

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Carlton

316-1716D-99

1 A bill to be entitled
2 An act relating to expedited permitting;
3 providing legislative intent with respect to
4 creating a statewide one-stop permitting
5 system; amending s. 14.2015, F.S.; deleting
6 provisions authorizing the Office of Tourism,
7 Trade, and Economic Development to make
8 recommendations to the Legislature on improving
9 permitting procedures; amending s. 288.021,
10 F.S.; authorizing the appointment of certain
11 economic development liaisons; creating s.
12 288.109, F.S.; requiring that the Department of
13 Management Services establish a One-Stop
14 Permitting System using the Internet; providing
15 requirements for the system; requiring that the
16 department develop a protocol for adding state
17 agencies and counties to the One-Stop
18 Permitting System; specifying the various state
19 agencies to be provided access to the system;
20 requiring a permit that is filed using the
21 One-Stop Permitting System to be approved or
22 denied within a specified time; providing for a
23 temporary waiver of the permit fee for
24 applications filed using the One-Stop
25 Permitting System; creating s. 288.1092, F.S.;
26 creating the One-Stop Permitting System Grant
27 Program within the Department of Management
28 Services; providing for grant moneys to be
29 awarded to counties certified as Quick
30 Permitting Counties; providing requirements for
31 the use of grant moneys; creating s. 288.1093,

1 F.S.; creating the Quick Permitting County
2 Designation Program within the Department of
3 Management Services; providing criteria under
4 which the department may designate a county as
5 a Quick Permitting County; creating s.
6 288.1095, F.S.; requiring that the Office of
7 Tourism, Trade, and Economic Development,
8 Enterprise Florida, Inc., and state agencies
9 provide information on the One-Stop Permitting
10 System and the Quick Permitting Counties;
11 repealing ss. 403.950, 403.951, 403.952,
12 403.953, 403.954, 403.955, 403.9551, 403.956,
13 403.957, 403.958, 403.959, 403.960, 403.961,
14 403.9615, 403.962, 403.963, 403.964, 403.965,
15 403.966, 403.967, 403.968, 403.969, 403.970,
16 403.971, 403.972, F.S., relating to the Florida
17 Jobs Siting Act; amending s. 403.973, F.S.;
18 providing that certain projects located in
19 certain counties may be certified as eligible
20 for expedited permitting; requiring that the
21 Office of Tourism, Trade, and Economic
22 Development delegate certain responsibilities
23 to a county designated as a Quick Permitting
24 County; requiring a memorandum of agreement for
25 projects that qualify for expedited review;
26 providing requirements for such memoranda of
27 agreement; deleting obsolete provisions;
28 providing an appropriation; providing an
29 effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Legislative intent.--It is the intent of
2 the Legislature to create a functional statewide one-stop
3 permitting system in order to make permitting in this state
4 more user-friendly without diminishing environmental, public
5 health, or safety standards. In addition, the Legislature
6 intends to encourage local governments to expedite and
7 streamline permitting, to adopt best-management practices, and
8 to integrate the local permitting process with the statewide
9 one-stop permitting process.

10 Section 2. Paragraph (g) of subsection (2) and
11 subsection (6) of section 14.2015, Florida Statutes, 1998
12 Supplement, are amended to read:

13 14.2015 Office of Tourism, Trade, and Economic
14 Development; creation; powers and duties.--

15 (2) The purpose of the Office of Tourism, Trade, and
16 Economic Development is to assist the Governor in working with
17 the Legislature, state agencies, business leaders, and
18 economic development professionals to formulate and implement
19 coherent and consistent policies and strategies designed to
20 provide economic opportunities for all Floridians. To
21 accomplish such purposes, the Office of Tourism, Trade, and
22 Economic Development shall:

23 (g)1. Administer the Florida Enterprise Zone Act under
24 ss. 290.001-290.016, the community contribution tax credit
25 program under ss. 220.183 and 624.5105, the tax refund program
26 for qualified target industry businesses under s. 288.106,
27 contracts for transportation projects under s. 288.063, the
28 sports franchise facility program under s. 288.1162, the
29 professional golf hall of fame facility program under s.
30 288.1168, the expedited permitting process under s. 403.973,
31 ~~the Florida Jobs Siting Act under ss. 403.950-403.972,~~the

1 Rural Community Development Revolving Loan Fund under s.
2 288.065, the Regional Rural Development Grants Program under
3 s. 288.018, the Certified Capital Company Act under s. 288.99,
4 the Florida State Rural Development Council, and the Rural
5 Economic Development Initiative.

