

By the Committee on Community Affairs; and Senator Altman

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1                   A bill to be entitled  
2           An act relating to regulatory reform; providing for an  
3           extension and renewal of certain permits, development  
4           orders, or other land use approvals; providing for  
5           retroactive application of the extension and renewal;  
6           amending s. 120.569, F.S.; providing for an electronic  
7           notice of hearing rights; amending s. 120.60, F.S.,  
8           relating to additional information for license  
9           applications; providing for an agency to process a  
10          permit application under certain circumstances;  
11          amending s. 125.022, F.S.; providing that counties may  
12          not require certain permits or approvals as a  
13          condition of approving a development permit; creating  
14          s. 161.032, F.S.; providing for review of  
15          applications; providing requirements for timely  
16          submittal of additional information requested;  
17          providing circumstances in which an application may be  
18          denied; amending s. 166.033, F.S.; providing that  
19          municipalities may not require certain permits or  
20          approvals as a condition of approving a development  
21          permit; amending s. 253.034, F.S.; providing for the  
22          deposition of dredged material on state-owned  
23          submerged lands in certain circumstances and for  
24          certain purposes; amending s. 373.026, F.S.; providing  
25          for the expansion of Internet-based self-certification  
26          for exemptions and general permits; amending s.  
27          373.441, F.S.; restricting the authority of the  
28          Department of Environmental Protection and the  
29          appropriate water management district to regulate

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30 certain activities delegated to a county,  
31 municipality, or local pollution control program;  
32 providing exceptions; amending s. 373.4141, F.S.;  
33 providing requirements for requests for additional  
34 information; amending s. 373.079, F.S.; requiring the  
35 water management district governing boards to delegate  
36 certain permitting responsibilities to the district  
37 executive directors; amending s. 373.083, F.S.;  
38 requiring the delegation of certain authority by the  
39 governing board to the executive director of the water  
40 management district; providing an exception to  
41 requirements of ch. 120, F.S.; providing a  
42 prohibition; amending s. 373.118, F.S.; providing for  
43 the delegation of general permit authority by a water  
44 management district governing board to the district  
45 executive director; providing an exception to the  
46 requirements of ch. 120, F.S.; amending s. 373.236,  
47 F.S.; providing for 50-year consumptive use permits in  
48 certain circumstances; providing requirements for  
49 issuance of a permit; amending s. 373.406, F.S.;  
50 providing a permit exemption for certain public use  
51 facilities on county-owned natural areas; creating s.  
52 373.4061, F.S.; providing requirements for noticed  
53 general permits for counties; providing requirements,  
54 restrictions, and limitations; amending s. 403.061,  
55 F.S.; amending the powers and duties of the Department  
56 of Environmental Protection; providing that department  
57 rules may include criteria for approval of certain  
58 dock facilities; authorizing the department to

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59 maintain certain lists of projects or activities that  
60 meet specified mitigation or public-interest  
61 requirements; providing an exception; providing  
62 restrictions; requiring the department of implement a  
63 project management plan to implement e-permitting;  
64 providing project requirements; requiring the  
65 department to submit the plan to the President of the  
66 Senate and the Speaker of the House of Representatives  
67 by January 15, 2010; authorizing the department to  
68 expand the use of Internet-based self-certification  
69 services for appropriate exemptions and general  
70 permits; providing restrictions on local governments  
71 relating to method or form of documentation; amending  
72 s. 403.813, F.S., relating to permits issued at  
73 district centers; providing exceptions; amending s.  
74 403.814, F.S.; directing the Department of  
75 Environmental Protection to expand the use of  
76 Internet-based self-certification services for  
77 exemptions and general permits; requiring the  
78 submission of a report to the President of the Senate  
79 and the Speaker of the House of Representatives;  
80 amending s. 403.973, F.S., relating to expedited  
81 permitting and comprehensive plan amendments;  
82 specifying that certain biofuel projects are eligible  
83 for expedited permitting; transferring certain  
84 responsibilities from the Office of Tourism, Trade,  
85 and Economic Development in the Executive Office of  
86 the Governor to the Secretary of Environmental  
87 Protection; revising the time by which certain final

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88 orders must be issued; providing additional  
89 requirements for recommended orders; amending s.  
90 258.42, F.S.; authorizing the placement of roofs on  
91 certain slips and private residential single-family  
92 docks; providing that such roofs may not be included  
93 in the calculation to determine the square footage of  
94 the terminal platform; creating s. 379.1051, F.S.;  
95 clarifying the authority of local governments and  
96 state agencies to impose regulations on the taking of  
97 wild animal life and fresh water aquatic life;  
98 providing for retroactive application of specified  
99 provisions; providing an effective date.

100

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

102

103 Section 1. (1) Except as provided in subsection (4), and in  
104 recognition of the 2009 real estate market conditions, any  
105 permit issued by the Department of Environmental Protection, any  
106 permit issued by a water management district under part IV of  
107 chapter 373, Florida Statutes, any development order issued by  
108 the Department of Community Affairs pursuant to s. 380.06,  
109 Florida Statutes, and any development order, building permit, or  
110 other land use approval issued by a local government which  
111 expired or will expire on or after September 1, 2008, but before  
112 September 1, 2011, is extended and renewed for a period of 3  
113 years following its date of expiration. For development orders  
114 and land use approvals, including, but not limited to,  
115 certificates of concurrency and development agreements, this  
116 extension also includes phase, commencement, and buildout dates,

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117 including any buildout date extension previously granted under  
118 s. 380.06(19)(c), Florida Statutes. This subsection does not  
119 prohibit conversion from the construction phase to the operation  
120 phase upon completion of construction for combined construction  
121 and operation permits.

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

126 (3) The holder of an agency or district permit or a  
127 development order, building permit, or other land use approval  
128 issued by a local government which is eligible for the 3-year  
129 extension shall notify the authorizing agency in writing no  
130 later than September 30, 2010, identifying the specific  
131 authorization for which the holder intends to use the extended  
132 or renewed permit, order, or approval.

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

135 (a) A permit or other authorization under any programmatic  
136 or regional general permit issued by the United States Army  
137 Corps of Engineers.

138 (b) An agency or district permit or a development order,  
139 building permit, or other land use approval issued by a local  
140 government and held by an owner or operator determined to be in  
141 significant noncompliance with the conditions of the permit,  
142 order, or approval as established through the issuance of a  
143 warning letter or notice of violation, the initiation of formal  
144 enforcement, or other equivalent action by the authorizing  
145 agency.

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146       (5) Permits, development orders, and other land use  
147 approvals extended and renewed under this section shall continue  
148 to be governed by rules in effect at the time the permit, order,  
149 or approval was issued. This subsection applies to any  
150 modification of the plans, terms, and conditions of such permit,  
151 development order, or other land use approval which lessens the  
152 environmental impact, except that any such modification shall  
153 not extend the permit, order, or other land use approval beyond  
154 the 3 years authorized under subsection (1).

