~~Agriculture and Consumer Services, the Fish and Wildlife~~
772 ~~Conservation Commission, appropriate regional planning councils,~~
773 ~~appropriate water management districts, and voluntarily~~
774 ~~participating municipalities and counties. The memoranda of~~
775 ~~agreement should also accommodate participation in this~~
776 ~~expedited process by other local governments and federal~~
777 ~~agencies as circumstances warrant.~~

778 (5) In order to facilitate local government's option to
779 participate in this expedited review process, the Secretary
780 ~~office~~ shall, in cooperation with local governments and
781 participating state agencies, create a standard form memorandum
782 of agreement. A local government shall hold a duly noticed
783 public workshop to review and explain to the public the
784 expedited permitting process and the terms and conditions of the
785 standard form memorandum of agreement.

786 (6) The local government shall hold a duly noticed public
787 hearing to execute a memorandum of agreement for each qualified
788 project. Notwithstanding any other provision of law, and at the
789 option of the local government, the workshop provided for in
790 subsection (5) may be conducted on the same date as the public
791 hearing held under this subsection. The memorandum of agreement
792 that a local government signs shall include a provision
793 identifying necessary local government procedures and time
794 limits that will be modified to allow for the local government



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795 decision on the project within 90 days. The memorandum of
796 agreement applies to projects, on a case-by-case basis, that
797 qualify for special review and approval as specified in this
798 section. The memorandum of agreement must make it clear that
799 this expedited permitting and review process does not modify,
800 qualify, or otherwise alter existing local government
801 nonprocedural standards for permit applications, unless
802 expressly authorized by law.

803 (7) At the option of the participating local government,
804 Appeals of local government ~~its final approvals~~ for a project
805 ~~shall may~~ be pursuant to the summary hearing provisions of s.
806 120.574, pursuant to subsection (14), and be consolidated with
807 the challenge of applicable state agency actions, if any ~~or~~
808 ~~pursuant to other appellate processes available to the local~~
809 ~~government. The local government's decision to enter into a~~
810 ~~summary hearing must be made as provided in s. 120.574 or in the~~
811 ~~memorandum of agreement.~~

812 (8) Each memorandum of agreement shall include a process
813 for final agency action on permit applications and local
814 comprehensive plan amendment approvals within 90 days after
815 receipt of a completed application, unless the applicant agrees
816 to a longer time period or the Secretary ~~office~~ determines that
817 unforeseen or uncontrollable circumstances preclude final agency
818 action within the 90-day timeframe. Permit applications governed
819 by federally delegated or approved permitting programs whose
820 requirements would prohibit or be inconsistent with the 90-day
821 timeframe are exempt from this provision, but must be processed
822 by the agency with federally delegated or approved program
823 responsibility as expeditiously as possible.



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824 (9) The Secretary office shall inform the Legislature by
825 October 1 of each year to ~~which agencies have not entered into~~
826 ~~or implemented an agreement and~~ identify any barriers to
827 achieving success of the program.

828 (10) The memoranda of agreement may provide for the waiver
829 or modification of procedural rules prescribing forms, fees,
830 procedures, or time limits for the review or processing of
831 permit applications under the jurisdiction of those agencies
832 that are party to the memoranda of agreement. Notwithstanding
833 any other provision of law to the contrary, a memorandum of
834 agreement must to the extent feasible provide for proceedings
835 and hearings otherwise held separately by the parties to the
836 memorandum of agreement to be combined into one proceeding or
837 held jointly and at one location. Such waivers or modifications
838 shall not be available for permit applications governed by
839 federally delegated or approved permitting programs, the
840 requirements of which would prohibit, or be inconsistent with,
841 such a waiver or modification.

842 (11) The standard form memoranda of agreement shall include
843 guidelines to be used in working with state, regional, and local
844 permitting authorities. Guidelines may include, but are not
845 limited to, the following:

846 (a) A central contact point for filing permit applications
847 and local comprehensive plan amendments and for obtaining
848 information on permit and local comprehensive plan amendment
849 requirements;

850 (b) Identification of the individual or individuals within
851 each respective agency who will be responsible for processing
852 the expedited permit application or local comprehensive plan



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853 amendment for that agency;

854 (c) A mandatory preapplication review process to reduce
855 permitting conflicts by providing guidance to applicants
856 regarding the permits needed from each agency and governmental
857 entity, site planning and development, site suitability and
858 limitations, facility design, and steps the applicant can take
859 to ensure expeditious permit application and local comprehensive
860 plan amendment review. As a part of this process, the first
861 interagency meeting to discuss a project shall be held within 14
862 days after the Secretary's ~~office's~~ determination that the
863 project is eligible for expedited review. Subsequent interagency
864 meetings may be scheduled to accommodate the needs of
865 participating local governments that are unable to meet public
866 notice requirements for executing a memorandum of agreement
867 within this timeframe. This accommodation may not exceed 45 days
868 from the office's determination that the project is eligible for
869 expedited review;