6 2. The office may enter into contracts in connection
7 with the fulfillment of its duties concerning the Florida
8 First Business Bond Pool under chapter 159, tax incentives
9 under chapters 212 and 220, tax incentives under the Certified
10 Capital Company Act in chapter 288, foreign offices under
11 chapter 288, the Enterprise Zone program under chapter 290,
12 the Seaport Employment Training program under chapter 311, the
13 Florida Professional Sports Team License Plates under chapter
14 320, Spaceport Florida under chapter 331, ~~Job Siting and~~
15 Expedited Permitting under chapter 403, and in carrying out
16 other functions that are specifically assigned to the office
17 by law.

18 (6)(a) In order to improve the state's regulatory
19 environment, the Office of Tourism, Trade, and Economic
20 Development shall consider the impact of agency rules on
21 businesses, ~~provide one-stop permit information and~~
22 ~~assistance,~~ and serve as an advocate for businesses,
23 particularly small businesses, in their dealings with state
24 agencies.

25 ~~(b) As used in this subsection, the term "permit"~~
26 ~~means any approval of an agency required as a condition of~~
27 ~~operating a business in this state, including, but not limited~~
28 ~~to, licenses and registrations.~~

29 (b)(c) The office shall have powers and duties to:
30
31

1 1. Review proposed agency actions for impacts on small
2 businesses and offer alternatives to mitigate such impacts, as
3 provided in s. 120.54.

4 2. In consultation with the Governor's rules
5 ombudsman, make recommendations to agencies on any existing
6 and proposed rules for alleviating unnecessary or
7 disproportionate adverse effects to businesses.

8 ~~3. Make recommendations to the Legislature and to~~
9 ~~agencies for improving permitting procedures affecting~~
10 ~~business activities in the state. By October 1, 1997, and~~
11 ~~annually thereafter, the Office of Tourism, Trade, and~~
12 ~~Economic Development shall submit a report to the Legislature~~
13 ~~containing the following:~~

14 ~~a. An identification and description of methods to~~
15 ~~eliminate, consolidate, simplify, or expedite permits.~~

16 ~~b. An identification and description of those agency~~
17 ~~rules repealed or modified during each calendar year to~~
18 ~~improve the regulatory climate for businesses operating in the~~
19 ~~state.~~

20 ~~c. A recommendation for an operating plan and funding~~
21 ~~level for establishing an automated one-stop permit registry~~
22 ~~to provide the following services:~~

23 ~~(I) Access by computer network to all permit~~
24 ~~applications and approval requirements of each state agency.~~

25 ~~(II) Assistance in the completion of such~~
26 ~~applications.~~

27 ~~(III) Centralized collection of any permit fees and~~
28 ~~distribution of such fees to agencies.~~

29 ~~(IV) Submission of application data and circulation of~~
30 ~~such data among state agencies by computer network.~~

31

1 ~~If the Legislature establishes such a registry, subsequent~~
2 ~~annual reports must cover the status and performance of this~~
3 ~~registry.~~

4 ~~4. Serve as a clearinghouse for information on which~~
5 ~~permits are required for a particular business and on the~~
6 ~~respective application process, including criteria applied in~~
7 ~~making a determination on a permit application. Each state~~
8 ~~agency that requires a permit, license, or registration for a~~
9 ~~business shall submit to the Office of Tourism, Trade, and~~
10 ~~Economic Development by August 1 of each year a list of the~~
11 ~~types of businesses and professions that it regulates and of~~
12 ~~each permit, license, or registration that it requires for a~~
13 ~~type of business or profession.~~

14 ~~5. Obtain information and permit applications from~~
15 ~~agencies and provide such information and permit applications~~
16 ~~to the public.~~

17 ~~6. Arrange, upon request, informal conferences between~~
18 ~~a business and an agency to clarify regulatory requirements or~~
19 ~~standards or to identify and address problems in the permit~~
20 ~~review process.~~

21 ~~7. Determine, upon request, the status of a particular~~
22 ~~permit application.~~

23 ~~8. Receive complaints and suggestions concerning~~
24 ~~permitting policies and activities of governmental agencies~~
25 ~~which affect businesses.~~

26 (c)(d) Use of the services authorized in this
27 subsection does not preclude a person or business from dealing
28 directly with an agency.