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

157       120.569 Decisions which affect substantial interests.—

158       (1) The provisions of this section apply in all proceedings  
159 in which the substantial interests of a party are determined by  
160 an agency, unless the parties are proceeding under s. 120.573 or  
161 s. 120.574. Unless waived by all parties, s. 120.57(1) applies  
162 whenever the proceeding involves a disputed issue of material  
163 fact. Unless otherwise agreed, s. 120.57(2) applies in all other  
164 cases. If a disputed issue of material fact arises during a  
165 proceeding under s. 120.57(2), then, unless waived by all  
166 parties, the proceeding under s. 120.57(2) shall be terminated  
167 and a proceeding under s. 120.57(1) shall be conducted. Parties  
168 shall be notified of any order, including a final order. Unless  
169 waived, a copy of the order shall be delivered or mailed to each  
170 party or the party's attorney of record at the address of  
171 record. Each notice shall inform the recipient of any  
172 administrative hearing or judicial review that is available  
173 under this section, s. 120.57, or s. 120.68; shall indicate the  
174 procedure which must be followed to obtain the hearing or

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175 judicial review; and shall state the time limits which apply.  
176 Notwithstanding any other provision of law, notice of the  
177 procedure to obtain an administrative hearing or judicial  
178 review, including any items required by the Uniform Rules of  
179 Procedure adopted pursuant to s. 120.54(5), may be provided via  
180 a link to a publicly available Internet site.

181 Section 3. Subsection (1) of section 120.60, Florida  
182 Statutes, is amended to read:

183 120.60 Licensing.—

184 (1) Upon receipt of an application for a license, an agency  
185 shall examine the application and, within 30 days after such  
186 receipt, notify the applicant of any apparent errors or  
187 omissions and request any additional information the agency is  
188 permitted by law to require. If the applicant believes that the  
189 request for such additional information is not authorized by law  
190 or agency rule, the agency, at the applicant's request, shall  
191 proceed to process the permit application. An agency shall not  
192 deny a license for failure to correct an error or omission or to  
193 supply additional information unless the agency timely notified  
194 the applicant within this 30-day period. An application shall be  
195 considered complete upon receipt of all requested information  
196 and correction of any error or omission for which the applicant  
197 was timely notified or when the time for such notification has  
198 expired. Every application for a license shall be approved or  
199 denied within 90 days after receipt of a completed application  
200 unless a shorter period of time for agency action is provided by  
201 law. The 90-day time period shall be tolled by the initiation of  
202 a proceeding under ss. 120.569 and 120.57. Any application for a  
203 license that is not approved or denied within the 90-day or

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204 shorter time period, within 15 days after conclusion of a public  
205 hearing held on the application, or within 45 days after a  
206 recommended order is submitted to the agency and the parties,  
207 whichever action and timeframe is latest and applicable, is  
208 considered approved unless the recommended order recommends that  
209 the agency deny the license. Subject to the satisfactory  
210 completion of an examination if required as a prerequisite to  
211 licensure, any license that is considered approved shall be  
212 issued and may include such reasonable conditions as are  
213 authorized by law. Any applicant for licensure seeking to claim  
214 licensure by default under this subsection shall notify the  
215 agency clerk of the licensing agency, in writing, of the intent  
216 to rely upon the default license provision of this subsection,  
217 and shall not take any action based upon the default license  
218 until after receipt of such notice by the agency clerk.

219 Section 4. Section 125.022, Florida Statutes, is amended to  
220 read:

221 125.022 Development permits.—When a county denies an  
222 application for a development permit, the county shall give  
223 written notice to the applicant. The notice must include a  
224 citation to the applicable portions of an ordinance, rule,  
225 statute, or other legal authority for the denial of the permit.  
226 As used in this section, the term "development permit" has the  
227 same meaning as in s. 163.3164. No county may require as a  
228 condition of approval for a development permit that an applicant  
229 obtain a permit or approval from any other state or federal  
230 agency. Issuance of a development permit by a county does not in  
231 any way create any rights on the part of an applicant to obtain  
232 a permit from another state or federal agency and does not



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233 create any liability on the part of the county for issuance of  
234 the permit in the event that an applicant fails to fulfill its  
235 legal obligations to obtain requisite approvals or fulfill the  
236 obligations imposed by other state or federal agencies. Counties  
237 may attach this disclaimer to the issuance of development  
238 permits and may include a permit condition that all other  
239 applicable state or federal permits must be obtained prior to  
240 development. This shall not be construed to prohibit a county  
241 from providing information to an applicant regarding what other  
242 state or federal permits may be applicable.

243 Section 5. Section 161.032, Florida Statutes, is created to  
244 read:

245 161.032 Application reviews; additional information.-

246 (1) Within 30 days after receipt of an application for a  
247 permit under this part, the department shall review the  
248 application and shall request submittal of all additional  
249 information the department is permitted by law or rule to  
250 require. If the applicant believes any request for additional  
251 information is not authorized by law or rule, the applicant may  
252 request a hearing pursuant to s. 120.57. Within 30 days after  
253 receipt of such additional information, the department shall  
254 review it and may request only that information needed to  
255 clarify such additional information or to answer new questions  
256 raised by or directly related to such additional information. If  
257 the applicant believes the request of the department for such  
258 additional information is not authorized by law or rule, the  
259 department, at the applicant's request, shall proceed to process  
260 the permit application.

261 (2) Notwithstanding the provisions of s. 120.60, an

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262 applicant for a permit under this part shall have 90 days  
263 following the date of a timely request for additional  
264 information to submit that information. If an applicant requires  
265 more than 90 days in which to respond to a request for  
266 additional information, the applicant may notify the agency  
267 processing the permit application in writing of the  
268 circumstances, at which time the application shall be held in  
269 active status for no more than one additional period of up to 90  
270 days. Additional extensions may be granted for good cause shown  
271 by the applicant. A showing that the applicant is making a  
272 diligent effort to obtain the requested additional information  
273 constitutes good cause. Failure of an applicant to provide the  
274 timely requested information by the applicable deadline shall  
275 result in denial of the application without prejudice.

276 Section 6. Section 166.033, Florida Statutes, is amended to  
277 read:

278 166.033 Development permits.—When a municipality denies an  
279 application for a development permit, the municipality shall  
280 give written notice to the applicant. The notice must include a  
281 citation to the applicable portions of an ordinance, rule,  
282 statute, or other legal authority for the denial of the permit.  
283 As used in this section, the term “development permit” has the  
284 same meaning as in s. 163.3164. No municipality may require as a  
285 condition of approval for a development permit that an applicant  
286 obtain a permit or approval from any other state or federal  
287 agency. Issuance of a development permit by a municipality does  
288 not in any way create any rights on the part of an applicant to  
289 obtain a permit from another state or federal agency and does  
290 not create any liability on the part of the municipality for

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291 issuance of the permit in the event that an applicant fails to  
292 fulfill its legal obligations to obtain requisite approvals or  
293 fulfill the obligations imposed by other state or federal  
294 agencies. Municipalities may attach this disclaimer to the  
295 issuance of development permits and may include a permit  
296 condition that all other applicable state or federal permits  
297 must be obtained prior to development. This shall not be  
298 construed to prohibit a municipality from providing information  
299 to an applicant regarding what other state or federal permits  
300 may be applicable.