870 (d) The preparation of a single coordinated project
871 description form and checklist and an agreement by state and
872 regional agencies to reduce the burden on an applicant to
873 provide duplicate information to multiple agencies;

874 (e) Establishment of a process for the adoption and review
875 of any comprehensive plan amendment needed by any certified
876 project within 90 days after the submission of an application
877 for a comprehensive plan amendment. However, the memorandum of
878 agreement may not prevent affected persons as defined in s.
879 163.3184 from appealing or participating in this expedited plan
880 amendment process and any review or appeals of decisions made
881 under this paragraph; and



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

884 (12) The applicant, the regional permit action team, and
885 participating local governments may agree to incorporate into a
886 single document the permits, licenses, and approvals that are
887 obtained through the expedited permit process. This consolidated
888 permit is subject to the summary hearing provisions set forth in
889 subsection (14).

890 (13) Notwithstanding any other provisions of law:

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

894 (b) Projects qualified under this section are not subject
895 to interstate highway level-of-service standards adopted by the
896 Department of Transportation for concurrency purposes. The
897 memorandum of agreement specified in subsection (5) must include
898 a process by which the applicant will be assessed a fair share
899 of the cost of mitigating the project's significant traffic
900 impacts, as defined in chapter 380 and related rules. The
901 agreement must also specify whether the significant traffic
902 impacts on the interstate system will be mitigated through the
903 implementation of a project or payment of funds to the
904 Department of Transportation. Where funds are paid, the
905 Department of Transportation must include in the 5-year work
906 program transportation projects or project phases, in an amount
907 equal to the funds received, to mitigate the traffic impacts
908 associated with the proposed project.

909 (14) (a) Challenges to state agency action in the expedited
910 permitting process for projects processed under this section are



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911 subject to the summary hearing provisions of s. 120.574, except
912 that the administrative law judge's decision, as provided in s.
913 120.574(2)(f), shall be in the form of a recommended order and
914 shall not constitute the final action of the state agency. In
915 those proceedings where the action of only one agency of the
916 state is challenged, the agency of the state shall issue the
917 final order within 45 ~~10~~-working days of receipt of the
918 administrative law judge's recommended order. The recommended
919 order shall inform the parties of the right to file exceptions
920 to the recommended order and to file responses thereto in
921 accordance with the Uniform Rules. In those proceedings where
922 the actions of more than one agency of the state are challenged,
923 the Governor shall issue the final order, except for the
924 issuance of department licenses required under any federally
925 delegated or approved permit program for which the department
926 shall enter the final order, within 45 ~~10~~-working days of
927 receipt of the administrative law judge's recommended order. The
928 recommended order shall inform the parties of the right to file
929 exceptions to the recommended order and to file responses
930 thereto in accordance with the Uniform Rules. The participating
931 agencies of the state may opt at the preliminary hearing
932 conference to allow the administrative law judge's decision to
933 constitute the final agency action. If a participating local
934 government agrees to participate in the summary hearing
935 provisions of s. 120.574 for purposes of review of local
936 government comprehensive plan amendments, s. 163.3184(9) and
937 (10) apply.

938 (b) Challenges to state agency action in the expedited
939 permitting process for establishment of a state-of-the-art



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940 biomedical research institution and campus in this state by the
941 grantee under s. 288.955 or projects identified in paragraph
942 (3)(f) are subject to the same requirements as challenges
943 brought under paragraph (a), except that, notwithstanding s.
944 120.574, summary proceedings must be conducted within 30 days
945 after a party files the motion for summary hearing, regardless
946 of whether the parties agree to the summary proceeding.

947 (15) The Secretary office, working with the agencies
948 providing cooperative assistance and input to participating in
949 the memoranda of agreement, shall review sites proposed for the
950 location of facilities eligible for the Innovation Incentive
951 Program under s. 288.1089. Within 20 days after the request for
952 the review by the Secretary office, the agencies shall provide
953 to the office a statement as to each site's necessary permits
954 under local, state, and federal law and an identification of
955 significant permitting issues, which if unresolved, may result
956 in the denial of an agency permit or approval or any significant
957 delay caused by the permitting process.

958 (16) This expedited permitting process shall not modify,
959 qualify, or otherwise alter existing agency nonprocedural
960 standards for permit applications or local comprehensive plan
961 amendments, unless expressly authorized by law. If it is
962 determined that the applicant is not eligible to use this
963 process, the applicant may apply for permitting of the project
964 through the normal permitting processes.

