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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2013	.	
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The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 197 - 284
and insert:

163.3253 Coordinated manufacturing development approval process.—The department shall coordinate the manufacturing development approval process with participating agencies, as set forth in this section, for manufacturers that are developing or expanding in a local government that has a local manufacturing development program.

(1) The approval process must include collaboration and coordination among, and simultaneous review by, the



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13 participating agencies of applications for the following state
14 development approvals:

15 (a) Wetland or environmental resource permits.

16 (b) Surface water management permits.

17 (c) Stormwater permits.

18 (d) Consumptive water use permits.

19 (e) Wastewater permits.

20 (f) Air emission permits.

21 (g) Permits relating to listed species.

22 (h) Highway or roadway access permits.

23 (i) Any other state development approval within the scope
24 of a participating agency's authority.

25 (2) (a) When filing its application for state development
26 approval, a manufacturer shall file with the department and each
27 participating agency proof that its development or expansion is
28 located in a local government that has a local manufacturing
29 development program.

30 (b) If a local government repeals its local manufacturing
31 development program ordinance, a manufacturer developing or
32 expanding in that jurisdiction remains entitled to participate
33 in the process if the manufacturer submitted its application for
34 a local government development approval before the effective
35 date of repeal.

36 (3) At any time during the process, if a manufacturer
37 requests that the department convene a meeting with one or more
38 participating agencies to facilitate the process, the department
39 shall convene a meeting that the involved participating agencies
40 must attend.

41 (a) The department is not required to mediate between the



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42 participating agencies and the manufacturer, but may participate
43 as necessary to accomplish the purposes set forth in s.
44 20.60(4)(f).

45 (b) The department may not be a party to any proceeding
46 initiated under ss. 120.569 and 120.57 which relates to approval
47 or disapproval of an application for state development approval
48 processed under this section.

49 (c) The department's participation in a coordinated
50 manufacturing development approval process under this section
51 shall have no effect on its approval or disapproval of any
52 application for economic development incentives sought under s.
53 288.061 or any other incentive requiring department approval.

54 (4) If a participating agency determines that an
55 application is incomplete, the participating agency shall notify
56 the applicant and the department in writing of the additional
57 information necessary to complete the application.

58 (a) Unless the deadline is waived in writing by the
59 manufacturer, a participating agency shall provide a request for
60 additional information to the manufacturer and the department
61 within 20 days after the date the application is filed with the
62 participating agency.

63 (b) If the participating agency does not request additional
64 information within the 20-day period, the participating agency
65 may not subsequently deny the application based on the
66 manufacturer's failure to provide additional information.

67 (c) Within 10 days after the manufacturer's response to the
68 request for additional information, a participating agency may
69 make a second request for additional information for the sole
70 purpose of obtaining clarification of the manufacturer's



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71 response.

72 (5) (a) Unless the deadline is waived in writing by the
73 manufacturer, each participating agency shall take final agency
74 action on a state development approval within its authority
75 within 60 days after a complete application is filed. The 60-day
76 period is tolled by the initiation of a proceeding under ss.
77 120.569 and 120.57.

78 (b) A participating agency shall notify the department if
79 the agency intends to deny a manufacturer's application and,
80 unless waived in writing by the manufacturer, the department
81 shall timely convene an informal meeting to facilitate a
82 resolution.

83 (c) Unless waived in writing by the manufacturer, if a
84 participating agency does not approve or deny an application
85 within the 60-day period, within the time allowed by a federally
86 delegated permitting program, or, if a proceeding is initiated
87 under ss. 120.569 and 120.57, within 45 days after a recommended
88 order is submitted to the agency and the parties, the state
89 development approval within the authority of the participating
90 agency is deemed approved. A manufacturer seeking to claim
91 approval by default under this subsection shall notify, in
92 writing, the clerks of both the participating agency and the
93 department of that intent. A manufacturer may not take action
94 based upon the default approval until such notice is received by
95 both agency clerks.

96 (d) At any time after a proceeding is initiated under ss.
97 120.569 and 120.57, the manufacturer may demand expeditious
98 resolution by serving notice on an administrative law judge and
99 all other parties to the proceeding. The administrative law



100 judge shall set the matter for final hearing no more than 30
101 days after receipt of such notice. After the final hearing is
102 set, a continuance may not be granted without the written
103 agreement of all parties.

104 (6) Subsections (4) and (5) do not apply to permit
105 applications governed by federally delegated or approved
106 permitting programs to the extent that subsections (4) and (5)
107 impose timeframes or other requirements that are prohibited by
108 or inconsistent with such federally delegated or approved
109 permitting programs.

110 (7) The department may adopt rules to administer this
111 section.

112
113 ===== T I T L E A M E N D M E N T =====

114 And the title is amended as follows:

115 Delete lines 18 - 32

116 and insert:

117 the department, in cooperation with participating
118 agencies, to establish a manufacturing development
119 coordinated approval process for certain
120 manufacturers; requiring participating agencies to
121 coordinate and review applications for certain
122 manufacturers; requiring participating agencies to
123 coordinate and review applications for certain state
124 development approvals; requiring the department to
125 convene a meeting when requested by a certain
126 manufacturer; requiring participating agencies to
127 attend meetings convened by the department; specifying
128 that the department is not required to mediate between



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129 the participating agencies and a manufacturer;
130 providing that the department may not be a party to
131 certain proceedings involving state development
132 approvals; requiring that the coordinated approval
133 process have no effect on the department's economic
134 development incentive approval process; providing for
135 requests for additional information and specifying
136 time periods; requiring participating agencies to take
137 final action on applications within a certain time
138 period; requiring the department to facilitate the
139 resolution of certain applications; providing for
140 approval by default; providing for applicability with
141 respect to permit applications governed by federally
142 delegated or approved permitting programs; authorizing
143 the department to adopt rules; creating s.