301 Section 7. Present subsection (14) of section 253.034,  
302 Florida Statutes, is renumbered as subsection (15), and a new  
303 subsection (14) is added to that section, to read:

304 253.034 State-owned lands; uses.—

305 (14) Deposition of dredged material on state-owned  
306 submerged lands for the purpose of restoring previously dredged  
307 holes to natural conditions shall be conducted in such a manner  
308 as to maximize environmental benefits. In such cases, the  
309 dredged material shall be placed in the dredge hole at an  
310 elevation consistent with the surrounding area to allow light  
311 penetration so as to maximize propagation of native vegetation.  
312 When available dredged material is of insufficient quantity to  
313 raise the entire dredge hole to prior natural elevations,  
314 placement shall be limited to a portion of the dredge hole where  
315 elevations can be restored to natural elevations.

316 Section 8. Subsection (10) is added to section 373.026,  
317 Florida Statutes, to read:

318 373.026 General powers and duties of the department.—The  
319 department, or its successor agency, shall be responsible for

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320 the administration of this chapter at the state level. However,  
321 it is the policy of the state that, to the greatest extent  
322 possible, the department may enter into interagency or  
323 interlocal agreements with any other state agency, any water  
324 management district, or any local government conducting programs  
325 related to or materially affecting the water resources of the  
326 state. All such agreements shall be subject to the provisions of  
327 s. 373.046. In addition to its other powers and duties, the  
328 department shall, to the greatest extent possible:

329 (10) Expand the use of Internet-based self-certification  
330 services for appropriate exemptions and general permits issued  
331 by the department and water management districts. In addition to  
332 expanding the use of Internet-based self-certification services  
333 for appropriate exemptions and general permits, the department  
334 and water management districts shall identify and develop  
335 general permits for activities currently requiring individual  
336 review which could be expedited through the use of professional  
337 certifications.

338 Section 9. Subsection (4) is added to section 373.441,  
339 Florida Statutes, to read:

340 373.441 Role of counties, municipalities, and local  
341 pollution control programs in permit processing.-

342 (4) Activities subject to a permit issued under authority  
343 delegated to a county, municipality, or local pollution control  
344 program by the department or the appropriate water management  
345 district may not be regulated by the department or the district  
346 unless such regulation is required pursuant to the delegation  
347 agreement.

348 Section 10. Subsection (2) of section 373.4141, Florida

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349 Statutes, is amended to read:

350 373.4141 Permits; processing.—

351 (2) Notwithstanding the provisions of s. 120.60, an  
352 applicant for a permit under this part shall have 90 days  
353 following the date of a timely request for additional  
354 information to submit that information. If an applicant requires  
355 more than 90 days in which to respond to a request for  
356 additional information, the applicant may notify the agency  
357 processing the permit application in writing of the  
358 circumstances, at which time the application shall be held in  
359 active status for no more than one additional period of up to 90  
360 days. Additional extensions may be granted for good cause shown  
361 by the applicant. A showing that the applicant is making a  
362 diligent effort to obtain the requested additional information  
363 constitutes good cause. Failure of an applicant to provide the  
364 timely requested information by the applicable deadline shall  
365 result in denial of the application without prejudice. A permit  
366 ~~shall be approved or denied within 90 days after receipt of the~~  
367 ~~original application, the last item of timely requested~~  
368 ~~additional material, or the applicant's written request to begin~~  
369 ~~processing the permit application.~~

370 Section 11. Paragraph (a) of subsection (4) of section  
371 373.079, Florida Statutes, is amended to read:

372 373.079 Members of governing board; oath of office; staff.—

373 (4) (a) The governing board of the district is authorized to  
374 employ an executive director, ombudsman, and such engineers,  
375 other professional persons, and other personnel and assistants  
376 as it deems necessary and under such terms and conditions as it  
377 may determine and to terminate such employment. The appointment

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378 of an executive director by the governing board is subject to  
379 approval by the Governor and must be initially confirmed by the  
380 Florida Senate. The governing board may delegate all or part of  
381 its authority under this paragraph to the executive director.  
382 However, the governing board shall delegate all of its authority  
383 to take final action on permit applications under part II or  
384 part IV, or petitions for variances or waivers of permitting  
385 requirements under part II or part IV, except as provided for  
386 under ss. 373.083(5) and 373.118(4). This delegation is not  
387 subject to the rulemaking requirements of chapter 120. The  
388 executive director must be confirmed by the Senate upon  
389 employment and must be confirmed or reconfirmed by the Senate  
390 during the second regular session of the Legislature following a  
391 gubernatorial election.

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

394 373.083 General powers and duties of the governing board.—  
395 In addition to other powers and duties allowed it by law, the  
396 governing board is authorized to:

397 (5) Execute any of the powers, duties, and functions vested  
398 in the governing board through a member or members thereof, the  
399 executive director, or other district staff as designated by the  
400 governing board. The governing board may establish the scope and  
401 terms of any delegation. ~~However, if~~ The governing board shall  
402 delegate to the executive director ~~delegates~~ the authority to  
403 take final action on permit applications under part II or part  
404 IV, or petitions for variances or waivers of permitting  
405 requirements under part II or part IV, and this delegation is  
406 not subject to the rulemaking requirements of chapter 120.

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407 However, the governing board shall provide a process for  
408 referring any denial of such application or petition to the  
409 governing board to take final action. Such process shall  
410 expressly prohibit any member of a governing board from  
411 intervening in the review of an application prior to the  
412 application being referred to the governing board to final  
413 action. The authority in this subsection is supplemental to any  
414 other provision of this chapter granting authority to the  
415 governing board to delegate specific powers, duties, or  
416 functions.

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

419 373.118 General permits; delegation.—

420 (4) To provide for greater efficiency, the governing board  
421 shall ~~may~~ ~~delegate by rule~~ its powers and duties pertaining to  
422 general permits to the executive director and this delegation is  
423 not subject to the rulemaking requirements of chapter 120. The  
424 executive director may execute such delegated authority through  
425 designated staff. However, when delegating the authority to take  
426 final action on permit applications under part II or part IV or  
427 petitions for variances or waivers of permitting requirements  
428 under part II or part IV, the governing board shall provide a  
429 process for referring any denial of such application or petition  
430 to the governing board to take such final action.