965 (17) The Secretary office shall be responsible for
966 certifying a business as eligible for undergoing expedited
967 review under this section. Enterprise Florida, Inc., a county or
968 municipal government, or the Rural Economic Development



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969 Initiative may recommend to the Secretary Office of Tourism,
970 ~~Trade, and Economic Development~~ that a project meeting the
971 minimum job creation threshold undergo expedited review.

972 (18) The Secretary office, working with the Rural Economic
973 Development Initiative and the agencies participating in the
974 memoranda of agreement, shall provide technical assistance in
975 preparing permit applications and local comprehensive plan
976 amendments for counties having a population of less than 75,000
977 residents, or counties having fewer than 100,000 residents which
978 are contiguous to counties having fewer than 75,000 residents.
979 Additional assistance may include, but not be limited to,
980 guidance in land development regulations and permitting
981 processes, working cooperatively with state, regional, and local
982 entities to identify areas within these counties which may be
983 suitable or adaptable for preclearance review of specified types
984 of land uses and other activities requiring permits.

985 (19) The following projects are ineligible for review under
986 this part:

987 (a) A project funded and operated by a local government, as
988 defined in s. 377.709, and located within that government's
989 jurisdiction.

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

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

993 2. Produce electrical power, unless the production of
994 electricity is incidental and not the primary function of the
995 project or the electrical power is derived from a renewable fuel
996 source as defined by s. 366.91(2)(d).

997 3. Extract natural resources.



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998 4. Produce oil.

999 5. Construct, maintain, or operate an oil, petroleum,
1000 natural gas, or sewage pipeline.

1001 Section 22. Paragraph (e) of subsection (3) of section
1002 258.42, Florida Statutes, is amended to read:

1003 258.42 Maintenance of preserves.— The Board of Trustees of
1004 the Internal Improvement Trust Fund shall maintain such aquatic
1005 preserves subject to the following provisions:

1006 (3) (e) There shall be no erection of structures within the
1007 preserve, except:

1008 1. Private residential docks may be approved for reasonable
1009 ingress or egress of riparian owners. Slips located at private
1010 residential single-family docks that contain boat lifts or
1011 davits which do not float in the water when loaded may be roofed
1012 but may not be, in whole or in part, enclosed with walls,
1013 provided that the roof shall not overhang more than 1-foot
1014 beyond the footprint of the boat lift. Such roofs may not be
1015 considered to be part of the square footage calculations of the
1016 terminal platform.

1017 2. Private residential multislip docks may be approved if
1018 located within a reasonable distance of a publicly maintained
1019 navigation channel, or a natural channel of adequate depth and
1020 width to allow operation of the watercraft for which the docking
1021 facility is designed without the craft having an adverse impact
1022 on marine resources. The distance shall be determined in
1023 accordance with criteria established by the trustees by rule,
1024 based on a consideration of the depth of the water, nature and
1025 condition of bottom, and presence of manatees.

1026 3. Commercial docking facilities shown to be consistent



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1027 with the use or management criteria of the preserve may be
1028 approved if the facilities are located within a reasonable
1029 distance of a publicly maintained navigation channel, or a
1030 natural channel of adequate depth and width to allow operation
1031 of the watercraft for which the docking facility is designed
1032 without the craft having an adverse impact on marine resources.
1033 The distance shall be determined in accordance with criteria
1034 established by the trustees by rule, based on a consideration of
1035 the depth of the water, nature and condition of bottom, and
1036 presence of manatees.

1037 4. Structures for shore protection, including restoration
1038 of seawalls at their previous location or upland of or within 18
1039 inches waterward of their previous location, approved
1040 navigational aids, or public utility crossings authorized under
1041 paragraph (a) may be approved.

1042
1043 No structure under this paragraph or chapter 253 shall be
1044 prohibited solely because the local government fails to adopt a
1045 marina plan or other policies dealing with the siting of such
1046 structures in its local comprehensive plan.

1047 Section 23. Section 379.1051, Florida Statutes, is created
1048 to read:

1049 379.1051 Regulation by local governments.-This provision is
1050 intended to eliminate conflicts between the Fish and Wildlife
1051 Conservation Commission and state agencies or local governments
1052 relating to the regulation of wild animal life and fresh water
1053 aquatic life. The Legislature recognizes that s. 9. Art. IV of
1054 the State Constitution gives the commission the exclusive
1055 regulatory and executive powers of the state with respect to



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1056 wild animal life and fresh water aquatic life. A state agency or
1057 unit of local government may not impose any requirement that
1058 creates additional restrictions or limitations on activities
1059 conforming with commission rules, management plans, guidelines,
1060 permits or other authorizations. Nothing in this section shall
1061 affect a voluntary agreement between a landowner and a state
1062 agency or other unit of government, or limit the authority of
1063 local government as otherwise provided by law.

