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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Latvala) recommended the following:

1 **Senate Amendment to Amendment (679582) (with title**
2 **amendment)**

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4 Between lines 78 and 79
5 insert:

6 Section 6. Section 373.441, Florida Statutes, is amended to
7 read:

8 373.441 Role of counties, municipalities, and local
9 pollution control programs in permit processing; delegation;
10 certified local programs.—



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11 (1) The department shall, by December 1, 1994, adopt rules
12 to guide the participation of counties, municipalities, and
13 local pollution control programs in an efficient, streamlined
14 permitting system. Such rules must seek to increase governmental
15 efficiency, maintain environmental standards, and include
16 consideration of:

17 (a) Provisions under which the environmental resource
18 permit program is delegated, upon approval of the department,
19 only to a county, municipality, or local pollution control
20 program that has the financial, technical, and administrative
21 capabilities and desire to implement and enforce the program;

22 (b) Provisions under which a locally delegated permit
23 program may have stricter environmental standards than state
24 standards;

25 (c) Provisions for identifying and reconciling any
26 duplicative permitting by January 1, 1995;

27 (d) Provisions for timely and cost-efficient notification
28 by the reviewing agency of permit applications, and permit
29 requirements, to counties, municipalities, local pollution
30 control programs, the department, or water management districts,
31 as appropriate;

32 (e) Provisions for ensuring the consistency of permit
33 applications with local comprehensive plans;

34 (f) Provisions for the partial delegation of the
35 environmental resource permit program to counties,
36 municipalities, or local pollution control programs, and
37 standards and criteria to be employed in the implementation of
38 such delegation by counties, municipalities, and local pollution
39 control programs;



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40 (g) Special provisions under which the environmental
41 resource permit program may be delegated to counties having
42 populations of 75,000 or fewer, or municipalities with, or local
43 pollution control programs serving, populations of 50,000 or
44 fewer;

45 (h) Provisions for the applicability of chapter 120 to
46 local government programs when the environmental resource permit
47 program is delegated to counties, municipalities, or local
48 pollution control programs; and

49 (i) Provisions for a local government to petition the
50 Governor and Cabinet for review of a request for a delegation of
51 authority that is not approved or denied within 1 year after
52 being initiated.

53 (2) Any denial by the department of a local government's
54 request for a delegation of authority must provide specific
55 detail of those statutory or rule provisions that were not
56 satisfied. Such detail shall also include specific actions that
57 can be taken in order to allow for the delegation of authority.
58 A local government, upon being denied a request for a delegation
59 of authority, may petition the Governor and Cabinet for a review
60 of the request. The Governor and Cabinet may reverse the
61 decision of the department and may provide any necessary
62 conditions to allow the delegation of authority to occur.

63 (3) Delegation of authority shall be approved if the local
64 government meets the requirements set forth in rule 62-344,
65 Florida Administrative Code. This section does not require a
66 local government to seek delegation of the environmental
67 resource permit program.

68 (4) The department shall also establish a certification



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69 process for local environmental resource permit programs in
70 existence on the effective date of this act which meet the
71 minimum regulatory standards of this chapter. Local
72 environmental resource permit programs meeting such standards
73 shall be certified by the department. The issuance of a permit
74 by a certified local environmental resource permit program
75 constitutes local and state approval and the permittee is not
76 required to obtain further environmental resource permits from
77 the state.

78 (5)~~(4)~~ This section does not affect or modify land
79 development regulations adopted by a local government to
80 implement its comprehensive plan pursuant to chapter 163.

81 (6)~~(5)~~ The department shall review environmental resource
82 permit applications for electrical distribution and transmission
83 lines and other facilities related to the production,
84 transmission, and distribution of electricity which are not
85 certified under ss. 403.52-403.5365, the Florida Electric
86 Transmission Line Siting Act, regulated under this part.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete line 221

91 and insert:

92 specified date; amending s. 373.441, F.S.; requiring
93 the Department of Environmental Protection to
94 establish a certification process for certain local
95 environmental resource permit programs; providing that
96 a permit issued by a certified local environmental
97 resource permit program also constitutes state



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approval; amending s. 373.709, F.S.; requiring