431 Section 14. Subsection (6) is added to section 373.236,  
432 Florida Statutes, to read:

433 373.236 Duration of permits; compliance reports.—

434 (6) (a) The need for alternative water supply development  
435 projects to meet anticipated public water supply demands of the

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436 state is such that it is essential to encourage participation in  
437 and contribution to such projects by private rural landowners  
438 who characteristically have relatively modest near-term water  
439 demands but substantially increasing demands after the 20-year  
440 planning horizon provided in s. 373.0361. Where such landowners  
441 make extraordinary contributions of lands or construction  
442 funding to enable the expeditious implementation of such  
443 projects, water management districts and the department are  
444 authorized to grant permits for such projects for a period of up  
445 to 50 years to municipalities, counties, special districts,  
446 regional water supply authorities, multijurisdictional water  
447 supply entities, and publicly owned or privately owned utilities  
448 created for or by the private landowners on or before April 1,  
449 2009, which entities have entered into an agreement with the  
450 private landowner, for the purposes of more efficiently pursuing  
451 alternative public water supply development projects identified  
452 in a district's regional water supply plan and meeting water  
453 demands of both the applicant and the landowner.

454 (b) Any permit pursuant to paragraph (a) shall be granted  
455 only for that period of time for which there is sufficient data  
456 to provide reasonable assurance that the conditions for permit  
457 issuance will be met. Such a permit shall require a compliance  
458 report by the permittee every 5 years during the term of the  
459 permit. The report shall contain sufficient data to maintain  
460 reasonable assurance that the conditions for permit issuance,  
461 applicable at the time of district review of the compliance  
462 report, are met. Following review of the report, the governing  
463 board or the department may modify the permit to ensure that the  
464 use meets the conditions for issuance.



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466 This subsection shall not be construed to limit the authority of  
467 the department or a water management district governing board to  
468 modify or revoke a consumptive use permit.

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

471 373.406 Exemptions.—The following exemptions shall apply:

472 (12) (a) Construction of public use facilities in accordance  
473 with Florida Communities Trust grant-approved projects on  
474 county-owned natural lands. Such facilities may include a  
475 parking lot, including an access road, not to exceed a total  
476 size of 0.7 acres that is located entirely in uplands; at-grade  
477 access trails located entirely in uplands; pile-supported  
478 boardwalks having a maximum width of 6 feet, with exceptions for  
479 ADA compliance; and pile-supported observation platforms each of  
480 which shall not exceed 120 square feet in size.

481 (b) No fill shall be placed in, on, or over wetlands or  
482 other surface waters except pilings for boardwalks and  
483 observation platforms, all of which structures located in, on,  
484 or over wetlands and other surface waters shall be sited,  
485 constructed, and elevated to minimize adverse impacts to native  
486 vegetation and shall be limited to an over-water surface area  
487 not to exceed 0.5 acres. All stormwater flow from roads, parking  
488 areas, and trails shall sheet flow into uplands, and the use of  
489 pervious pavement is encouraged.

490 Section 16. Section 373.4061, Florida Statutes, is created  
491 to read:

492 373.4061 Noticed general permit to counties for  
493 environmental restoration activities.—

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494 (1) A general permit is hereby granted to counties to  
495 construct, operate, alter, maintain, or remove systems for the  
496 purposes of environmental restoration or water quality  
497 improvements, subject to the limitations and conditions of this  
498 section.

499 (2) The following restoration activities are authorized by  
500 this general permit:

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

505 (b) Placement of riprap within 15 feet waterward of the  
506 mean or ordinary high-water line for the purpose of preventing  
507 or abating erosion of a predominantly natural shoreline,  
508 provided that mangrove, seagrass, coral, sponge, and other  
509 protected marine communities are not adversely affected;

510 (c) Placement of riprap within 10 feet waterward of an  
511 existing seawall or bulkhead and backfilling of the area between  
512 the riprap and seawall or bulkhead with clean fill for the sole  
513 purpose of planting mangroves and *Spartina sp.*, provided that  
514 seagrass, coral, sponge, and other protected marine communities  
515 are not adversely affected;

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

519 (e) Backfilling of existing dredge holes that are at least  
520 5 feet deeper than surrounding natural grades to an intertidal  
521 elevation if doing so provides a regional net environmental  
522 benefit or, at a minimum, to an elevation at which light

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523 penetration is expected to allow for seagrass recruitment, with  
524 no more than minimum displacement of highly organic sediments;  
525 and

526 (f) Placement of rock riprap or clean concrete in existing  
527 dredge holes that are at least 5 feet deeper than surrounding  
528 natural grades, provided that placed rock or concrete does not  
529 protrude above surrounding natural grades.

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

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

534 (b) The county commission must conduct at least one public  
535 hearing within 1 year before project initiation;

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

538 (d) Activities in tidal waters are limited to those  
539 waterbodies given priority restoration status pursuant to s.  
540 373.453(1)(c); and

541 (e) Prior to submittal of a notice to use this general  
542 permit, the county shall conduct at least one preapplication  
543 meeting with appropriate district or department staff to discuss  
544 project designs, implementation details, resource concerns, and  
545 conditions for meeting applicable state water quality standards.

546 (4) This general permit shall be subject to the following  
547 specific conditions:

548 (a) A project under this general permit shall not  
549 significantly impede navigation or unreasonably infringe upon  
550 the riparian rights of others. When a court of competent  
551 jurisdiction determines that riparian rights have been

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552 unlawfully affected, the structure or activity shall be modified  
553 in accordance with the court's decision;

554 (b) All erodible surfaces, including intertidal slopes  
555 shall be revegetated with appropriate native plantings within 72  
556 hours after completion of construction;

557 (c) Riprap material shall be clean limestone, granite, or  
558 other native rock 1 foot to 3 feet in diameter;

559 (d) Fill material used to backfill dredge holes or seawall  
560 planter areas shall be local, native material legally removed  
561 from nearby submerged lands or shall be material brought to the  
562 site, either of which shall comply with the standard of not more  
563 than 10 percent of the material passing through a #200 standard  
564 sieve and containing no more than 10 percent organic content,  
565 and is free of contaminants that will cause violations of state  
566 water quality standards;

567 (e) Turbidity shall be monitored and controlled at all  
568 times such that turbidity immediately outside the project area  
569 complies with rules 62-302 and 62-4.242, Florida Administrative  
570 Code;

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

574 (g) Structures shall be maintained in a functional  
575 condition and shall be repaired or removed if they become  
576 dilapidated to such an extent that they are no longer  
577 functional. This shall not be construed to prohibit the repair  
578 or replacement subject to the provisions of rule 18-21.005,  
579 Florida Administrative Code within 1 year after a structure is  
580 damaged in a discrete event such as a storm, flood, accident, or

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581 fire;

582 (h) All work under this general permit shall be conducted  
583 in conformance with the general conditions of rule 62-341.215,  
584 Florida Administrative Code;

585 (i) Construction, use, or operation of the structure or  
586 activity shall not adversely affect any species that is  
587 endangered, threatened or of special concern, as listed in rules  
588 68A-27.003, 68A-27.004, and 68A-27.005, Florida Administrative  
589 Code; and

590 (j) The activity may not adversely impact vessels or  
591 structures of archaeological or historical value relating to the  
592 history, government, and culture of the state which are defined  
593 as historic properties in s. 267.021(3).