29 (d)(e) In carrying out its duties under this
30 subsection, the Office of Tourism, Trade, and Economic
31

1 Development may consult with state agency personnel appointed
2 to serve as economic development liaisons under s. 288.021.

3 ~~(f) The office shall clearly represent that its~~
4 ~~services are advisory, informational, and facilitative only.~~
5 ~~Advice, information, and assistance rendered by the office~~
6 ~~does not relieve any person or business from the obligation to~~
7 ~~secure a required permit. The office is not liable for any~~
8 ~~consequences resulting from the failure to issue or to secure~~
9 ~~a required consequences resulting from the failure to issue or~~
10 ~~to secure a required permit. However, an applicant who uses~~
11 ~~the services of the office and who receives a written~~
12 ~~statement identifying required state permits relating to a~~
13 ~~business activity may not be assessed a penalty for failure to~~
14 ~~obtain a state permit that was not identified, if the~~
15 ~~applicant submits an application for each such permit within~~
16 ~~60 days after written notification from the agency responsible~~
17 ~~for issuing the permit.~~

18 Section 3. Subsection (1) of section 288.021, Florida
19 Statutes, is amended to read:

20 288.021 Economic development liaison.--

21 (1) The heads of the Department of Transportation, the
22 Department of Environmental Protection and an additional
23 member appointed by the secretary of the department, the
24 Department of Labor and Employment Security, the Department of
25 Education, the Department of Community Affairs, the Department
26 of Management Services, the Department of Revenue, ~~and~~ the
27 Game and Fresh Water Fish Commission, each water management
28 district, and each Department of Transportation District
29 office shall designate a high-level staff member from within
30 such agency to serve as the economic development liaison for
31 the agency. This person shall report to the agency head and

1 have general knowledge both of the state's permitting and
2 other regulatory functions and of the state's economic goals,
3 policies, and programs. This person shall also be the primary
4 point of contact for the agency with the Office of Tourism,
5 Trade, and Economic Development on issues and projects
6 important to the economic development of Florida, including
7 its rural areas, to expedite project review, to ensure a
8 prompt, effective response to problems arising with regard to
9 permitting and regulatory functions, and to work closely with
10 the other economic development liaisons to resolve interagency
11 conflicts.

12 Section 4. Section 288.109, Florida Statutes, is
13 created to read:

14 288.109 One-Stop Permitting System.--

15 (1) By January 1, 2000, the Department of Management
16 Services must establish and implement an Internet site for the
17 One-Stop Permitting System. The One-Stop Permitting System
18 Internet site shall provide individuals and businesses with
19 information concerning development permits; guidance on what
20 development permits are needed for particular projects; permit
21 requirements; and who may be contacted for more information
22 concerning a particular development permit for a specific
23 location. The department shall design and construct the
24 Internet site and may competitively procure and contract for
25 services to develop the site. In designing and constructing
26 the Internet site, the department must solicit input from
27 potential users of the site.

28 (2) The department shall develop the One-Stop
29 Permitting System Internet site to allow an applicant to
30 complete and submit application forms for development permits
31 to agencies and counties. The Internet site must be capable of

1 allowing an applicant to submit payment for permit fees and
2 must provide payment options. After initially establishing the
3 Internet site, the department shall implement, in the most
4 timely manner possible, the capabilities described in this
5 subsection. The department shall also develop a protocol for
6 adding to the One-Stop Permitting System additional state
7 agencies and counties that agree to participate. The
8 department may competitively procure and contract for services
9 to develop such capabilities.

10 (3) As used in this section, the term "development
11 permit" includes any state, regional, or local permits or
12 approvals necessary for the physical location or expansion of
13 a business, including, but not limited to:

14 (a) Wetland or environmental resource permits.

15 (b) Surface-water management permits.

16 (c) Stormwater permits.

17 (d) Site-plan approvals.

18 (e) Zoning approvals and comprehensive plan

19 amendments.

20 (f) Building permits.

21 (g) Transportation concurrency approvals.

22 (h) Consumptive water-use permits.

23 (i) Wastewater permits.

24 (4) The One-Stop Permitting System must initially
25 provide access to the following state agencies and counties,
26 with other agencies and counties that agree to participate:

27 (a) The Department of Environmental Protection.

28 (b) The Department of Community Affairs.

29 (c) The Department of Management Services.

30 (d) The Department of Transportation, including
31 district offices.

