

1 A bill to be entitled
2 An act relating to regulatory reform; extending certain
3 construction, operating, and building permits and
4 development orders for a specified period of time;
5 providing exceptions; specifying retroactive applicability
6 for such extensions; providing requirements; providing
7 applicability; amending s. 120.569, F.S.; providing for
8 specified electronic notice of the procedure to obtain an
9 administrative hearing or judicial review; amending s.
10 120.60, F.S.; revising provisions relating to licensing
11 under the Administrative Procedure Act; providing for
12 objection to an agency's request for additional
13 information; requiring an agency to process a permit
14 application at the request of an applicant under certain
15 circumstances; amending s. 125.022, F.S.; prohibiting a
16 county from requiring an applicant to obtain certain
17 permits or approval as a condition for approval of a
18 development permit; creating s. 161.032, F.S.; requiring
19 the Department of Environmental Protection to request
20 additional information for coastal construction permit
21 applications within a specified period of time; providing
22 for the objection to such request by the applicant;
23 extending the period of time for applicants to provide
24 additional information to the department; providing for
25 the denial of an application under certain conditions;
26 amending s. 163.033, F.S.; prohibiting a municipality from
27 requiring an applicant to obtain certain permits or
28 approval as a condition for approval of a development

29 permit; amending s. 253.034, F.S.; providing for the
30 deposition of dredged materials on state-owned submerged
31 lands in certain circumstances and for certain purposes;
32 amending s. 258.42, F.S.; authorizing the placement of
33 roofs on specified docks; providing requirements;
34 providing an exemption from certain calculations; amending
35 s. 373.026, F.S.; directing the Department of
36 Environmental Protection to expand the use of Internet-
37 based self-certification services for certain exemptions
38 and general permits; directing the department and the
39 water management districts to identify and develop
40 professional certification for certain permitted
41 activities; amending ss. 373.079, 373.083, and 373.118,
42 F.S.; requiring a water management district's governing
43 board to delegate to the executive director its authority
44 to approve certain permits or grant variances or waivers
45 of permitting requirements; providing that such delegation
46 is not subject to certain rulemaking requirements;
47 prohibiting board members from intervening in application
48 review prior to referral for final action; amending s.
49 373.236, F.S.; authorizing water management districts to
50 issue 50-year consumptive use permits to specified
51 entities for certain alternative water supply development
52 projects; providing for compliance reporting and review,
53 modification, and revocation relating to such permits;
54 amending s. 373.406, F.S.; providing an exemption from
55 permitting requirements for construction of specified
56 public use facilities; creating s. 373.4061, F.S.;

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57 providing for issuance of a general permit to counties to
58 construct, operate, alter, maintain, or remove systems for
59 the purposes of environmental restoration; specifying
60 requirements for such permits; requiring the water
61 management district or the department to provide counties
62 with certain written notification; providing that the
63 permit constitutes a letter of consent by the Board of
64 Trustees of the Internal Improvement Trust Fund to
65 complete certain activities; amending s. 373.4141, F.S.;
66 extending the period of time for applicants to provide
67 additional information for certain permit applications;
68 providing for the denial of an application under certain
69 conditions; amending s. 373.441, F.S.; restricting the
70 authority of the Department of Environmental Protection
71 and the water management districts to regulate certain
72 activities relating to local pollution control programs;
73 providing exceptions; creating s. 379.1051, F.S.;
74 prohibiting the regulation of wild animal life, fresh
75 water aquatic life, or marine fish by governmental
76 entities without the authorization of the Fish and
77 Wildlife Conservation Commission; amending s. 403.061,
78 F.S.; authorizing the department to adopt rules that
79 include special criteria for approval of construction and
80 operation of certain docking facilities; authorizing the
81 department to maintain a list of projects or activities
82 for applicants to consider when developing certain
83 proposals; authorizing the department to develop a project
84 management plan to implement an e-permitting program;

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85 | authorizing the department to expand online self-
86 | certification for certain exemptions and general permits;
87 | prohibiting local governments from specifying the method
88 | or form of documentation by which a project meets
89 | specified provisions; amending s. 403.813, F.S.;
90 | clarifying provisions relating to permits issued at
91 | district centers; authorizing the use of certain materials
92 | and deviations for the replacement or repair of docks and
93 | piers; amending s. 403.814, F.S.; directing the Department
94 | of Environmental Protection to expand the use of Internet-
95 | based self-certification services for certain exemptions
96 | and general permits; requiring the department to submit a
97 | report to the Legislature by a specified date; amending s.
98 | 403.973, F.S.; removing the authority of the Office of
99 | Tourism, Trade, and Economic Development to approve
100 | expedited permitting and comprehensive plan amendments and
101 | providing such authority to the Secretary of Environmental
102 | Protection; revising criteria for businesses submitting
103 | permit applications or local comprehensive plan
104 | amendments; providing that permit applications and local
105 | comprehensive plan amendments for specified biofuel and
106 | renewable energy projects are eligible for the expedited
107 | permitting process; providing for the establishment of
108 | regional permit action teams through the execution of
109 | memoranda of agreement developed by permit applicants and
110 | the secretary; providing for the appeal of a local
111 | government's approval of an expedited permit or
112 | comprehensive plan amendment and requiring such appeals to

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113 be consolidated with challenges to state agency actions;
114 specifying the form of the memoranda of agreement
115 developed by the secretary; revising the time by which
116 certain final orders must be issued; providing additional
117 requirements for recommended orders; providing for
118 challenges to state agency action related to expedited
119 permitting for specified renewable energy projects;
120 revising provisions relating to the review of sites
121 proposed for the location of facilities eligible for the
122 Innovation Incentive Program; specifying expedited review
123 eligibility for certain electrical power projects;
124 amending ss. 14.2015, 288.0655, and 380.06, F.S.;
125 conforming cross-references; providing an effective date.
126

127 Be It Enacted by the Legislature of the State of Florida:
128

129 Section 1. (1) Except as provided in subsection (4), and
130 in recognition of 2009 real estate market conditions, any permit
131 issued by the Department of Community Affairs or any permit
132 issued by the Department of Environmental Protection or a water
133 management district pursuant to part IV of chapter 373, Florida
134 Statutes, that has an expiration date of September 1, 2008,
135 through September 1, 2011, is extended and renewed for a period
136 of 3 years following its date of expiration. This extension
137 includes any local government-issued development order or
138 building permit. This section shall not be construed to prohibit
139 conversion from the construction phase to the operation phase
140 upon completion of construction.

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141 (2) The completion date for any required mitigation
142 associated with a phased construction project shall be extended
143 so that mitigation takes place in the same timeframe relative to
144 the phase as originally permitted.

145 (3) The holder of a valid permit or other authorization
146 that is eligible for the 3-year extension shall notify the
147 authorizing agency in writing no later than September 30, 2010,
148 identifying the specific authorization for which the holder
149 intends to use the extension.

150 (4) The extensions provided for in subsection (1) do not
151 apply to:

152 (a) A permit or other authorization under any programmatic
153 or regional general permit issued by the Army Corps of
154 Engineers.

155 (b) A permit or other authorization held by an owner or
156 operator determined to be in significant noncompliance with the
157 conditions of the permit or authorization as established through
158 the issuance of a warning letter or notice of violation, the
159 initiation of formal enforcement, or other equivalent action by
160 the authorizing agency.

161 (5) Permits extended under this section shall continue to
162 be governed by rules in effect at the time the permit was
163 issued. This provision shall apply to any modification of the
164 plans, terms, and conditions of the permit that lessens the
165 environmental impact, except that any such modification shall
166 not extend the time limit beyond 3 additional years.

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

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169 120.569 Decisions which affect substantial interests.--

170 (1) The provisions of this section apply in all
171 proceedings in which the substantial interests of a party are
172 determined by an agency, unless the parties are proceeding under
173 s. 120.573 or s. 120.574. Unless waived by all parties, s.
174 120.57(1) applies whenever the proceeding involves a disputed
175 issue of material fact. Unless otherwise agreed, s. 120.57(2)
176 applies in all other cases. If a disputed issue of material fact
177 arises during a proceeding under s. 120.57(2), then, unless
178 waived by all parties, the proceeding under s. 120.57(2) shall
179 be terminated and a proceeding under s. 120.57(1) shall be
180 conducted. Parties shall be notified of any order, including a
181 final order. Unless waived, a copy of the order shall be
182 delivered or mailed to each party or the party's attorney of
183 record at the address of record. Each notice shall inform the
184 recipient of any administrative hearing or judicial review that
185 is available under this section, s. 120.57, or s. 120.68; shall
186 indicate the procedure which must be followed to obtain the
187 hearing or judicial review; and shall state the time limits
188 which apply. Notwithstanding any other provision of law, notice
189 of the procedure to obtain an administrative hearing or judicial
190 review, including any items required by the uniform rules
191 adopted pursuant to s. 120.54(5), may be provided via a link to
192 a publicly available Internet site.

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

195 120.60 Licensing.--

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196 (1) Upon receipt of an application for a license, an
197 agency shall examine the application and, within 30 days after
198 such receipt, notify the applicant of any apparent errors or
199 omissions and request any additional information the agency is
200 permitted by law to require. If the applicant believes the
201 request for such additional information is not authorized by law
202 or agency rule, the agency, at the applicant's request, shall
203 proceed to process the permit application. An agency shall not
204 deny a license for failure to correct an error or omission or to
205 supply additional information unless the agency timely notified
206 the applicant within this 30-day period. An application shall be
207 considered complete upon receipt of all requested information
208 and correction of any error or omission for which the applicant
209 was timely notified or when the time for such notification has
210 expired. Every application for a license shall be approved or
211 denied within 90 days after receipt of a completed application
212 unless a shorter period of time for agency action is provided by
213 law. The 90-day time period shall be tolled by the initiation of
214 a proceeding under ss. 120.569 and 120.57. Any application for a
215 license that is not approved or denied within the 90-day or
216 shorter time period, within 15 days after conclusion of a public
217 hearing held on the application, or within 45 days after a
218 recommended order is submitted to the agency and the parties,
219 whichever action and timeframe is latest and applicable, is
220 considered approved unless the recommended order recommends that
221 the agency deny the license. Subject to the satisfactory
222 completion of an examination if required as a prerequisite to
223 licensure, any license that is considered approved shall be

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224 issued and may include such reasonable conditions as are
225 authorized by law. Any applicant for licensure seeking to claim
226 licensure by default under this subsection shall notify the
227 agency clerk of the licensing agency, in writing, of the intent
228 to rely upon the default license provision of this subsection,
229 and shall not take any action based upon the default license
230 until after receipt of such notice by the agency clerk.