594 (5) The district or department, as applicable, shall  
595 provide written notification as to whether the proposed activity  
596 qualifies for the general permit within 30 days after receipt of  
597 written notice of a county's intent to use the general permit.  
598 If the district or department notifies the county that the  
599 system does not qualify for a noticed general permit due to an  
600 error or omission in the original notice to the district or the  
601 department, the county shall have 30 days from the date of the  
602 notification to amend the notice to use the general permit and  
603 submit such additional information to correct such error or  
604 omission.

605 (6) This general permit constitutes a letter of consent by  
606 the Board of Trustees of the Internal Improvement Trust Fund  
607 under chapters 253 and 258, where applicable, and chapters 18-  
608 18, 18-20, and 18-21, Florida Administrative Code, where  
609 applicable, for the county to enter upon and use state-owned

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610 submerged lands to the extent necessary to complete the  
611 activities. No activities conducted under this general permit  
612 shall divest the State of Florida from the continued ownership  
613 of lands that were state-owned, sovereign submerged lands prior  
614 to any use, construction, or implementation of this general  
615 permit.

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

620 403.061 Department; powers and duties.—The department shall  
621 have the power and the duty to control and prohibit pollution of  
622 air and water in accordance with the law and rules adopted and  
623 promulgated by it and, for this purpose, to:

624 (29) Adopt by rule special criteria to protect Class II  
625 shellfish harvesting waters. Rules previously adopted by the  
626 department in rule 17-4.28(8)(a), Florida Administrative Code,  
627 are hereby ratified and determined to be a valid exercise of  
628 delegated legislative authority and shall remain in effect  
629 unless amended ~~by the Environmental Regulation Commission~~. Such  
630 rules may include special criteria for approval of docking  
631 facilities that have 10 or fewer slips if construction and  
632 operation of such facilities will not result in the closure of  
633 shellfish waters.

634 (40) Maintain a list of projects or activities, including  
635 mitigation banks, which applicants may consider when developing  
636 proposals to meet the mitigation or public-interest requirements  
637 of chapter 253, chapter 373, or this chapter. The contents of  
638 such a list are not a rule as defined in chapter 120, and

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639 listing a specific project or activity does not imply approval  
640 by the department for such project or activity. Each county  
641 government is encouraged to develop an inventory of projects or  
642 activities for inclusion on the list by obtaining input from  
643 local stakeholder groups in the public, private, and nonprofit  
644 sectors, including local governments, port authorities, marine  
645 contractors, other representatives of the marine construction  
646 industry, environmental or conservation organizations, and other  
647 interested parties. Counties may establish dedicated funds for  
648 depositing public-interest donations into a reserve for future  
649 public-interest projects, including improvements to on-water law  
650 enforcement activities.

651 (41) Develop a project management plan to implement an e-  
652 permitting program that allows for timely submittal and exchange  
653 of permit application and compliance information and that yields  
654 positive benefits in support of the department's mission, permit  
655 applicants, permitholders, and the public. The plan shall  
656 include an implementation timetable, estimated costs, and  
657 transaction fees. The department shall submit the plan to the  
658 President of the Senate, the Speaker of the House of  
659 Representatives, and the Legislative Committee on  
660 Intergovernmental Relations by January 15, 2010.

661 (42) Expand the use of Internet-based self-certification  
662 services for appropriate exemptions and general permits issued  
663 by the department. Notwithstanding any other provision of law, a  
664 local government is prohibited from specifying the method or  
665 form of documentation that a project meets the provisions for  
666 authorization under chapter 161, chapter 253, chapter 373, or  
667 this chapter. This shall include Internet-based programs of the

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668 department or water management district which provide for self-  
669 certification.

670 (43)~~(40)~~ Serve as the state's single point of contact for  
671 performing the responsibilities described in Presidential  
672 Executive Order 12372, including administration and operation of  
673 the Florida State Clearinghouse. The Florida State Clearinghouse  
674 shall be responsible for coordinating interagency reviews of the  
675 following: federal activities and actions subject to the federal  
676 consistency requirements of s. 307 of the Coastal Zone  
677 Management Act; documents prepared pursuant to the National  
678 Environmental Policy Act, 42 U.S.C. ss. 4321 et seq., and the  
679 Outer Continental Shelf Lands Act, 43 U.S.C. ss. 1331 et seq.;  
680 applications for federal funding pursuant to s. 216.212; and  
681 other notices and information regarding federal activities in  
682 the state, as appropriate. The Florida State Clearinghouse shall  
683 ensure that state agency comments and recommendations on the  
684 environmental, social, and economic impact of proposed federal  
685 actions are communicated to federal agencies, applicants, local  
686 governments, and interested parties.

687  
688 The department shall implement such programs in conjunction with  
689 its other powers and duties and shall place special emphasis on  
690 reducing and eliminating contamination that presents a threat to  
691 humans, animals or plants, or to the environment.

692 Section 18. Subsections (1) and (2) of section 403.813,  
693 Florida Statutes, are amended to read:

694 403.813 Permits issued at district centers; exceptions.—

695 (1) A permit is not required under this chapter, chapter  
696 373, chapter 61-691, Laws of Florida, or chapter 25214 or



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697 chapter 25270, 1949, Laws of Florida, for activities associated  
698 with the following types of projects; however, except as  
699 otherwise provided in this subsection, ~~nothing in this~~  
700 subsection does not relieve ~~relieves~~ an applicant from any  
701 requirement to obtain permission to use or occupy lands owned by  
702 the Board of Trustees of the Internal Improvement Trust Fund or  
703 any water management district in its governmental or proprietary  
704 capacity or from complying with applicable local pollution  
705 control programs authorized under this chapter or other  
706 requirements of county and municipal governments:

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

710 (b) The installation and repair of mooring pilings and  
711 dolphins associated with private docking facilities or piers and  
712 the installation of private docks, piers and recreational  
713 docking facilities, or piers and recreational docking facilities  
714 of local governmental entities when the local governmental  
715 entity's activities will not take place in any manatee habitat,  
716 any of which docks:

717 1. Has 500 square feet or less of over-water surface area  
718 for a dock which is located in an area designated as Outstanding  
719 Florida Waters or 1,000 square feet or less of over-water  
720 surface area for a dock which is located in an area which is not  
721 designated as Outstanding Florida Waters;

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

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

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726 create a navigational hazard;

727 4. Is used for recreational, noncommercial activities  
728 associated with the mooring or storage of boats and boat  
729 paraphernalia; and

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

735

736 Nothing in this paragraph shall prohibit the department from  
737 taking appropriate enforcement action pursuant to this chapter  
738 to abate or prohibit any activity otherwise exempt from  
739 permitting pursuant to this paragraph if the department can  
740 demonstrate that the exempted activity has caused water  
741 pollution in violation of this chapter.