- 1 (e) The Northwest Florida Water Management District.
2 (f) The St. Johns River Water Management District.
3 (g) The Southwest Florida Water Management District.
4 (h) The Suwannee River Water Management District.
5 (i) The South Florida Water Management District.
6 (j) Selected counties that agree to participate.
7 (5) By January 1, 2001, the following state agencies,
8 and the programs within such agencies which require the
9 issuance of licenses, permits, and approvals to businesses,
10 must also be integrated into the One-Stop Permitting System:
11 (a) The Department of Agriculture and Consumer
12 Services.
13 (b) The Department of Business and Professional
14 Regulation.
15 (c) The Department of Health.
16 (d) The Department of Insurance.
17 (e) The Department of Labor.
18 (f) The Department of Revenue.
19 (g) The Department of State.
20 (h) The Game and Freshwater Fish Commission.
21 (i) Other state agencies.
22 (6) The department may add counties and municipalities
23 to the One-Stop Permitting System as such local governments
24 agree to participate and develop the technical capability of
25 joining the system.
26 (7) To the extent feasible, state agencies are
27 directed to develop and implement on-line permitting systems.
28 (8) Notwithstanding the provisions of s. 120.60(1),
29 each completed application for a permit or license filed using
30 the One-Stop Permitting System must be approved or denied
31 within 60 days after its receipt.

1 (9) Each agency shall maintain a record of the time
2 required for that agency to process each application that is
3 filed using the One-Stop Permitting System and submit a report
4 to the President of the Senate and the Speaker of the House of
5 Representatives by January 1 of each year which compiles such
6 information.

7 (10) Notwithstanding any other provision of law or
8 administrative rule to the contrary, the fee imposed by a
9 state agency or water management district for issuing a permit
10 shall be waived for a 6-month period beginning on the date the
11 state agency or water management district begins accepting
12 permit applications over the Internet and the applicant
13 submits the permit to the agency or district using the
14 One-Stop Permitting System. The 6-month fee waiver shall not
15 apply to permit fees assessed by the Electrical Power Plant
16 Siting Act, ss. 403.501-403.519, the Transmission Line Siting
17 Act, ss. 403.52-403.5365; the statewide Multi-purpose
18 Hazardous Waste Facility Siting Act, ss. 403.78-403.7893; the
19 Natural Gas Pipeline Siting Act, ss. 403.9401-403.9425; and
20 the High Speed Rail Transportation Siting Act, ss.
21 341.3201-341.386.

22 Section 5. Section 288.1092, Florida Statutes, is
23 created to read:

24 288.1092 One-Stop Permitting Grant Program.--There is
25 created within the Department of Management Services the
26 One-Stop Permitting System Grant Program. The purpose of the
27 grant program is to encourage counties to coordinate and
28 integrate the development of the county's permitting process
29 with the One-Stop Permitting System. The department shall
30 review grant applications and, subject to available funds, if
31 a county is certified as a Quick Permitting County under s.

1 288.1093, shall award a grant of up to \$50,000 to provide for
2 such integration. The department must review a grant
3 application for consistency with the purpose of the One-Stop
4 Permitting System to provide access to development permit
5 information and application forms. Grants shall be issued on a
6 first-come, first-served basis to qualified Quick Permitting
7 Counties. The grant moneys may be used to purchase software,
8 hardware, or consulting services necessary for the county to
9 create an interface with the One-Stop Permitting System. Grant
10 moneys may not be used to pay administrative costs. The grant
11 application must specify what items or services the county
12 intends to purchase using the grant moneys, the amount of each
13 of the items or services to be purchased, and how the items or
14 services are necessary for the county to create an interface
15 with the One-Stop Permitting System.

16 Section 6. Section 288.1093, Florida Statutes, is
17 created to read:

18 288.1093 Quick Permitting County Designation
19 Program.--

20 (1) There is established within the Department of
21 Management Services the Quick Permitting County Designation
22 Program. To be designated as a Quick Permitting County, the
23 Chair of the Board of County Commissioners of the applying
24 county must certify to the Department of Management Services
25 that the county meets the criteria specified in subsection
26 (3).

27 (2) As used in this section, the term "development
28 permitting" includes permits and approvals necessary for the
29 physical location of a business, including, but not limited
30 to:

31 (a) Wetland or environmental resource permits.