1064 Section 24. This act shall take effect upon becoming law
1065 and shall apply retroactively where expressly provided.
1066

1067 ===== T I T L E A M E N D M E N T =====

1068 And the title is amended as follows:

1069 Delete everything before the enacting clause
1070 and insert:

1071 A bill to be entitled

1072 An act relating to regulatory reform; providing for an
1073 extension and renewal of certain permits, development
1074 orders, or other land use approvals; providing for
1075 retroactive application of the extension and renewal;
1076 amending s. 120.569, F.S., providing for an electronic
1077 notice of hearing rights; amending s. 120.60, F.S.,
1078 relating to additional information for license
1079 applications; providing for an agency to process a
1080 permit application under certain circumstances;
1081 amending s. 125.022, F.S.; providing that counties may
1082 not require certain permits or approvals as a
1083 condition of approving a development permit; creating
1084 s. 161.032, F.S.; providing for review of



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1085 applications; providing requirements for timely
1086 submittal of additional information requested;
1087 providing circumstances in which an application may be
1088 denied; amending s. 166.033, F.S.; providing that
1089 municipalities may not require certain permits or
1090 approvals as a condition of approving a development
1091 permit; amending s. 253.034, F.S.; providing for the
1092 deposition of dredged material on state-owned
1093 submerged lands in certain circumstances and for
1094 certain purposes; amending s. 373.026, F.S.; providing
1095 for the expansion of Internet based self-certification
1096 for exemptions and general permits; amending s.
1097 373.441, F.S.; restricting the authority of the
1098 Department of Environmental Protection and the
1099 appropriate water management district to regulate
1100 certain activities delegated to a county,
1101 municipality, or local pollution control program;
1102 providing exceptions; amending s. 373.4141, F.S.;
1103 providing requirements for requests for additional
1104 information; amending s. 373.079, F.S.; requiring the
1105 water management district governing boards to delegate
1106 certain permitting responsibilities to the district
1107 executive directors; amending s. 373.083, F.S.;
1108 requiring the delegation of certain authority by the
1109 governing board to the executive director of the water
1110 management district; providing an exception to
1111 requirements of chapter 120; providing a prohibition;
1112 amending s. 373.118, F.S.; providing for the
1113 delegation of general permit authority by a water



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1114 management district governing board to the district
1115 executive director; providing an exception to the
1116 requirements of chapter 120; amending s. 373.236,
1117 F.S.; providing for 50-year consumptive use permits in
1118 certain circumstances; providing requirements for
1119 issuance of a permit; amending s. 373.406, F.S.;
1120 providing a permit exemption for certain public use
1121 facilities on county-owned natural areas; creating s.
1122 373.4061, F.S.; providing requirements for noticed
1123 general permits for counties; providing requirements,
1124 restrictions, and limitations; amending s. 403.061,
1125 F.S.; amending the powers and duties of the Department
1126 of Environmental Protection; providing that department
1127 rules may include criteria for approval of certain
1128 dock facilities; authorizing the department of
1129 maintain certain lists of projects or activities that
1130 meet specified mitigation or public interest
1131 requirements; providing an exception; providing
1132 restrictions; requiring the department of implement a
1133 project management plan to implement e-permitting;
1134 providing project requirements; requiring the
1135 department to submit the plan to the President of the
1136 Senate and the Speaker of the House of Representatives
1137 by January 15, 2010; authorizing the department to
1138 expand the use of Internet-based self certification
1139 services for appropriate exemptions and general
1140 permits; providing restrictions on local governments
1141 relating to method or form of documentation; amending
1142 s. 403.813, F.S.; relating to permits issued at



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1143 district centers; providing exceptions; amending s.
1144 403.814, F.S.; directing the Department of
1145 Environmental Protection to expand the use of
1146 Internet-based self-certification services for
1147 exemptions and general permits; requiring the
1148 submission of a report to the President of the Senate
1149 and the Speaker of the House of Representatives;
1150 amending s. 403.973, F.S.; relating to expedited
1151 permitting and comprehensive plan amendments;
1152 specifying that certain biofuel projects are eligible
1153 for expedited permitting; transferring certain
1154 responsibilities from the Office of Tourism, Trade,
1155 and Economic Development in the Executive Office of
1156 the Governor to the Secretary of Environmental
1157 Protection; revising the time by which certain final
1158 orders must be issued; providing additional
1159 requirements for recommended orders; amending s.
1160 258.42, F.S.; authorizing the placement of roofs on
1161 certain slips and private residential single-family
1162 docks; providing that such roofs may not be included
1163 in the calculation to determine the square footage of
1164 the terminal platform; creating s. 379.1051, F.S.;
1165 clarifying the authority of local governments and
1166 state agencies to impose regulations on the taking of
1167 wild animal life and fresh water aquatic life;
1168 providing an effective date.