742 (c) The installation and maintenance to design  
743 specifications of boat ramps on artificial bodies of water where  
744 navigational access to the proposed ramp exists or the  
745 installation of boat ramps open to the public in any waters of  
746 the state where navigational access to the proposed ramp exists  
747 and where the construction of the proposed ramp will be less  
748 than 30 feet wide and will involve the removal of less than 25  
749 cubic yards of material from the waters of the state, and the  
750 maintenance to design specifications of such ramps; however, the  
751 material to be removed shall be placed upon a self-contained  
752 upland site so as to prevent the escape of the spoil material  
753 into the waters of the state.

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

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755 except that no fill material is to be used and provided that the  
756 replacement or repaired dock or pier is in the same location and  
757 of the same configuration and dimensions as the dock or pier  
758 being replaced or repaired. This does not preclude the use of  
759 different construction materials or minor deviations to allow  
760 upgrades to current structural and design standards.

761 (2) The provisions of subsection (1) ~~(2)~~ are superseded by  
762 general permits established pursuant to ss. 373.118 and 403.814  
763 which include the same activities. Until such time as general  
764 permits are established, or if should general permits are be  
765 suspended or repealed, the exemptions under subsection (1) ~~(2)~~  
766 shall remain or shall be reestablished in full force and effect.

767 Section 19. Subsection (12) is added to section 403.814,  
768 Florida Statutes, to read:

769 403.814 General permits; delegation.—

770 (12) The department shall expand the use of Internet-based  
771 self-certification services for appropriate exemptions and  
772 general permits issued by the department and water management  
773 districts. In addition, the department shall identify and  
774 develop general permits for activities currently requiring  
775 individual review which could be expedited through the use of  
776 professional certifications. The department shall submit a  
777 report on progress of these efforts to the President of the  
778 Senate and the Speaker of the House of Representatives by  
779 January 15, 2010.

780 Section 20. Section 403.973, Florida Statutes, is amended  
781 to read:

782 403.973 Expedited permitting; comprehensive plan  
783 amendments.—

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784 (1) It is the intent of the Legislature to encourage and  
785 facilitate the location and expansion of those types of economic  
786 development projects which offer job creation and high wages,  
787 strengthen and diversify the state's economy, and have been  
788 thoughtfully planned to take into consideration the protection  
789 of the state's environment. It is also the intent of the  
790 Legislature to provide for an expedited permitting and  
791 comprehensive plan amendment process for such projects.

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

793 (a) "Duly noticed" means publication in a newspaper of  
794 general circulation in the municipality or county with  
795 jurisdiction. The notice shall appear on at least 2 separate  
796 days, one of which shall be at least 7 days before the meeting.  
797 The notice shall state the date, time, and place of the meeting  
798 scheduled to discuss or enact the memorandum of agreement, and  
799 the places within the municipality or county where such proposed  
800 memorandum of agreement may be inspected by the public. The  
801 notice must be one-eighth of a page in size and must be  
802 published in a portion of the paper other than the legal notices  
803 section. The notice shall also advise that interested parties  
804 may appear at the meeting and be heard with respect to the  
805 memorandum of agreement.

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

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

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

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

815           (3) (a) The secretary ~~Governor, through the office,~~ shall  
816 direct the creation of regional permit action teams, for the  
817 purpose of expediting review of permit applications and local  
818 comprehensive plan amendments submitted by:

- 819           1. Businesses creating at least 50 ~~100~~ jobs, or  
820           2. Businesses creating at least 25 ~~50~~ jobs if the project  
821 is located in an enterprise zone, or in a county having a  
822 population of less than 75,000 or in a county having a  
823 population of less than 100,000 which is contiguous to a county  
824 having a population of less than 75,000, as determined by the  
825 most recent decennial census, residing in incorporated and  
826 unincorporated areas of the county, or

827           (b) On a case-by-case basis and at the request of a county  
828 or municipal government, the secretary ~~office~~ may certify as  
829 eligible for expedited review a project not meeting the minimum  
830 job creation thresholds but creating a minimum of 10 jobs. The  
831 recommendation from the governing body of the county or  
832 municipality in which the project may be located is required in  
833 order for the secretary ~~office~~ to certify that any project is  
834 eligible for expedited review under this paragraph. When  
835 considering projects that do not meet the minimum job creation  
836 thresholds but that are recommended by the governing body in  
837 which the project may be located, the secretary ~~office~~ shall  
838 consider economic impact factors that include, but are not  
839 limited to:

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

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

844           3. The amount of capital investment; and

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

847           (c) At the request of a county or municipal government, the  
848 secretary ~~office~~ or a Quick Permitting County may certify  
849 projects located in counties where the ratio of new jobs per  
850 participant in the welfare transition program, as determined by  
851 Workforce Florida, Inc., is less than one or otherwise critical,  
852 as eligible for the expedited permitting process. Such projects  
853 must meet the numerical job creation criteria of this  
854 subsection, but the jobs created by the project do not have to  
855 be high-wage jobs that diversify the state's economy.

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

858           (e) Projects that are part of the state-of-the-art  
859 biomedical research institution and campus to be established in  
860 this state by the grantee under s. 288.955 are eligible for the  
861 expedited permitting process, if the projects are designated as  
862 part of the institution or campus by the board of county  
863 commissioners of the county in which the institution and campus  
864 are established.

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

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

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871 execution of memoranda of agreement developed by the applicant  
872 and between the secretary, with input solicited from office and  
873 the respective heads of the Department of Environmental  
874 Protection, the Department of Community Affairs, the Department  
875 of Transportation and its district offices, the Department of  
876 Agriculture and Consumer Services, the Fish and Wildlife  
877 Conservation Commission, appropriate regional planning councils,  
878 appropriate water management districts, and voluntarily  
879 participating municipalities and counties. The memoranda of  
880 agreement should also accommodate participation in this  
881 expedited process by other local governments and federal  
882 agencies as circumstances warrant.

883 (5) In order to facilitate local government's option to  
884 participate in this expedited review process, the secretary  
885 office shall, in cooperation with local governments and  
886 participating state agencies, create a standard form memorandum  
887 of agreement. A local government shall hold a duly noticed  
888 public workshop to review and explain to the public the  
889 expedited permitting process and the terms and conditions of the  
890 standard form memorandum of agreement.