231 Section 4. Section 125.022, Florida Statutes, is amended
232 to read:

233 125.022 Development permits.--When a county denies an
234 application for a development permit, the county shall give
235 written notice to the applicant. The notice must include a
236 citation to the applicable portions of an ordinance, rule,
237 statute, or other legal authority for the denial of the permit.
238 As used in this section, the term "development permit" has the
239 same meaning as in s. 163.3164. A county may not require as a
240 condition of approval for a development permit that an applicant
241 obtain a permit or approval from any other state or federal
242 agency. Issuance of a development permit by a county does not in
243 any way create any rights on the part of an applicant to obtain
244 a permit from another state or federal agency and does not
245 create any liability on the part of the county for issuance of
246 the permit in the event that an applicant fails to fulfill its
247 legal obligations to obtain requisite approvals or fulfill the
248 obligations imposed by other state or federal agencies. A county
249 may attach such a disclaimer to the issuance of development
250 permits. This section shall not be construed to prohibit a

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251 county from providing information to an applicant regarding what
252 other state or federal permits may be applicable.

253 Section 5. Section 161.032, Florida Statutes, is created
254 to read:

255 161.032 Application review; request for additional
256 information.--

257 (1) Within 30 days after receipt of an application for a
258 permit under this part, the department shall review the
259 application and shall request submission of any additional
260 information the department is permitted by law to require. If
261 the applicant believes a request for additional information is
262 not authorized by law or rule, the applicant may request a
263 hearing pursuant to s. 120.57. Within 30 days after receipt of
264 such additional information, the department shall review such
265 additional information and may request only that information
266 needed to clarify such additional information or to answer new
267 questions raised by or directly related to such additional
268 information. If the applicant believes the request for such
269 additional information by the department is not authorized by
270 law or rule, the department, at the applicant's request, shall
271 proceed to process the permit application.

272 (2) Notwithstanding the provisions of s. 120.60, an
273 applicant for a permit under this part shall have 90 days after
274 the date of a timely request for additional information to
275 submit such information. If an applicant requires more than 90
276 days to respond to a request for additional information, the
277 applicant must notify the agency processing the permit
278 application in writing of the circumstances, at which time the

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279 application shall be held in active status for no more than one
280 additional period of up to 90 days. Such extensions may be
281 granted for good cause shown by the applicant. A showing that
282 the applicant is making a diligent effort to obtain the
283 requested additional information shall constitute good cause.
284 Failure of an applicant to provide the timely requested
285 information by the applicable deadline shall result in denial of
286 the application without prejudice.

287 Section 6. Section 166.033, Florida Statutes, is amended
288 to read:

289 166.033 Development permits.--When a municipality denies
290 an application for a development permit, the municipality shall
291 give written notice to the applicant. The notice must include a
292 citation to the applicable portions of an ordinance, rule,
293 statute, or other legal authority for the denial of the permit.
294 As used in this section, the term "development permit" has the
295 same meaning as in s. 163.3164. A municipality may not require
296 as a condition of approval for a development permit that an
297 applicant obtain a permit or approval from any other state or
298 federal agency. Issuance of a development permit by a
299 municipality does not in any way create any right on the part of
300 an applicant to obtain a permit from another state or federal
301 agency and does not create any liability on the part of the
302 municipality for issuance of the permit in the event that an
303 applicant fails to fulfill its legal obligations to obtain
304 requisite approvals or fulfill the obligations imposed by other
305 state or federal agencies. A municipality may attach such a
306 disclaimer to the issuance of development permits. This section

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307 shall not be construed to prohibit a municipality from providing
308 information to an applicant regarding what other state or
309 federal permits may be applicable.

310 Section 7. Subsection (13) of section 253.034, Florida
311 Statutes, is amended to read:

312 253.034 State-owned lands; uses.--

313 (13) The deposition of dredged material on state-owned
314 submerged lands for the purpose of restoring previously dredged
315 holes to natural conditions shall be conducted in such a manner
316 as to maximize environmental benefits. In such cases, the
317 dredged material shall be placed in the dredge hole at an
318 elevation consistent with the surrounding area to allow light
319 penetration so as to maximize propagation of native vegetation.
320 When available dredged material is of insufficient quantity to
321 raise the entire dredge hole to prior natural elevations, then
322 placement shall be limited to a portion of the dredge hole where
323 elevations can be restored to natural elevations ~~Notwithstanding~~
324 ~~the provisions of this section, funds from the sale of property~~
325 ~~by the Department of Highway Safety and Motor Vehicles located~~
326 ~~in Palm Beach County are authorized to be deposited into the~~
327 ~~Highway Safety Operating Trust Fund to facilitate the exchange~~
328 ~~as provided in the General Appropriations Act, provided that at~~
329 ~~the conclusion of both exchanges the values are equalized. This~~
330 ~~subsection expires July 1, 2009.~~

331 Section 8. Paragraph (e) of subsection (3) of section
332 258.42, Florida Statutes, is amended to read:

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333 258.42 Maintenance of preserves.--The Board of Trustees of
334 the Internal Improvement Trust Fund shall maintain such aquatic
335 preserves subject to the following provisions:

336 (3)

337 (e) There shall be no erection of structures within the
338 preserve, except:

339 1. Private residential docks may be approved for
340 reasonable ingress or egress of riparian owners. Slips located
341 at private residential single-family docks that contain boat
342 lifts or davits which do not float in the water when loaded may
343 be roofed, but may not be in whole or in part enclosed with
344 walls, provided that the roof shall not overhang more than 1-
345 foot beyond the footprint of the boat lift. Such roofs shall not
346 be considered to be part of the square-footage calculations of
347 the terminal platform.

348 2. Private residential multislip docks may be approved if
349 located within a reasonable distance of a publicly maintained
350 navigation channel, or a natural channel of adequate depth and
351 width to allow operation of the watercraft for which the docking
352 facility is designed without the craft having an adverse impact
353 on marine resources. The distance shall be determined in
354 accordance with criteria established by the trustees by rule,
355 based on a consideration of the depth of the water, nature and
356 condition of bottom, and presence of manatees.

357 3. Commercial docking facilities shown to be consistent
358 with the use or management criteria of the preserve may be
359 approved if the facilities are located within a reasonable
360 distance of a publicly maintained navigation channel, or a

361 natural channel of adequate depth and width to allow operation
 362 of the watercraft for which the docking facility is designed
 363 without the craft having an adverse impact on marine resources.
 364 The distance shall be determined in accordance with criteria
 365 established by the trustees by rule, based on a consideration of
 366 the depth of the water, nature and condition of bottom, and
 367 presence of manatees.

368 4. Structures for shore protection, including restoration
 369 of seawalls at their previous location or upland of or within 18
 370 inches waterward of their previous location, approved
 371 navigational aids, or public utility crossings authorized under
 372 paragraph (a) may be approved.

373
 374 No structure under this paragraph or chapter 253 shall be
 375 prohibited solely because the local government fails to adopt a
 376 marina plan or other policies dealing with the siting of such
 377 structures in its local comprehensive plan.

378 Section 9. Subsection (10) is added to section 373.026,
 379 Florida Statutes, to read:

380 373.026 General powers and duties of the department.--The
 381 department, or its successor agency, shall be responsible for
 382 the administration of this chapter at the state level. However,
 383 it is the policy of the state that, to the greatest extent
 384 possible, the department may enter into interagency or
 385 interlocal agreements with any other state agency, any water
 386 management district, or any local government conducting programs
 387 related to or materially affecting the water resources of the
 388 state. All such agreements shall be subject to the provisions of

389 s. 373.046. In addition to its other powers and duties, the
 390 department shall, to the greatest extent possible:

391 (10) Expand the use of Internet-based self-certification
 392 services for appropriate exemptions and general permits issued
 393 by the department and the water management districts. In
 394 addition to expanding the use of Internet-based self-
 395 certification services for appropriate exemptions and general
 396 permits, the department and water management districts shall
 397 identify and develop general permits for activities currently
 398 requiring individual review that could be expedited through the
 399 use of professional certification.

400 Section 10. Paragraph (a) of subsection (4) of section
 401 373.079, Florida Statutes, is amended to read:

402 373.079 Members of governing board; oath of office;
 403 staff.--

404 (4) (a) The governing board of the district is authorized
 405 to employ an executive director, ombudsman, and such engineers,
 406 other professional persons, and other personnel and assistants
 407 as it deems necessary and under such terms and conditions as it
 408 may determine and to terminate such employment. The appointment
 409 of an executive director by the governing board is subject to
 410 approval by the Governor and must be initially confirmed by the
 411 Florida Senate. The governing board may delegate all or part of
 412 its authority under this paragraph to the executive director.
 413 However, the governing board shall delegate all of its authority
 414 to take final action on permit applications under part II or
 415 part IV, or petitions for variances or waivers of permitting
 416 requirements under part II or part IV, except as provided under

417 ss. 373.083(5) and 373.118(4). This delegation shall not be
 418 subject to the rulemaking requirements of chapter 120. The
 419 executive director must be confirmed by the Senate upon
 420 employment and must be confirmed or reconfirmed by the Senate
 421 during the second regular session of the Legislature following a
 422 gubernatorial election.

423 Section 11. Subsection (5) of section 373.083, Florida
 424 Statutes, is amended to read:

425 373.083 General powers and duties of the governing
 426 board.--In addition to other powers and duties allowed it by
 427 law, the governing board is authorized to:

428 (5) Execute any of the powers, duties, and functions
 429 vested in the governing board through a member or members
 430 thereof, the executive director, or other district staff as
 431 designated by the governing board. The governing board may
 432 establish the scope and terms of any delegation. ~~However, if~~ The
 433 governing board shall delegate to the executive director
 434 ~~delegates~~ the authority to take final action on permit
 435 applications under part II or part IV, or petitions for
 436 variances or waivers of permitting requirements under part II or
 437 part IV, and such delegation shall not be subject to the
 438 rulemaking requirements of chapter 120. ~~However,~~ the governing
 439 board shall provide a process for referring any denial of such
 440 application or petition to the governing board to take final
 441 action. Such process shall expressly prohibit any member of a
 442 governing board from intervening in the review of an application
 443 prior to the application being referred to the governing board
 444 to final action. The authority in this subsection is

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445 supplemental to any other provision of this chapter granting
446 authority to the governing board to delegate specific powers,
447 duties, or functions.

448 Section 12. Subsection (4) of section 373.118, Florida
449 Statutes, is amended to read:

450 373.118 General permits; delegation.--

451 (4) To provide for greater efficiency, the governing board
452 shall ~~may~~ delegate ~~by rule~~ its powers and duties pertaining to
453 general permits to the executive director and such delegation
454 shall not be subject to the rulemaking requirements of chapter
455 120. The executive director may execute such delegated authority
456 through designated staff. However, when delegating the authority
457 to take final action on permit applications under part II or
458 part IV or petitions for variances or waivers of permitting
459 requirements under part II or part IV, the governing board shall
460 provide a process for referring any denial of such application
461 or petition to the governing board to take such final action.

462 Section 13. Subsection (6) is added to section 373.236,
463 Florida Statutes, to read:

464 373.236 Duration of permits; compliance reports.--

465 (6) (a) The Legislature finds that the need for alternative
466 water supply development projects to meet anticipated public
467 water supply demands of the state is such that it is essential
468 to encourage participation in and contribution to such projects
469 by private rural landowners who characteristically have
470 relatively modest near-term water demands but substantially
471 increasing demands after the 20-year planning period provided in
472 s. 373.0361. Therefore, where such landowners make extraordinary

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473 contributions of lands or construction funding to enable the
474 expeditious implementation of such projects, water management
475 districts and the department are authorized to grant permits for
476 such projects for a period of up to 50 years to municipalities,
477 counties, special districts, regional water supply authorities,
478 multijurisdictional water supply entities, and publicly or
479 privately owned utilities created for or by the private
480 landowners on or before April 1, 2009, which have entered into
481 an agreement with the private landowner for the purposes of more
482 efficiently pursuing alternative public water supply development
483 projects identified in a district's regional water supply plan
484 and meeting water demands of both the applicant and the
485 landowner.

486 (b) Any permit granted pursuant to paragraph (a) shall be
487 granted only for that period of time for which there is
488 sufficient data to provide reasonable assurance that the
489 conditions for permit issuance will be met. Such a permit shall
490 require a compliance report by the permittee every 5 years
491 during the term of the permit. The report shall contain
492 sufficient data to maintain reasonable assurance that the
493 conditions for permit issuance applicable at the time of
494 district review of the compliance report are met. Following
495 review of the report, the governing board or the department may
496 modify the permit to ensure that the use meets the conditions
497 for issuance. This subsection shall not limit the existing
498 authority of the department or the governing board to modify or
499 revoke a consumptive use permit.

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500 Section 14. Subsection (12) is added to section 373.406,
 501 Florida Statutes, to read:

502 373.406 Exemptions.--The following exemptions shall apply:

503 (12) (a) Construction of public use facilities in
 504 accordance with Florida Communities Trust grant-approved
 505 projects on county-owned natural lands. Such facilities may
 506 include a parking lot, including an access road, not to exceed a
 507 total size of 0.7 acres that is located entirely in uplands;
 508 pile-supported boardwalks having a maximum width of 6 feet, with
 509 exceptions for ADA compliance; and pile-supported observation
 510 platforms, each of which shall not exceed 120 square feet in
 511 size.

512 (b) Fill shall not be placed in, on, or over wetlands or
 513 other surface waters except pilings for boardwalks and
 514 observation platforms, all of which structures located in, on,
 515 or over wetlands and other surface waters shall be sited,
 516 constructed, and elevated to minimize adverse impacts to native
 517 vegetation and shall be limited to a combined over-water surface
 518 area not to exceed 0.5 acres. All stormwater flow from roads,
 519 parking areas, and trails shall sheet flow into uplands, and the
 520 use of pervious pavement is encouraged.

521 Section 15. Section 373.4061, Florida Statutes, is created
 522 to read:

523 373.4061 Noticed general permit to counties for
 524 environmental restoration activities.--

525 (1) A general permit is granted to counties to construct,
 526 operate, alter, maintain, or remove systems for the purposes of
 527 environmental restoration or water quality improvements, subject

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528 to the limitations and conditions of this section.

529 (2) The following restoration activities are authorized by
530 this general permit:

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

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

540 (c) Placement of riprap within 10 feet waterward of an
541 existing seawall or bulkhead and backfilling of the area between
542 the riprap and seawall or bulkhead with clean fill for the sole
543 purpose of planting mangroves and *Spartina sp.*, provided that
544 seagrass, coral, sponge, and other protected marine communities
545 are not adversely affected;

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

549 (e) Backfilling of existing dredge holes that are at least
550 5 feet deeper than surrounding natural grades to an intertidal
551 elevation if doing so provides a regional net environmental
552 benefit or, at a minimum, to an elevation at which light
553 penetration is expected to allow for seagrass recruitment, with
554 no more than minimum displacement of highly organic sediments;
555 and

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

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

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

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

566 (c) The project may not be considered as mitigation for
567 any other project;

568 (d) Activities in tidal waters are limited to those
569 waterbodies given priority restoration status pursuant to s.
570 373.453(1)(c); and

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

576 (4) This general permit shall be subject to the following
577 specific conditions:

578 (a) A project under this general permit shall not
579 significantly impede navigation or unreasonably infringe upon
580 the riparian rights of others. When a court of competent
581 jurisdiction determines that riparian rights have been
582 unlawfully affected, the structure or activity shall be modified
583 in accordance with the court's decision;

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

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

589 (d) Fill material used to backfill dredge holes or seawall
590 planter areas shall be local, native material legally removed
591 from nearby submerged lands or shall be material brought to the
592 site, either of which shall comply with the standard of not more
593 than 10 percent of the material passing through a #200 standard
594 sieve and containing no more than 10 percent organic content,
595 and is free of contaminants that will cause violations of state
596 water quality standards;

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

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

604 (g) Structures shall be maintained in a functional
605 condition and shall be repaired or removed if they become
606 dilapidated to such an extent that they are no longer
607 functional. This shall not be construed to prohibit the repair
608 or replacement subject to the provisions of rule 18-21.005,
609 Florida Administrative Code within 1 year after a structure is
610 damaged in a discrete event such as a storm, flood, accident, or
611 fire;

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

615 (i) Construction, use, or operation of the structure or
616 activity shall not adversely affect any species that is
617 endangered, threatened or of special concern, as listed in rules
618 68A-27.003, 68A-27.004, and 68A-27.005, Florida Administrative
619 Code; and

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

624 (5) The district or department, as applicable, shall
625 provide written notification as to whether the proposed activity
626 qualifies for the general permit within 30 days after receipt of
627 written notice of a county's intent to use the general permit.
628 If the district or department notifies the county that the
629 system does not qualify for a noticed general permit due to an
630 error or omission in the original notice to the district or the
631 department, the county shall have 30 days from the date of the
632 notification to amend the notice to use the general permit and
633 submit such additional information to correct such error or
634 omission.

635 (6) This general permit constitutes a letter of consent by
636 the Board of Trustees of the Internal Improvement Trust Fund
637 under chapters 253 and 258, where applicable, and chapters 18-
638 18, 18-20, and 18-21, Florida Administrative Code, where
639 applicable, for the county to enter upon and use state-owned

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640 submerged lands to the extent necessary to complete the
641 activities. Activities conducted under this general permit do
642 not divest the state from the continued ownership of lands that
643 were state-owned, sovereign submerged lands prior to any use,
644 construction, or implementation of this general permit.

645 Section 16. Subsection (2) of section 373.4141, Florida
646 Statutes, is amended to read:

647 373.4141 Permits; processing.--

648 (2) Notwithstanding the provisions of s. 120.60, an
649 applicant for a permit under this part shall have 90 days after
650 the date of a timely request for additional information to
651 submit such information. If an applicant requires more than 120
652 days to respond to a request for additional information, the
653 applicant must notify the agency processing the permit
654 application in writing of the circumstances, at which time the
655 application shall be held in active status for no more than one
656 additional period of up to 90 days. Such extensions may be
657 granted for good cause shown by the applicant. A showing that
658 the applicant is making a diligent effort to obtain the
659 requested additional information shall constitute good cause.
660 Failure of an applicant to provide the timely requested
661 information by the applicable deadline shall result in denial of
662 the application without prejudice ~~A permit shall be approved or~~
663 ~~denied within 90 days after receipt of the original application,~~
664 ~~the last item of timely requested additional material, or the~~
665 ~~applicant's written request to begin processing the permit~~
666 ~~application.~~

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667 Section 17. Subsection (4) is added to section 373.441,
668 Florida Statutes, to read:

669 373.441 Role of counties, municipalities, and local
670 pollution control programs in permit processing.--

671 (4) Upon delegation to a qualified local government, the
672 department and water management district shall not regulate the
673 activities subject to the delegation within that jurisdiction
674 unless regulation is required pursuant to the terms of the
675 delegation agreement.

676 Section 18. Section 379.1051, Florida Statutes, is created
677 to read:

678 379.1051 Regulation by local governments.--The intent of
679 this section is to eliminate conflicts between the Fish and
680 Wildlife Conservation Commission and state agencies or local
681 governments relating to the regulation of wild animal life,
682 fresh water aquatic life, and marine fish. The Legislature
683 recognizes that s. 9, Art. IV of the State Constitution grants
684 the commission exclusive constitutional authority and
685 responsibility to exercise regulatory and executive powers of
686 the state with respect to wild animal life, fresh water aquatic
687 life, and marine fish. A state agency or other unit of
688 government may not adopt or implement regulations or ordinances
689 regulating the take, as defined by the commission, of wild
690 animal life, fresh water aquatic life, or marine fish unless
691 specifically authorized by the commission. Nor may any state
692 agency or other unit of local government impose any requirement
693 that has the effect of creating additional restrictions or
694 limitations upon activities conforming with commission rules,

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695 management plans, guidelines, permits, or other authorizations.
 696 Nothing in this section shall affect any voluntary agreement
 697 between a landowner and any state agency or other unit of
 698 government or limit the authority of local government as
 699 otherwise provided by law.

700 Section 19. Subsection (29) of section 403.061, Florida
 701 Statutes, is amended, subsection (40) is renumbered as section
 702 (43), and new subsections (40), (41), and (42) are added to that
 703 section, to read:

704 403.061 Department; powers and duties.--The department
 705 shall have the power and the duty to control and prohibit
 706 pollution of air and water in accordance with the law and rules
 707 adopted and promulgated by it and, for this purpose, to:

708 (29) Adopt by rule special criteria to protect Class II
 709 shellfish harvesting waters. Rules previously adopted by the
 710 department in rule 17-4.28(8)(a), Florida Administrative Code,
 711 are hereby ratified and determined to be a valid exercise of
 712 delegated legislative authority and shall remain in effect
 713 unless amended ~~by the Environmental Regulation Commission.~~ Such
 714 rules may include special criteria for approval of docking
 715 facilities with 10 or fewer slips where construction and
 716 operation of such facilities will not result in the closure of
 717 shellfish waters.