891 (6) The local government shall hold a duly noticed public  
892 hearing to execute a memorandum of agreement for each qualified  
893 project. Notwithstanding any other provision of law, and at the  
894 option of the local government, the workshop provided for in  
895 subsection (5) may be conducted on the same date as the public  
896 hearing held under this subsection. The memorandum of agreement  
897 that a local government signs shall include a provision  
898 identifying necessary local government procedures and time  
899 limits that will be modified to allow for the local government

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900 decision on the project within 90 days. The memorandum of  
901 agreement applies to projects, on a case-by-case basis, that  
902 qualify for special review and approval as specified in this  
903 section. The memorandum of agreement must make it clear that  
904 this expedited permitting and review process does not modify,  
905 qualify, or otherwise alter existing local government  
906 nonprocedural standards for permit applications, unless  
907 expressly authorized by law.

908 (7) At the option of the participating local government,  
909 appeals of local government approvals ~~its final approval~~ for a  
910 project shall ~~may~~ be pursuant to the summary hearing provisions  
911 of s. 120.574, pursuant to subsection (14), and be consolidated  
912 with the challenge of applicable state agency actions, if any ~~or~~  
913 ~~pursuant to other appellate processes available to the local~~  
914 ~~government. The local government's decision to enter into a~~  
915 ~~summary hearing must be made as provided in s. 120.574 or in the~~  
916 ~~memorandum of agreement.~~

917 (8) Each memorandum of agreement shall include a process  
918 for final agency action on permit applications and local  
919 comprehensive plan amendment approvals within 90 days after  
920 receipt of a completed application, unless the applicant agrees  
921 to a longer time period or the secretary ~~office~~ determines that  
922 unforeseen or uncontrollable circumstances preclude final agency  
923 action within the 90-day timeframe. Permit applications governed  
924 by federally delegated or approved permitting programs whose  
925 requirements would prohibit or be inconsistent with the 90-day  
926 timeframe are exempt from this provision, but must be processed  
927 by the agency with federally delegated or approved program  
928 responsibility as expeditiously as possible.



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929           (9) The secretary ~~office~~ shall inform the Legislature by  
930 October 1 of each year to ~~which agencies have not entered into~~  
931 ~~or implemented an agreement and~~ identify any barriers to  
932 achieving success of the program.

933           (10) The memoranda of agreement may provide for the waiver  
934 or modification of procedural rules prescribing forms, fees,  
935 procedures, or time limits for the review or processing of  
936 permit applications under the jurisdiction of those agencies  
937 that are party to the memoranda of agreement. Notwithstanding  
938 any other provision of law to the contrary, a memorandum of  
939 agreement must to the extent feasible provide for proceedings  
940 and hearings otherwise held separately by the parties to the  
941 memorandum of agreement to be combined into one proceeding or  
942 held jointly and at one location. Such waivers or modifications  
943 shall not be available for permit applications governed by  
944 federally delegated or approved permitting programs, the  
945 requirements of which would prohibit, or be inconsistent with,  
946 such a waiver or modification.

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

951           (a) A central contact point for filing permit applications  
952 and local comprehensive plan amendments and for obtaining  
953 information on permit and local comprehensive plan amendment  
954 requirements;

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

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958 amendment for that agency;

959 (c) A mandatory preapplication review process to reduce  
960 permitting conflicts by providing guidance to applicants  
961 regarding the permits needed from each agency and governmental  
962 entity, site planning and development, site suitability and  
963 limitations, facility design, and steps the applicant can take  
964 to ensure expeditious permit application and local comprehensive  
965 plan amendment review. As a part of this process, the first  
966 interagency meeting to discuss a project shall be held within 14  
967 days after the secretary's ~~office's~~ determination that the  
968 project is eligible for expedited review. Subsequent interagency  
969 meetings may be scheduled to accommodate the needs of  
970 participating local governments that are unable to meet public  
971 notice requirements for executing a memorandum of agreement  
972 within this timeframe. This accommodation may not exceed 45 days  
973 from the office's determination that the project is eligible for  
974 expedited review;

975 (d) The preparation of a single coordinated project  
976 description form and checklist and an agreement by state and  
977 regional agencies to reduce the burden on an applicant to  
978 provide duplicate information to multiple agencies;

979 (e) Establishment of a process for the adoption and review  
980 of any comprehensive plan amendment needed by any certified  
981 project within 90 days after the submission of an application  
982 for a comprehensive plan amendment. However, the memorandum of  
983 agreement may not prevent affected persons as defined in s.  
984 163.3184 from appealing or participating in this expedited plan  
985 amendment process and any review or appeals of decisions made  
986 under this paragraph; and

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

989 (12) The applicant, the regional permit action team, and  
990 participating local governments may agree to incorporate into a  
991 single document the permits, licenses, and approvals that are  
992 obtained through the expedited permit process. This consolidated  
993 permit is subject to the summary hearing provisions set forth in  
994 subsection (14).

995 (13) Notwithstanding any other provisions of law:

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

999 (b) Projects qualified under this section are not subject  
1000 to interstate highway level-of-service standards adopted by the  
1001 Department of Transportation for concurrency purposes. The  
1002 memorandum of agreement specified in subsection (5) must include  
1003 a process by which the applicant will be assessed a fair share  
1004 of the cost of mitigating the project's significant traffic  
1005 impacts, as defined in chapter 380 and related rules. The  
1006 agreement must also specify whether the significant traffic  
1007 impacts on the interstate system will be mitigated through the  
1008 implementation of a project or payment of funds to the  
1009 Department of Transportation. Where funds are paid, the  
1010 Department of Transportation must include in the 5-year work  
1011 program transportation projects or project phases, in an amount  
1012 equal to the funds received, to mitigate the traffic impacts  
1013 associated with the proposed project.

1014 (14) (a) Challenges to state agency action in the expedited  
1015 permitting process for projects processed under this section are

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1016 subject to the summary hearing provisions of s. 120.574, except  
1017 that the administrative law judge's decision, as provided in s.  
1018 120.574(2)(f), shall be in the form of a recommended order and  
1019 shall not constitute the final action of the state agency. In  
1020 those proceedings where the action of only one agency of the  
1021 state is challenged, the agency of the state shall issue the  
1022 final order within 45 ~~10~~ working days after ~~of~~ receipt of the  
1023 administrative law judge's recommended order. The recommended  
1024 order shall inform the parties of the right to file exceptions  
1025 to the recommended order and to file responses thereto in  
1026 accordance with the Uniform Rules of Procedure. In those  
1027 proceedings where the actions of more than one agency of the  
1028 state are challenged, the Governor shall issue the final order,  
1029 except for the issuance of department licenses required under  
1030 any federally delegated or approved permit program for which the  
1031 department shall enter the final order, within 45 ~~10~~ working  
1032 days after ~~of~~ receipt of the administrative law judge's  
1033 recommended order. The recommended order shall inform the  
1034 parties of the right to file exceptions to the recommended order  
1035 and to file responses thereto in accordance with the Uniform  
1036 Rules of Procedure. The participating agencies of the state may  
1037 opt at the preliminary hearing conference to allow the  
1038 administrative law judge's decision to constitute the final  
1039 agency action. If a participating local government agrees to  
1040 participate in the summary hearing provisions of s. 120.574 for  
1041 purposes of review of local government comprehensive plan  
1042 amendments, s. 163.3184(9) and (10) apply.