718 (40) Maintain a list of projects or activities, including
 719 mitigation banks, that applicants may consider when developing
 720 proposals to meet the mitigation or public interest requirements
 721 of this chapter, chapter 253, or chapter 373. The contents of
 722 such a list are not a rule as defined in chapter 120, and

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723 listing a specific project or activity does not imply approval
724 by the department for such project or activity. Each county
725 government is encouraged to develop an inventory of projects or
726 activities for inclusion on the list by obtaining input from
727 local stakeholder groups in the public, private, and nonprofit
728 sectors, including local governments, port authorities, marine
729 contractors, other representatives of the marine construction
730 industry, environmental or conservation organizations, and other
731 interested parties. A county may establish dedicated funds for
732 depositing public interest donations into a reserve for future
733 public interest projects, including improving on-water law
734 enforcement.

735 (41) Develop a project management plan to implement an e-
736 permitting program that allows for timely submission and
737 exchange of permit application and compliance information that
738 yields positive benefits in support of the department's mission,
739 permit applicants, permit holders, and the public. The plan shall
740 include an implementation timetable, estimated costs, and
741 transaction fees. The department shall submit the plan to the
742 President of the Senate, the Speaker of the House of
743 Representatives, and the Legislative Committee on
744 Intergovernmental Relations by January 15, 2010.

745 (42) Expand the use of online self-certification for
746 appropriate exemptions and general permits issued by the
747 department and the water management districts. Notwithstanding
748 any other provision of law, a local government is prohibited
749 from specifying the method or form of documentation that a
750 project meets the provisions for authorization under chapter

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751 161, chapter 253, chapter 373, or chapter 403. This shall
 752 include Internet-based programs of the department or water
 753 management district that provide for self-certification.

754
 755 The department shall implement such programs in conjunction with
 756 its other powers and duties and shall place special emphasis on
 757 reducing and eliminating contamination that presents a threat to
 758 humans, animals or plants, or to the environment.

759 Section 20. Subsections (1) and (2) of section 403.813,
 760 Florida Statutes, as amended by section 52 of chapter 2009-21,
 761 Laws of Florida, are amended to read:

762 403.813 Permits issued at district centers; exceptions.--

763 (1) A permit is not required under this chapter, chapter
 764 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 765 chapter 25270, 1949, Laws of Florida, for activities associated
 766 with the following types of projects; however, except as
 767 otherwise provided in this subsection, ~~nothing in this~~
 768 subsection does not relieve ~~relieves~~ an applicant from any
 769 requirement to obtain permission to use or occupy lands owned by
 770 the Board of Trustees of the Internal Improvement Trust Fund or
 771 any water management district in its governmental or proprietary
 772 capacity or from complying with applicable local pollution
 773 control programs authorized under this chapter or other
 774 requirements of county and municipal governments:

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

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778 (b) The installation and repair of mooring pilings and
779 dolphins associated with private docking facilities or piers and
780 the installation of private docks, piers and recreational
781 docking facilities, or piers and recreational docking facilities
782 of local governmental entities when the local governmental
783 entity's activities will not take place in any manatee habitat,
784 any of which docks:

785 1. Has 500 square feet or less of over-water surface area
786 for a dock which is located in an area designated as Outstanding
787 Florida Waters or 1,000 square feet or less of over-water
788 surface area for a dock which is located in an area which is not
789 designated as Outstanding Florida Waters;

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

793 3. Shall not substantially impede the flow of water or
794 create a navigational hazard;

795 4. Is used for recreational, noncommercial activities
796 associated with the mooring or storage of boats and boat
797 paraphernalia; and

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

803

804 Nothing in this paragraph shall prohibit the department from
805 taking appropriate enforcement action pursuant to this chapter

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806 to abate or prohibit any activity otherwise exempt from
807 permitting pursuant to this paragraph if the department can
808 demonstrate that the exempted activity has caused water
809 pollution in violation of this chapter.

810 (c) The installation and maintenance to design
811 specifications of boat ramps on artificial bodies of water where
812 navigational access to the proposed ramp exists or the
813 installation of boat ramps open to the public in any waters of
814 the state where navigational access to the proposed ramp exists
815 and where the construction of the proposed ramp will be less
816 than 30 feet wide and will involve the removal of less than 25
817 cubic yards of material from the waters of the state, and the
818 maintenance to design specifications of such ramps; however, the
819 material to be removed shall be placed upon a self-contained
820 upland site so as to prevent the escape of the spoil material
821 into the waters of the state.

822 (d) The replacement or repair of existing docks and piers,
823 except that no fill material is to be used and provided that the
824 replacement or repaired dock or pier is in the same location and
825 of the same configuration and dimensions as the dock or pier
826 being replaced or repaired. This does not preclude the use of
827 different construction materials or minor deviations to allow
828 upgrades to current structural and design standards.

829 (e) The restoration of seawalls at their previous
830 locations or upland of, or within 1 foot waterward of, their
831 previous locations. However, this shall not affect the
832 permitting requirements of chapter 161, and department rules

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833 shall clearly indicate that this exception does not constitute
834 an exception from the permitting requirements of chapter 161.

835 (f) The performance of maintenance dredging of existing
836 manmade canals, channels, intake and discharge structures, and
837 previously dredged portions of natural water bodies within
838 drainage rights-of-way or drainage easements which have been
839 recorded in the public records of the county, where the spoil
840 material is to be removed and deposited on a self-contained,
841 upland spoil site which will prevent the escape of the spoil
842 material into the waters of the state, provided that no more
843 dredging is to be performed than is necessary to restore the
844 canals, channels, and intake and discharge structures, and
845 previously dredged portions of natural water bodies, to original
846 design specifications or configurations, provided that the work
847 is conducted in compliance with s. 379.2431(2)(d), provided that
848 no significant impacts occur to previously undisturbed natural
849 areas, and provided that control devices for return flow and
850 best management practices for erosion and sediment control are
851 utilized to prevent bank erosion and scouring and to prevent
852 turbidity, dredged material, and toxic or deleterious substances
853 from discharging into adjacent waters during maintenance
854 dredging. Further, for maintenance dredging of previously
855 dredged portions of natural water bodies within recorded
856 drainage rights-of-way or drainage easements, an entity that
857 seeks an exemption must notify the department or water
858 management district, as applicable, at least 30 days prior to
859 dredging and provide documentation of original design
860 specifications or configurations where such exist. This

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861 exemption applies to all canals and previously dredged portions
862 of natural water bodies within recorded drainage rights-of-way
863 or drainage easements constructed prior to April 3, 1970, and to
864 those canals and previously dredged portions of natural water
865 bodies constructed on or after April 3, 1970, pursuant to all
866 necessary state permits. This exemption does not apply to the
867 removal of a natural or manmade barrier separating a canal or
868 canal system from adjacent waters. When no previous permit has
869 been issued by the Board of Trustees of the Internal Improvement
870 Trust Fund or the United States Army Corps of Engineers for
871 construction or maintenance dredging of the existing manmade
872 canal or intake or discharge structure, such maintenance
873 dredging shall be limited to a depth of no more than 5 feet
874 below mean low water. The Board of Trustees of the Internal
875 Improvement Trust Fund may fix and recover from the permittee an
876 amount equal to the difference between the fair market value and
877 the actual cost of the maintenance dredging for material removed
878 during such maintenance dredging. However, no charge shall be
879 exacted by the state for material removed during such
880 maintenance dredging by a public port authority. The removing
881 party may subsequently sell such material; however, proceeds
882 from such sale that exceed the costs of maintenance dredging
883 shall be remitted to the state and deposited in the Internal
884 Improvement Trust Fund.

885 (g) The maintenance of existing insect control structures,
886 dikes, and irrigation and drainage ditches, provided that spoil
887 material is deposited on a self-contained, upland spoil site
888 which will prevent the escape of the spoil material into waters

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889 of the state. In the case of insect control structures, if the
890 cost of using a self-contained upland spoil site is so
891 excessive, as determined by the Department of Health, pursuant
892 to s. 403.088(1), that it will inhibit proposed insect control,
893 then-existing spoil sites or dikes may be used, upon
894 notification to the department. In the case of insect control
895 where upland spoil sites are not used pursuant to this
896 exemption, turbidity control devices shall be used to confine
897 the spoil material discharge to that area previously disturbed
898 when the receiving body of water is used as a potable water
899 supply, is designated as shellfish harvesting waters, or
900 functions as a habitat for commercially or recreationally
901 important shellfish or finfish. In all cases, no more dredging
902 is to be performed than is necessary to restore the dike or
903 irrigation or drainage ditch to its original design
904 specifications.

905 (h) The repair or replacement of existing functional pipes
906 or culverts the purpose of which is the discharge or conveyance
907 of stormwater. In all cases, the invert elevation, the diameter,
908 and the length of the culvert shall not be changed. However, the
909 material used for the culvert may be different from the
910 original.

911 (i) The construction of private docks of 1,000 square feet
912 or less of over-water surface area and seawalls in artificially
913 created waterways where such construction will not violate
914 existing water quality standards, impede navigation, or affect
915 flood control. This exemption does not apply to the construction
916 of vertical seawalls in estuaries or lagoons unless the proposed

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917 construction is within an existing manmade canal where the
918 shoreline is currently occupied in whole or part by vertical
919 seawalls.

920 (j) The construction and maintenance of swales.

921 (k) The installation of aids to navigation and buoys
922 associated with such aids, provided the devices are marked
923 pursuant to s. 327.40.

924 (l) The replacement or repair of existing open-trestle
925 foot bridges and vehicular bridges that are 100 feet or less in
926 length and two lanes or less in width, provided that no more
927 dredging or filling of submerged lands is performed other than
928 that which is necessary to replace or repair pilings and that
929 the structure to be replaced or repaired is the same length, the
930 same configuration, and in the same location as the original
931 bridge. No debris from the original bridge shall be allowed to
932 remain in the waters of the state.

933 (m) The installation of subaqueous transmission and
934 distribution lines laid on, or embedded in, the bottoms of
935 waters in the state, except in Class I and Class II waters and
936 aquatic preserves, provided no dredging or filling is necessary.

937 (n) The replacement or repair of subaqueous transmission
938 and distribution lines laid on, or embedded in, the bottoms of
939 waters of the state.

940 (o) The construction of private seawalls in wetlands or
941 other surface waters where such construction is between and
942 adjoins at both ends existing seawalls; follows a continuous and
943 uniform seawall construction line with the existing seawalls; is
944 no more than 150 feet in length; and does not violate existing

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945 water quality standards, impede navigation, or affect flood
946 control. However, in estuaries and lagoons the construction of
947 vertical seawalls is limited to the circumstances and purposes
948 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
949 the permitting requirements of chapter 161, and department rules
950 must clearly indicate that this exception does not constitute an
951 exception from the permitting requirements of chapter 161.

952 (p) The restoration of existing insect control impoundment
953 dikes which are less than 100 feet in length. Such impoundments
954 shall be connected to tidally influenced waters for 6 months
955 each year beginning September 1 and ending February 28 if
956 feasible or operated in accordance with an impoundment
957 management plan approved by the department. A dike restoration
958 may involve no more dredging than is necessary to restore the
959 dike to its original design specifications. For the purposes of
960 this paragraph, restoration does not include maintenance of
961 impoundment dikes of operating insect control impoundments.

962 (q) The construction, operation, or maintenance of
963 stormwater management facilities which are designed to serve
964 single-family residential projects, including duplexes,
965 triplexes, and quadruplexes, if they are less than 10 acres
966 total land and have less than 2 acres of impervious surface and
967 if the facilities:

968 1. Comply with all regulations or ordinances applicable to
969 stormwater management and adopted by a city or county;

970 2. Are not part of a larger common plan of development or
971 sale; and

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972 3. Discharge into a stormwater discharge facility exempted
973 or permitted by the department under this chapter which has
974 sufficient capacity and treatment capability as specified in
975 this chapter and is owned, maintained, or operated by a city,
976 county, special district with drainage responsibility, or water
977 management district; however, this exemption does not authorize
978 discharge to a facility without the facility owner's prior
979 written consent.

980 (r) The removal of aquatic plants, the removal of
981 tussocks, the associated replanting of indigenous aquatic
982 plants, and the associated removal from lakes of organic
983 detrital material when such planting or removal is performed and
984 authorized by permit or exemption granted under s. 369.20 or s.
985 369.25, provided that:

986 1. Organic detrital material that exists on the surface of
987 natural mineral substrate shall be allowed to be removed to a
988 depth of 3 feet or to the natural mineral substrate, whichever
989 is less;

990 2. All material removed pursuant to this paragraph shall
991 be deposited in an upland site in a manner that will prevent the
992 reintroduction of the material into waters in the state except
993 when spoil material is permitted to be used to create wildlife
994 islands in freshwater bodies of the state when a governmental
995 entity is permitted pursuant to s. 369.20 to create such islands
996 as a part of a restoration or enhancement project;

997 3. All activities are performed in a manner consistent
998 with state water quality standards; and

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999 4. No activities under this exemption are conducted in
 1000 wetland areas, as defined by s. 373.019(25), which are supported
 1001 by a natural soil as shown in applicable United States
 1002 Department of Agriculture county soil surveys, except when a
 1003 governmental entity is permitted pursuant to s. 369.20 to
 1004 conduct such activities as a part of a restoration or
 1005 enhancement project.

1006
 1007 The department may not adopt implementing rules for this
 1008 paragraph, notwithstanding any other provision of law.

1009 (s) The construction, installation, operation, or
 1010 maintenance of floating vessel platforms or floating boat lifts,
 1011 provided that such structures:

1012 1. Float at all times in the water for the sole purpose of
 1013 supporting a vessel so that the vessel is out of the water when
 1014 not in use;

1015 2. Are wholly contained within a boat slip previously
 1016 permitted under ss. 403.91-403.929, 1984 Supplement to the
 1017 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 1018 do not exceed a combined total of 500 square feet, or 200 square
 1019 feet in an Outstanding Florida Water, when associated with a
 1020 dock that is exempt under this subsection or associated with a
 1021 permitted dock with no defined boat slip or attached to a
 1022 bulkhead on a parcel of land where there is no other docking
 1023 structure;

1024 3. Are not used for any commercial purpose or for mooring
 1025 vessels that remain in the water when not in use, and do not
 1026 substantially impede the flow of water, create a navigational

1027 | hazard, or unreasonably infringe upon the riparian rights of
 1028 | adjacent property owners, as defined in s. 253.141;

1029 | 4. Are constructed and used so as to minimize adverse
 1030 | impacts to submerged lands, wetlands, shellfish areas, aquatic
 1031 | plant and animal species, and other biological communities,
 1032 | including locating such structures in areas where seagrasses are
 1033 | least dense adjacent to the dock or bulkhead; and

1034 | 5. Are not constructed in areas specifically prohibited
 1035 | for boat mooring under conditions of a permit issued in
 1036 | accordance with ss. 403.91-403.929, 1984 Supplement to the
 1037 | Florida Statutes 1983, as amended, or part IV of chapter 373, or
 1038 | other form of authorization issued by a local government.

1039 |
 1040 | Structures that qualify for this exemption are relieved from any
 1041 | requirement to obtain permission to use or occupy lands owned by
 1042 | the Board of Trustees of the Internal Improvement Trust Fund
 1043 | and, with the exception of those structures attached to a
 1044 | bulkhead on a parcel of land where there is no docking
 1045 | structure, shall not be subject to any more stringent permitting
 1046 | requirements, registration requirements, or other regulation by
 1047 | any local government. Local governments may require either
 1048 | permitting or one-time registration of floating vessel platforms
 1049 | to be attached to a bulkhead on a parcel of land where there is
 1050 | no other docking structure as necessary to ensure compliance
 1051 | with local ordinances, codes, or regulations. Local governments
 1052 | may require either permitting or one-time registration of all
 1053 | other floating vessel platforms as necessary to ensure
 1054 | compliance with the exemption criteria in this section; to

1055 ensure compliance with local ordinances, codes, or regulations
 1056 relating to building or zoning, which are no more stringent than
 1057 the exemption criteria in this section or address subjects other
 1058 than subjects addressed by the exemption criteria in this
 1059 section; and to ensure proper installation, maintenance, and
 1060 precautionary or evacuation action following a tropical storm or
 1061 hurricane watch of a floating vessel platform or floating boat
 1062 lift that is proposed to be attached to a bulkhead or parcel of
 1063 land where there is no other docking structure. The exemption
 1064 provided in this paragraph shall be in addition to the exemption
 1065 provided in paragraph (b). The department shall adopt a general
 1066 permit by rule for the construction, installation, operation, or
 1067 maintenance of those floating vessel platforms or floating boat
 1068 lifts that do not qualify for the exemption provided in this
 1069 paragraph but do not cause significant adverse impacts to occur
 1070 individually or cumulatively. The issuance of such general
 1071 permit shall also constitute permission to use or occupy lands
 1072 owned by the Board of Trustees of the Internal Improvement Trust
 1073 Fund. No local government shall impose a more stringent
 1074 regulation, permitting requirement, registration requirement, or
 1075 other regulation covered by such general permit. Local
 1076 governments may require either permitting or one-time
 1077 registration of floating vessel platforms as necessary to ensure
 1078 compliance with the general permit in this section; to ensure
 1079 compliance with local ordinances, codes, or regulations relating
 1080 to building or zoning that are no more stringent than the
 1081 general permit in this section; and to ensure proper
 1082 installation and maintenance of a floating vessel platform or

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1083 floating boat lift that is proposed to be attached to a bulkhead
 1084 or parcel of land where there is no other docking structure.

1085 (t) The repair, stabilization, or paving of existing
 1086 county maintained roads and the repair or replacement of bridges
 1087 that are part of the roadway, within the Northwest Florida Water
 1088 Management District and the Suwannee River Water Management
 1089 District, provided:

1090 1. The road and associated bridge were in existence and in
 1091 use as a public road or bridge, and were maintained by the
 1092 county as a public road or bridge on or before January 1, 2002;

1093 2. The construction activity does not realign the road or
 1094 expand the number of existing traffic lanes of the existing
 1095 road; however, the work may include the provision of safety
 1096 shoulders, clearance of vegetation, and other work reasonably
 1097 necessary to repair, stabilize, pave, or repave the road,
 1098 provided that the work is constructed by generally accepted
 1099 engineering standards;

1100 3. The construction activity does not expand the existing
 1101 width of an existing vehicular bridge in excess of that
 1102 reasonably necessary to properly connect the bridge with the
 1103 road being repaired, stabilized, paved, or repaved to safely
 1104 accommodate the traffic expected on the road, which may include
 1105 expanding the width of the bridge to match the existing
 1106 connected road. However, no debris from the original bridge
 1107 shall be allowed to remain in waters of the state, including
 1108 wetlands;

1109 4. Best management practices for erosion control shall be
 1110 employed as necessary to prevent water quality violations;

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1111 5. Roadside swales or other effective means of stormwater
1112 treatment must be incorporated as part of the project;

1113 6. No more dredging or filling of wetlands or water of the
1114 state is performed than that which is reasonably necessary to
1115 repair, stabilize, pave, or repave the road or to repair or
1116 replace the bridge, in accordance with generally accepted
1117 engineering standards; and

1118 7. Notice of intent to use the exemption is provided to
1119 the department, if the work is to be performed within the
1120 Northwest Florida Water Management District, or to the Suwannee
1121 River Water Management District, if the work is to be performed
1122 within the Suwannee River Water Management District, 30 days
1123 prior to performing any work under the exemption.

1124
1125 Within 30 days after this act becomes a law, the department
1126 shall initiate rulemaking to adopt a no fee general permit for
1127 the repair, stabilization, or paving of existing roads that are
1128 maintained by the county and the repair or replacement of
1129 bridges that are part of the roadway where such activities do
1130 not cause significant adverse impacts to occur individually or
1131 cumulatively. The general permit shall apply statewide and, with
1132 no additional rulemaking required, apply to qualified projects
1133 reviewed by the Suwannee River Water Management District, the
1134 St. Johns River Water Management District, the Southwest Florida
1135 Water Management District, and the South Florida Water
1136 Management District under the division of responsibilities
1137 contained in the operating agreements applicable to part IV of
1138 chapter 373. Upon adoption, this general permit shall, pursuant

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1139 to the provisions of subsection (2), supersede and replace the
 1140 exemption in this paragraph.

1141 (u) Notwithstanding any provision to the contrary in this
 1142 subsection, a permit or other authorization under chapter 253,
 1143 chapter 369, chapter 373, or this chapter is not required for an
 1144 individual residential property owner for the removal of organic
 1145 detrital material from freshwater rivers or lakes that have a
 1146 natural sand or rocky substrate and that are not Aquatic
 1147 Preserves or for the associated removal and replanting of
 1148 aquatic vegetation for the purpose of environmental enhancement,
 1149 providing that:

1150 1. No activities under this exemption are conducted in
 1151 wetland areas, as defined by s. 373.019(25), which are supported
 1152 by a natural soil as shown in applicable United States
 1153 Department of Agriculture county soil surveys.