1043 (b) Challenges to state agency action in the expedited  
1044 permitting process for establishment of a state-of-the-art

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1045 biomedical research institution and campus in this state by the  
1046 grantee under s. 288.955 or projects identified in paragraph  
1047 (3) (f) are subject to the same requirements as challenges  
1048 brought under paragraph (a), except that, notwithstanding s.  
1049 120.574, summary proceedings must be conducted within 30 days  
1050 after a party files the motion for summary hearing, regardless  
1051 of whether the parties agree to the summary proceeding.

1052 (15) The secretary office, working with the agencies  
1053 providing cooperative assistance and input to participating in  
1054 the memoranda of agreement, shall review sites proposed for the  
1055 location of facilities eligible for the Innovation Incentive  
1056 Program under s. 288.1089. Within 20 days after the request for  
1057 the review by the secretary office, the agencies shall provide  
1058 to the office a statement as to each site's necessary permits  
1059 under local, state, and federal law and an identification of  
1060 significant permitting issues, which if unresolved, may result  
1061 in the denial of an agency permit or approval or any significant  
1062 delay caused by the permitting process.

1063 (16) This expedited permitting process shall not modify,  
1064 qualify, or otherwise alter existing agency nonprocedural  
1065 standards for permit applications or local comprehensive plan  
1066 amendments, unless expressly authorized by law. If it is  
1067 determined that the applicant is not eligible to use this  
1068 process, the applicant may apply for permitting of the project  
1069 through the normal permitting processes.

1070 (17) The secretary office shall be responsible for  
1071 certifying a business as eligible for undergoing expedited  
1072 review under this section. Enterprise Florida, Inc., a county or  
1073 municipal government, or the Rural Economic Development

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1074 Initiative may recommend to the secretary ~~Office of Tourism,~~  
1075 ~~Trade, and Economic Development~~ that a project meeting the  
1076 minimum job creation threshold undergo expedited review.

1077 (18) The secretary ~~office~~, working with the Rural Economic  
1078 Development Initiative and the agencies participating in the  
1079 memoranda of agreement, shall provide technical assistance in  
1080 preparing permit applications and local comprehensive plan  
1081 amendments for counties having a population of less than 75,000  
1082 residents, or counties having fewer than 100,000 residents which  
1083 are contiguous to counties having fewer than 75,000 residents.  
1084 Additional assistance may include, but not be limited to,  
1085 guidance in land development regulations and permitting  
1086 processes, working cooperatively with state, regional, and local  
1087 entities to identify areas within these counties which may be  
1088 suitable or adaptable for preclearance review of specified types  
1089 of land uses and other activities requiring permits.

1090 (19) The following projects are ineligible for review under  
1091 this part:

1092 (a) A project funded and operated by a local government, as  
1093 defined in s. 377.709, and located within that government's  
1094 jurisdiction.

1095 (b) A project, the primary purpose of which is to:

1096 1. Effect the final disposal of solid waste, biomedical  
1097 waste, or hazardous waste in this state.

1098 2. Produce electrical power, unless the production of  
1099 electricity is incidental and not the primary function of the  
1100 project or the electrical power is derived from a renewable fuel  
1101 source as defined by s. 366.91(2)(d).

1102 3. Extract natural resources.

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1103 4. Produce oil.

1104 5. Construct, maintain, or operate an oil, petroleum,  
1105 natural gas, or sewage pipeline.

1106 Section 21. Paragraph (e) of subsection (3) of section  
1107 258.42, Florida Statutes, is amended to read:

1108 258.42 Maintenance of preserves.—The Board of Trustees of  
1109 the Internal Improvement Trust Fund shall maintain such aquatic  
1110 preserves subject to the following provisions:

1111 (3) (e) There shall be no erection of structures within the  
1112 preserve, except:

1113 1. Private residential docks may be approved for reasonable  
1114 ingress or egress of riparian owners. Slips located at private  
1115 residential single-family docks that contain boat lifts or  
1116 davits that do not float in the water when loaded may be roofed,  
1117 but may not be, in whole or in part, enclosed with walls,  
1118 provided that the roof shall not overhang more than 1 foot  
1119 beyond the footprint of the boat lift. Such roofs may not be  
1120 considered to be part of the square footage calculations of the  
1121 terminal platform.

1122 2. Private residential multislip docks may be approved if  
1123 located within a reasonable distance of a publicly maintained  
1124 navigation channel, or a natural channel of adequate depth and  
1125 width to allow operation of the watercraft for which the docking  
1126 facility is designed without the craft having an adverse impact  
1127 on marine resources. The distance shall be determined in  
1128 accordance with criteria established by the trustees by rule,  
1129 based on a consideration of the depth of the water, nature and  
1130 condition of bottom, and presence of manatees.

1131 3. Commercial docking facilities shown to be consistent

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1132 with the use or management criteria of the preserve may be  
1133 approved if the facilities are located within a reasonable  
1134 distance of a publicly maintained navigation channel, or a  
1135 natural channel of adequate depth and width to allow operation  
1136 of the watercraft for which the docking facility is designed  
1137 without the craft having an adverse impact on marine resources.  
1138 The distance shall be determined in accordance with criteria  
1139 established by the trustees by rule, based on a consideration of  
1140 the depth of the water, nature and condition of bottom, and  
1141 presence of manatees.

1142 4. Structures for shore protection, including restoration  
1143 of seawalls at their previous location or upland of or within 18  
1144 inches waterward of their previous location, approved  
1145 navigational aids, or public utility crossings authorized under  
1146 paragraph (a) may be approved.

1147  
1148 No structure under this paragraph or chapter 253 shall be  
1149 prohibited solely because the local government fails to adopt a  
1150 marina plan or other policies dealing with the siting of such  
1151 structures in its local comprehensive plan.

1152 Section 22. Section 379.1051, Florida Statutes, is created  
1153 to read:

1154 379.1051 Regulation by local governments.—This section is  
1155 intended to eliminate conflicts between the Fish and Wildlife  
1156 Conservation Commission and state agencies or local governments  
1157 relating to the regulation of wild animal life and fresh water  
1158 aquatic life. The Legislature recognizes that s. 9, Art. IV of  
1159 the State Constitution gives the commission the exclusive  
1160 regulatory and executive powers of the state with respect to



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1161 wild animal life and fresh water aquatic life. A state agency or  
1162 unit of local government may not impose any requirement that  
1163 creates additional restrictions or limitations on activities  
1164 conforming with commission rules, management plans, guidelines,  
1165 permits, or other authorizations. Nothing in this section shall  
1166 affect a voluntary agreement between a landowner and a state  
1167 agency or other unit of government, or limit the authority of  
1168 local government as otherwise provided by law.

1169       Section 23. This act shall take effect upon becoming a law,  
1170 and shall apply retroactively where expressly provided.