1154 2. No filling or peat mining is allowed.

1155 3. No removal of native wetland trees, including, but not
 1156 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

1157 4. When removing organic detrital material, no portion of
 1158 the underlying natural mineral substrate or rocky substrate is
 1159 removed.

1160 5. Organic detrital material and plant material removed is
 1161 deposited in an upland site in a manner that will not cause
 1162 water quality violations.

1163 6. All activities are conducted in such a manner, and with
 1164 appropriate turbidity controls, so as to prevent any water
 1165 quality violations outside the immediate work area.

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1166 7. Replanting with a variety of aquatic plants native to
1167 the state shall occur in a minimum of 25 percent of the
1168 preexisting vegetated areas where organic detrital material is
1169 removed, except for areas where the material is removed to bare
1170 rocky substrate; however, an area may be maintained clear of
1171 vegetation as an access corridor. The access corridor width may
1172 not exceed 50 percent of the property owner's frontage or 50
1173 feet, whichever is less, and may be a sufficient length
1174 waterward to create a corridor to allow access for a boat or
1175 swimmer to reach open water. Replanting must be at a minimum
1176 density of 2 feet on center and be completed within 90 days
1177 after removal of existing aquatic vegetation, except that under
1178 dewatered conditions replanting must be completed within 90 days
1179 after reflooding. The area to be replanted must extend waterward
1180 from the ordinary high water line to a point where normal water
1181 depth would be 3 feet or the preexisting vegetation line,
1182 whichever is less. Individuals are required to make a reasonable
1183 effort to maintain planting density for a period of 6 months
1184 after replanting is complete, and the plants, including
1185 naturally recruited native aquatic plants, must be allowed to
1186 expand and fill in the revegetation area. Native aquatic plants
1187 to be used for revegetation must be salvaged from the
1188 enhancement project site or obtained from an aquatic plant
1189 nursery regulated by the Department of Agriculture and Consumer
1190 Services. Plants that are not native to the state may not be
1191 used for replanting.

1192 8. No activity occurs any farther than 100 feet waterward
1193 of the ordinary high water line, and all activities must be

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1194 designed and conducted in a manner that will not unreasonably
 1195 restrict or infringe upon the riparian rights of adjacent upland
 1196 riparian owners.

1197 9. The person seeking this exemption notifies the
 1198 applicable department district office in writing at least 30
 1199 days before commencing work and allows the department to conduct
 1200 a preconstruction site inspection. Notice must include an
 1201 organic-detrital-material removal and disposal plan and, if
 1202 applicable, a vegetation-removal and revegetation plan.

1203 10. The department is provided written certification of
 1204 compliance with the terms and conditions of this paragraph
 1205 within 30 days after completion of any activity occurring under
 1206 this exemption.

1207 (2) The provisions of subsection (1) are superseded by
 1208 general permits established pursuant to ss. 373.118 and 403.814
 1209 which include the same activities. Until such time as general
 1210 permits are established, or if should general permits are be
 1211 suspended or repealed, the exemptions under subsection (1) shall
 1212 remain or shall be reestablished in full force and effect.

1213 Section 21. Subsection (12) is added to section 403.814,
 1214 Florida Statutes, to read:

1215 403.814 General permits; delegation.--

1216 (12) The department shall expand the use of Internet-based
 1217 self-certification services for appropriate exemptions and
 1218 general permits issued by the department and water management
 1219 districts. In addition, the department shall identify and
 1220 develop general permits for activities currently requiring
 1221 individual review which could be expedited through the use of

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1222 professional certifications. The department shall submit a
 1223 report on progress of these efforts to the President of the
 1224 Senate and the Speaker of the House of Representatives by
 1225 January 15, 2010.

1226 Section 22. Section 403.973, Florida Statutes, is amended
 1227 to read:

1228 403.973 Expedited permitting; comprehensive plan
 1229 amendments.--

1230 (1) It is the intent of the Legislature to encourage and
 1231 facilitate the location and expansion of those types of economic
 1232 development projects which offer job creation and high wages,
 1233 strengthen and diversify the state's economy, and have been
 1234 thoughtfully planned to take into consideration the protection
 1235 of the state's environment. It is also the intent of the
 1236 Legislature to provide for an expedited permitting and
 1237 comprehensive plan amendment process for such projects.

1238 (2) As used in this section, the term:

1239 (a) "Duly noticed" means publication in a newspaper of
 1240 general circulation in the municipality or county with
 1241 jurisdiction. The notice shall appear on at least 2 separate
 1242 days, one of which shall be at least 7 days before the meeting.
 1243 The notice shall state the date, time, and place of the meeting
 1244 scheduled to discuss or enact the memorandum of agreement, and
 1245 the places within the municipality or county where such proposed
 1246 memorandum of agreement may be inspected by the public. The
 1247 notice must be one-eighth of a page in size and must be
 1248 published in a portion of the paper other than the legal notices
 1249 section. The notice shall also advise that interested parties

1250 may appear at the meeting and be heard with respect to the
 1251 memorandum of agreement.

1252 (b) "Jobs" means permanent, full-time equivalent positions
 1253 not including construction jobs.

1254 ~~(c) "Office" means the Office of Tourism, Trade, and~~
 1255 ~~Economic Development.~~

1256 (c) ~~(d)~~ "Permit applications" means state permits and
 1257 licenses, and at the option of a participating local government,
 1258 local development permits or orders.

1259 (d) "Secretary" means the Secretary of Environmental
 1260 Protection or his or her designee.

1261 (3) (a) The secretary ~~Governor, through the office,~~ shall
 1262 direct the creation of regional permit action teams, for the
 1263 purpose of expediting review of permit applications and local
 1264 comprehensive plan amendments submitted by:

- 1265 1. Businesses creating at least 50 ~~100~~ jobs, or
- 1266 2. Businesses creating at least 25 ~~50~~ jobs if the project
 1267 is located in an enterprise zone, or in a county having a
 1268 population of less than 75,000 or in a county having a
 1269 population of less than 100,000 which is contiguous to a county
 1270 having a population of less than 75,000, as determined by the
 1271 most recent decennial census, residing in incorporated and
 1272 unincorporated areas of the county, or

1273 (b) On a case-by-case basis and at the request of a county
 1274 or municipal government, the secretary ~~office~~ may certify as
 1275 eligible for expedited review a project not meeting the minimum
 1276 job creation thresholds but creating a minimum of 10 jobs. The
 1277 recommendation from the governing body of the county or

1278 municipality in which the project may be located is required in
 1279 order for the secretary ~~office~~ to certify that any project is
 1280 eligible for expedited review under this paragraph. When
 1281 considering projects that do not meet the minimum job creation
 1282 thresholds but that are recommended by the governing body in
 1283 which the project may be located, the secretary ~~office~~ shall
 1284 consider economic impact factors that include, but are not
 1285 limited to:

- 1286 1. The proposed wage and skill levels relative to those
- 1287 existing in the area in which the project may be located;
- 1288 2. The project's potential to diversify and strengthen the
- 1289 area's economy;
- 1290 3. The amount of capital investment; and
- 1291 4. The number of jobs that will be made available for
- 1292 persons served by the welfare transition program.

1293 (c) At the request of a county or municipal government,
 1294 the secretary ~~office~~ or a Quick Permitting County may certify
 1295 projects located in counties where the ratio of new jobs per
 1296 participant in the welfare transition program, as determined by
 1297 Workforce Florida, Inc., is less than one or otherwise critical,
 1298 as eligible for the expedited permitting process. Such projects
 1299 must meet the numerical job creation criteria of this
 1300 subsection, but the jobs created by the project do not have to
 1301 be high-wage jobs that diversify the state's economy.

1302 (d) Projects located in a designated brownfield area are
 1303 eligible for the expedited permitting process.

1304 (e) Projects that are part of the state-of-the-art
 1305 biomedical research institution and campus to be established in

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1306 | this state by the grantee under s. 288.955 are eligible for the
1307 | expedited permitting process, if the projects are designated as
1308 | part of the institution or campus by the board of county
1309 | commissioners of the county in which the institution and campus
1310 | are established.

1311 | (f) Projects that result in the production of biofuels
1312 | cultivated on lands that are 1,000 acres or more or the
1313 | construction of a biofuel or biodiesel processing facility or a
1314 | facility generating renewable energy as defined in s.
1315 | 366.91(2)(d) are eligible for the expedited permitting process.

1316 | (4) The regional teams shall be established through the
1317 | execution of memoranda of agreement developed by the applicant
1318 | and ~~between~~ the secretary, with input solicited from ~~office and~~
1319 | the respective heads of ~~the Department of Environmental~~
1320 | Protection, the Department of Community Affairs, the Department
1321 | of Transportation and its district offices, the Department of
1322 | Agriculture and Consumer Services, the Fish and Wildlife
1323 | Conservation Commission, appropriate regional planning councils,
1324 | appropriate water management districts, and voluntarily
1325 | participating municipalities and counties. The memoranda of
1326 | agreement should also accommodate participation in this
1327 | expedited process by other local governments and federal
1328 | agencies as circumstances warrant.

1329 | (5) In order to facilitate local government's option to
1330 | participate in this expedited review process, the secretary
1331 | office shall, in cooperation with local governments and
1332 | participating state agencies, create a standard form memorandum
1333 | of agreement. A local government shall hold a duly noticed

1334 public workshop to review and explain to the public the
 1335 expedited permitting process and the terms and conditions of the
 1336 standard form memorandum of agreement.

1337 (6) The local government shall hold a duly noticed public
 1338 hearing to execute a memorandum of agreement for each qualified
 1339 project. Notwithstanding any other provision of law, and at the
 1340 option of the local government, the workshop provided for in
 1341 subsection (5) may be conducted on the same date as the public
 1342 hearing held under this subsection. The memorandum of agreement
 1343 that a local government signs shall include a provision
 1344 identifying necessary local government procedures and time
 1345 limits that will be modified to allow for the local government
 1346 decision on the project within 90 days. The memorandum of
 1347 agreement applies to projects, on a case-by-case basis, that
 1348 qualify for special review and approval as specified in this
 1349 section. The memorandum of agreement must make it clear that
 1350 this expedited permitting and review process does not modify,
 1351 qualify, or otherwise alter existing local government
 1352 nonprocedural standards for permit applications, unless
 1353 expressly authorized by law.

1354 (7) ~~At the option of the participating local government,~~
 1355 Appeals of local government approvals ~~its final approval~~ for a
 1356 project shall ~~may~~ be pursuant to the summary hearing provisions
 1357 of s. 120.574, pursuant to subsection (14), and be consolidated
 1358 with the challenge of any applicable state agency actions ~~or~~
 1359 ~~pursuant to other appellate processes available to the local~~
 1360 ~~government. The local government's decision to enter into a~~

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1361 ~~summary hearing must be made as provided in s. 120.574 or in the~~
1362 ~~memorandum of agreement.~~

1363 (8) Each memorandum of agreement shall include a process
1364 for final agency action on permit applications and local
1365 comprehensive plan amendment approvals within 90 days after
1366 receipt of a completed application, unless the applicant agrees
1367 to a longer time period or the secretary ~~office~~ determines that
1368 unforeseen or uncontrollable circumstances preclude final agency
1369 action within the 90-day timeframe. Permit applications governed
1370 by federally delegated or approved permitting programs whose
1371 requirements would prohibit or be inconsistent with the 90-day
1372 timeframe are exempt from this provision, but must be processed
1373 by the agency with federally delegated or approved program
1374 responsibility as expeditiously as possible.

1375 (9) The secretary ~~office~~ shall inform the Legislature by
1376 October 1 of each year which agencies have not entered into or
1377 implemented an agreement and identify any barriers to achieving
1378 success of the program.

1379 (10) The memoranda of agreement may provide for the waiver
1380 or modification of procedural rules prescribing forms, fees,
1381 procedures, or time limits for the review or processing of
1382 permit applications under the jurisdiction of those agencies
1383 that are party to the memoranda of agreement. Notwithstanding
1384 any other provision of law to the contrary, a memorandum of
1385 agreement must to the extent feasible provide for proceedings
1386 and hearings otherwise held separately by the parties to the
1387 memorandum of agreement to be combined into one proceeding or
1388 held jointly and at one location. Such waivers or modifications

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1389 shall not be available for permit applications governed by
1390 federally delegated or approved permitting programs, the
1391 requirements of which would prohibit, or be inconsistent with,
1392 such a waiver or modification.

1393 (11) The standard form memoranda of agreement shall
1394 include guidelines to be used in working with state, regional,
1395 and local permitting authorities. Guidelines may include, but
1396 are not limited to, the following:

1397 (a) A central contact point for filing permit applications
1398 and local comprehensive plan amendments and for obtaining
1399 information on permit and local comprehensive plan amendment
1400 requirements;

1401 (b) Identification of the individual or individuals within
1402 each respective agency who will be responsible for processing
1403 the expedited permit application or local comprehensive plan
1404 amendment for that agency;

1405 (c) A mandatory preapplication review process to reduce
1406 permitting conflicts by providing guidance to applicants
1407 regarding the permits needed from each agency and governmental
1408 entity, site planning and development, site suitability and
1409 limitations, facility design, and steps the applicant can take
1410 to ensure expeditious permit application and local comprehensive
1411 plan amendment review. As a part of this process, the first
1412 interagency meeting to discuss a project shall be held within 14
1413 days after the secretary's ~~office's~~ determination that the
1414 project is eligible for expedited review. Subsequent interagency
1415 meetings may be scheduled to accommodate the needs of
1416 participating local governments that are unable to meet public

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1417 notice requirements for executing a memorandum of agreement
1418 within this timeframe. This accommodation may not exceed 45 days
1419 from the secretary's ~~office's~~ determination that the project is
1420 eligible for expedited review;

1421 (d) The preparation of a single coordinated project
1422 description form and checklist and an agreement by state and
1423 regional agencies to reduce the burden on an applicant to
1424 provide duplicate information to multiple agencies;

1425 (e) Establishment of a process for the adoption and review
1426 of any comprehensive plan amendment needed by any certified
1427 project within 90 days after the submission of an application
1428 for a comprehensive plan amendment. However, the memorandum of
1429 agreement may not prevent affected persons as defined in s.
1430 163.3184 from appealing or participating in this expedited plan
1431 amendment process and any review or appeals of decisions made
1432 under this paragraph; and

1433 (f) Additional incentives for an applicant who proposes a
1434 project that provides a net ecosystem benefit.

1435 (12) The applicant, the regional permit action team, and
1436 participating local governments may agree to incorporate into a
1437 single document the permits, licenses, and approvals that are
1438 obtained through the expedited permit process. This consolidated
1439 permit is subject to the summary hearing provisions set forth in
1440 subsection (14).

1441 (13) Notwithstanding any other provisions of law:

1442 (a) Local comprehensive plan amendments for projects
1443 qualified under this section are exempt from the twice-a-year
1444 limits provision in s. 163.3187; and

1445 (b) Projects qualified under this section are not subject
 1446 to interstate highway level-of-service standards adopted by the
 1447 Department of Transportation for concurrency purposes. The
 1448 memorandum of agreement specified in subsection (5) must include
 1449 a process by which the applicant will be assessed a fair share
 1450 of the cost of mitigating the project's significant traffic
 1451 impacts, as defined in chapter 380 and related rules. The
 1452 agreement must also specify whether the significant traffic
 1453 impacts on the interstate system will be mitigated through the
 1454 implementation of a project or payment of funds to the
 1455 Department of Transportation. Where funds are paid, the
 1456 Department of Transportation must include in the 5-year work
 1457 program transportation projects or project phases, in an amount
 1458 equal to the funds received, to mitigate the traffic impacts
 1459 associated with the proposed project.

1460 (14) (a) Challenges to state agency action in the expedited
 1461 permitting process for projects processed under this section are
 1462 subject to the summary hearing provisions of s. 120.574, except
 1463 that the administrative law judge's decision, as provided in s.
 1464 120.574(2) (f), shall be in the form of a recommended order and
 1465 shall not constitute the final action of the state agency. In
 1466 those proceedings where the action of only one agency of the
 1467 state other than the Department of Environmental Protection is
 1468 challenged, the agency of the state shall issue the final order
 1469 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
 1470 law judge's recommended order. The recommended order shall
 1471 inform the parties of the right to file exceptions to the
 1472 recommended order and to file responses thereto in accordance

1473 with the Uniform Rules of Procedure. In those proceedings where
 1474 the actions of more than one agency of the state are challenged,
 1475 the Governor shall issue the final order, except for the
 1476 issuance of department licenses required under any federally
 1477 delegated or approved permit program for which the department
 1478 shall enter the final order, within 45 ~~10~~ working days after ~~of~~
 1479 receipt of the administrative law judge's recommended order. The
 1480 recommended order shall inform the parties of the right to file
 1481 exceptions to the recommended order and to file responses
 1482 thereto in accordance with the Uniform Rules of Procedure. The
 1483 participating agencies of the state may opt at the preliminary
 1484 hearing conference to allow the administrative law judge's
 1485 decision to constitute the final agency action. If a
 1486 participating local government agrees to participate in the
 1487 summary hearing provisions of s. 120.574 for purposes of review
 1488 of local government comprehensive plan amendments, s.
 1489 163.3184(9) and (10) apply.

1490 (b) Challenges to state agency action in the expedited
 1491 permitting process for establishment of a state-of-the-art
 1492 biomedical research institution and campus in this state by the
 1493 grantee under s. 288.955 or projects identified in paragraph
 1494 (3)(f) are subject to the same requirements as challenges
 1495 brought under paragraph (a), except that, notwithstanding s.
 1496 120.574, summary proceedings must be conducted within 30 days
 1497 after a party files the motion for summary hearing, regardless
 1498 of whether the parties agree to the summary proceeding.

1499 (15) The secretary ~~office,~~ working with the agencies
 1500 providing cooperative assistance and input to ~~participating in~~

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1501 the memoranda of agreement, shall review sites proposed for the
 1502 location of facilities eligible for the Innovation Incentive
 1503 Program under s. 288.1089. Within 20 days after the request for
 1504 the review by the secretary ~~office~~, the agencies shall provide
 1505 to the secretary ~~office~~ a statement as to each site's necessary
 1506 permits under local, state, and federal law and an
 1507 identification of significant permitting issues, which if
 1508 unresolved, may result in the denial of an agency permit or
 1509 approval or any significant delay caused by the permitting
 1510 process.

1511 (16) This expedited permitting process shall not modify,
 1512 qualify, or otherwise alter existing agency nonprocedural
 1513 standards for permit applications or local comprehensive plan
 1514 amendments, unless expressly authorized by law. If it is
 1515 determined that the applicant is not eligible to use this
 1516 process, the applicant may apply for permitting of the project
 1517 through the normal permitting processes.

1518 (17) The secretary ~~office~~ shall be responsible for
 1519 certifying a business as eligible for undergoing expedited
 1520 review under this section. Enterprise Florida, Inc., a county or
 1521 municipal government, or the Rural Economic Development
 1522 Initiative may recommend to the secretary ~~Office of Tourism,~~
 1523 ~~Trade, and Economic Development~~ that a project meeting the
 1524 minimum job creation threshold undergo expedited review.

1525 (18) The secretary ~~office~~, working with the Rural Economic
 1526 Development Initiative and the agencies participating in the
 1527 memoranda of agreement, shall provide technical assistance in
 1528 preparing permit applications and local comprehensive plan

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1529 amendments for counties having a population of less than 75,000
 1530 residents, or counties having fewer than 100,000 residents which
 1531 are contiguous to counties having fewer than 75,000 residents.
 1532 Additional assistance may include, but not be limited to,
 1533 guidance in land development regulations and permitting
 1534 processes, working cooperatively with state, regional, and local
 1535 entities to identify areas within these counties which may be
 1536 suitable or adaptable for preclearance review of specified types
 1537 of land uses and other activities requiring permits.

1538 (19) The following projects are ineligible for review
 1539 under this part:

1540 (a) A project funded and operated by a local government,
 1541 as defined in s. 377.709, and located within that government's
 1542 jurisdiction.

1543 (b) A project, the primary purpose of which is to:

1544 1. Effect the final disposal of solid waste, biomedical
 1545 waste, or hazardous waste in this state.

1546 2. Produce electrical power, unless the production of
 1547 electricity is incidental and not the primary function of the
 1548 project or the electrical power is derived from a fuel source
 1549 for renewable energy as defined in s. 366.91(2)(d).

1550 3. Extract natural resources.

1551 4. Produce oil.

1552 5. Construct, maintain, or operate an oil, petroleum,
 1553 natural gas, or sewage pipeline.

1554 Section 23. Paragraph (f) of subsection (2) of section
 1555 14.2015, Florida Statutes, is amended to read:

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1556 14.2015 Office of Tourism, Trade, and Economic
 1557 Development; creation; powers and duties.--

1558 (2) The purpose of the Office of Tourism, Trade, and
 1559 Economic Development is to assist the Governor in working with
 1560 the Legislature, state agencies, business leaders, and economic
 1561 development professionals to formulate and implement coherent
 1562 and consistent policies and strategies designed to provide
 1563 economic opportunities for all Floridians. To accomplish such
 1564 purposes, the Office of Tourism, Trade, and Economic Development
 1565 shall:

1566 (f)1. Administer the Florida Enterprise Zone Act under ss.
 1567 290.001-290.016, the community contribution tax credit program
 1568 under ss. 220.183 and 624.5105, the tax refund program for
 1569 qualified target industry businesses under s. 288.106, the tax-
 1570 refund program for qualified defense contractors and space
 1571 flight business contractors under s. 288.1045, contracts for
 1572 transportation projects under s. 288.063, the sports franchise
 1573 facility program under s. 288.1162, the professional golf hall
 1574 of fame facility program under s. 288.1168, ~~the expedited~~
 1575 ~~permitting process under s. 403.973,~~ the Rural Community
 1576 Development Revolving Loan Fund under s. 288.065, the Regional
 1577 Rural Development Grants Program under s. 288.018, the Certified
 1578 Capital Company Act under s. 288.99, the Florida State Rural
 1579 Development Council, the Rural Economic Development Initiative,
 1580 and other programs that are specifically assigned to the office
 1581 by law, by the appropriations process, or by the Governor.
 1582 Notwithstanding any other provisions of law, the office may
 1583 expend interest earned from the investment of program funds

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1584 deposited in the Grants and Donations Trust Fund to contract for
1585 the administration of the programs, or portions of the programs,
1586 enumerated in this paragraph or assigned to the office by law,
1587 by the appropriations process, or by the Governor. Such
1588 expenditures shall be subject to review under chapter 216.

1589 2. The office may enter into contracts in connection with
1590 the fulfillment of its duties concerning the Florida First
1591 Business Bond Pool under chapter 159, tax incentives under
1592 chapters 212 and 220, tax incentives under the Certified Capital
1593 Company Act in chapter 288, foreign offices under chapter 288,
1594 the Enterprise Zone program under chapter 290, the Seaport
1595 Employment Training program under chapter 311, the Florida
1596 Professional Sports Team License Plates under chapter 320,
1597 Spaceport Florida under chapter 331, ~~Expedited Permitting under~~
1598 ~~chapter 403,~~ and in carrying out other functions that are
1599 specifically assigned to the office by law, by the
1600 appropriations process, or by the Governor.

1601 Section 24. Paragraph (e) of subsection (2) of section
1602 288.0655, Florida Statutes, is amended to read:

1603 288.0655 Rural Infrastructure Fund.--

1604 (2)

1605 (e) To enable local governments to access the resources
1606 available pursuant to s. 403.973(18), the office, working with
1607 the Secretary of Environmental Protection, may award grants for
1608 surveys, feasibility studies, and other activities related to
1609 the identification and preclearance review of land which is
1610 suitable for preclearance review. Authorized grants under this
1611 paragraph shall not exceed \$75,000 each, except in the case of a

1612 project in a rural area of critical economic concern, in which
 1613 case the grant shall not exceed \$300,000. Any funds awarded
 1614 under this paragraph must be matched at a level of 50 percent
 1615 with local funds, except that any funds awarded for a project in
 1616 a rural area of critical economic concern must be matched at a
 1617 level of 33 percent with local funds. In evaluating applications
 1618 under this paragraph, the office shall consider the extent to
 1619 which the application seeks to minimize administrative and
 1620 consultant expenses.

1621 Section 25. Paragraph (d) of subsection (2) and paragraph
 1622 (b) of subsection (19) of section 380.06, Florida Statutes, are
 1623 amended to read:

1624 380.06 Developments of regional impact.--

1625 (2) STATEWIDE GUIDELINES AND STANDARDS.--

1626 (d) The guidelines and standards shall be applied as
 1627 follows:

1628 1. Fixed thresholds.--

1629 a. A development that is below 100 percent of all
 1630 numerical thresholds in the guidelines and standards shall not
 1631 be required to undergo development-of-regional-impact review.

1632 b. A development that is at or above 120 percent of any
 1633 numerical threshold shall be required to undergo development-of-
 1634 regional-impact review.

1635 c. Projects certified under s. 403.973 which create at
 1636 least 50 ~~100~~ jobs and meet the criteria of the Secretary of
 1637 Environmental Protection ~~Office of Tourism, Trade, and Economic~~
 1638 ~~Development~~ as to their impact on an area's economy, employment,
 1639 and prevailing wage and skill levels that are at or below 100

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1640 percent of the numerical thresholds for industrial plants,
1641 industrial parks, distribution, warehousing or wholesaling
1642 facilities, office development or multiuse projects other than
1643 residential, as described in s. 380.0651(3)(c), (d), and (h),
1644 are not required to undergo development-of-regional-impact
1645 review.

1646 2. Rebuttable presumption.--It shall be presumed that a
1647 development that is at 100 percent or between 100 and 120
1648 percent of a numerical threshold shall be required to undergo
1649 development-of-regional-impact review.

1650 (19) SUBSTANTIAL DEVIATIONS.--

1651 (b) Any proposed change to a previously approved
1652 development of regional impact or development order condition
1653 which, either individually or cumulatively with other changes,
1654 exceeds any of the following criteria shall constitute a
1655 substantial deviation and shall cause the development to be
1656 subject to further development-of-regional-impact review without
1657 the necessity for a finding of same by the local government:

1658 1. An increase in the number of parking spaces at an
1659 attraction or recreational facility by 10 percent or 330 spaces,
1660 whichever is greater, or an increase in the number of spectators
1661 that may be accommodated at such a facility by 10 percent or
1662 1,100 spectators, whichever is greater.

1663 2. A new runway, a new terminal facility, a 25-percent
1664 lengthening of an existing runway, or a 25-percent increase in
1665 the number of gates of an existing terminal, but only if the
1666 increase adds at least three additional gates.

1667 3. An increase in industrial development area by 10
1668 percent or 35 acres, whichever is greater.

1669 4. An increase in the average annual acreage mined by 10
1670 percent or 11 acres, whichever is greater, or an increase in the
1671 average daily water consumption by a mining operation by 10
1672 percent or 330,000 gallons, whichever is greater. A net increase
1673 in the size of the mine by 10 percent or 825 acres, whichever is
1674 less. For purposes of calculating any net increases in size,
1675 only additions and deletions of lands that have not been mined
1676 shall be considered. An increase in the size of a heavy mineral
1677 mine as defined in s. 378.403(7) will only constitute a
1678 substantial deviation if the average annual acreage mined is
1679 more than 550 acres and consumes more than 3.3 million gallons
1680 of water per day.

1681 5. An increase in land area for office development by 10
1682 percent or an increase of gross floor area of office development
1683 by 10 percent or 66,000 gross square feet, whichever is greater.

1684 6. An increase in the number of dwelling units by 10
1685 percent or 55 dwelling units, whichever is greater.

1686 7. An increase in the number of dwelling units by 50
1687 percent or 200 units, whichever is greater, provided that 15
1688 percent of the proposed additional dwelling units are dedicated
1689 to affordable workforce housing, subject to a recorded land use
1690 restriction that shall be for a period of not less than 20 years
1691 and that includes resale provisions to ensure long-term
1692 affordability for income-eligible homeowners and renters and
1693 provisions for the workforce housing to be commenced prior to
1694 the completion of 50 percent of the market rate dwelling. For

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1695 purposes of this subparagraph, the term "affordable workforce
1696 housing" means housing that is affordable to a person who earns
1697 less than 120 percent of the area median income, or less than
1698 140 percent of the area median income if located in a county in
1699 which the median purchase price for a single-family existing
1700 home exceeds the statewide median purchase price of a single-
1701 family existing home. For purposes of this subparagraph, the
1702 term "statewide median purchase price of a single-family
1703 existing home" means the statewide purchase price as determined
1704 in the Florida Sales Report, Single-Family Existing Homes,
1705 released each January by the Florida Association of Realtors and
1706 the University of Florida Real Estate Research Center.

1707 8. An increase in commercial development by 55,000 square
1708 feet of gross floor area or of parking spaces provided for
1709 customers for 330 cars or a 10-percent increase of either of
1710 these, whichever is greater.

1711 9. An increase in hotel or motel rooms by 10 percent or 83
1712 rooms, whichever is greater.

1713 10. An increase in a recreational vehicle park area by 10
1714 percent or 110 vehicle spaces, whichever is less.

1715 11. A decrease in the area set aside for open space of 5
1716 percent or 20 acres, whichever is less.

1717 12. A proposed increase to an approved multiuse
1718 development of regional impact where the sum of the increases of
1719 each land use as a percentage of the applicable substantial
1720 deviation criteria is equal to or exceeds 110 percent. The
1721 percentage of any decrease in the amount of open space shall be

1722 treated as an increase for purposes of determining when 110
 1723 percent has been reached or exceeded.

1724 13. A 15-percent increase in the number of external
 1725 vehicle trips generated by the development above that which was
 1726 projected during the original development-of-regional-impact
 1727 review.

1728 14. Any change which would result in development of any
 1729 area which was specifically set aside in the application for
 1730 development approval or in the development order for
 1731 preservation or special protection of endangered or threatened
 1732 plants or animals designated as endangered, threatened, or
 1733 species of special concern and their habitat, any species
 1734 protected by 16 U.S.C. ss. 668a-668d, primary dunes, or
 1735 archaeological and historical sites designated as significant by
 1736 the Division of Historical Resources of the Department of State.
 1737 The refinement of the boundaries and configuration of such areas
 1738 shall be considered under sub-subparagraph (e)2.j.

1739
 1740 The substantial deviation numerical standards in subparagraphs
 1741 3., 5., 8., 9., and 12., excluding residential uses, and in
 1742 subparagraph 13., are increased by 100 percent for a project
 1743 certified under s. 403.973 which creates jobs and meets criteria
 1744 established by the Secretary of Environmental Protection Office
 1745 ~~of Tourism, Trade, and Economic Development~~ as to its impact on
 1746 an area's economy, employment, and prevailing wage and skill
 1747 levels. The substantial deviation numerical standards in
 1748 subparagraphs 3., 5., 6., 7., 8., 9., 12., and 13. are increased
 1749 by 50 percent for a project located wholly within an urban

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1750 | infill and redevelopment area designated on the applicable
1751 | adopted local comprehensive plan future land use map and not
1752 | located within the coastal high hazard area.

1753 | Section 26. This act shall take effect July 1, 2009.