- 1 (b) Surface-water management permits.
2 (c) Stormwater permits.
3 (d) Site-plan approvals.
4 (e) Zoning and comprehensive plan amendments.
5 (f) Building permits.
6 (g) Transportation concurrency approvals.
7 (h) Consumptive water-use permits.
8 (i) Wastewater permits.
9 (3) In order to qualify for a Quick Permitting County
10 designation, a county must certify to the department that the
11 county has implemented the following best-management
12 practices:
13 (a) The establishment of a single point of contact for
14 a business seeking assistance in obtaining a permit;
15 (b) The selection of high-priority projects for
16 accelerated permit review;
17 (c) The use of documented preapplication meetings
18 following standard procedures;
19 (d) The maintenance of an inventory of sites suitable
20 for high-priority projects;
21 (e) The development of a list of consultants who
22 conduct business in the county;
23 (f) The evaluation and elimination of duplicative
24 approval and permitting requirements within the county;
25 (g) The commitment to participate, through the entry
26 of an interlocal agreement for individual projects, in the
27 expedited permit process set forth in s. 403.973;
28 (h) The development of a timetable for processing
29 development permits and approvals; and
30 (i) The use of interagency coordination to facilitate
31 permit processing.

1 Section 7. Section 288.1095, Florida Statutes, is
2 created to read:

3 288.1095 Information concerning the One-Stop
4 Permitting System.--The Office of Tourism, Trade, and Economic
5 Development shall develop literature that explains the
6 One-Stop Permitting System and identifies those counties that
7 have been designated as Quick Permitting Counties. The
8 literature must be updated at least once each year. To the
9 maximum extent feasible, state agencies and Enterprise
10 Florida, Inc., shall distribute such literature and inform the
11 public of the One-Stop Permitting System and the Quick
12 Permitting Counties. In addition, Enterprise Florida, Inc.,
13 shall provide this information to prospective, new, expanding,
14 and relocating businesses seeking to conduct business in this
15 state, municipalities, counties, economic-development
16 organizations, and chambers of commerce.

17 Section 8. Sections 403.950, 403.951, 403.952,
18 403.953, 403.954, 403.955, 403.9551, 403.956, 403.957,
19 403.958, 403.959, 403.960, 403.961, 403.9615, 403.962,
20 403.963, 403.964, 403.965, 403.966, 403.967, 403.968, 403.969,
21 403.970, 403.971, and 403.972, Florida Statutes, are repealed.

22 Section 9. Section 403.973, Florida Statutes, is
23 amended to read:

24 403.973 Expedited permitting; comprehensive plan
25 amendments.--

26 (1) It is the intent of the Legislature to encourage
27 and facilitate the location and expansion of those types of
28 economic development projects which offer job creation and
29 high wages, strengthen and diversify the state's economy, and
30 have been thoughtfully planned to take into consideration the
31 protection of the state's environment. It is also the intent

1 of the Legislature to provide for an expedited permitting and
2 comprehensive plan amendment process for such projects.

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

4 (a) "Duly noticed" means publication in a newspaper of
5 general circulation in the municipality or county with
6 jurisdiction. The notice shall appear on at least 2 separate
7 days, one of which shall be at least 7 days before the
8 meeting. The notice shall state the date, time, and place of
9 the meeting scheduled to discuss or enact the memorandum of
10 agreement, and the places within the municipality or county
11 where such proposed memorandum of agreement may be inspected
12 by the public. The notice must be one-eighth of a page in size
13 and must be published in a portion of the paper other than the
14 legal notices section. The notice shall also advise that
15 interested parties may appear at the meeting and be heard with
16 respect to the memorandum of agreement.

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

19 (c) "Office" means the Office of Tourism, Trade, and
20 Economic Development.

21 (d) "Permit applications" means state permits and
22 licenses, and at the option of a participating local
23 government, local development permits or orders.

24 (3)(a) The Governor, through the office, shall direct
25 the creation of regional permit action teams, for the purpose
26 of expediting review of permit applications and local
27 comprehensive plan amendments submitted by:

28 1.~~(a)~~ Businesses creating at least 100 jobs, or

29 2.~~(b)~~ Businesses creating at least 50 jobs if the
30 project is located in an enterprise zone, or in a county
31 having a population of less than 75,000 or in a county having

1 a population of less than 100,000 which is contiguous to a
2 county having a population of less than 75,000, as determined
3 by the most recent decennial census, residing in incorporated
4 and unincorporated areas of the county, or

5 (b)~~(c)~~ On a case-by-case basis and at the request of a
6 county or municipal government, the office may certify as
7 eligible for expedited review a project not meeting the
8 minimum job creation thresholds but creating a minimum of 10
9 jobs. The recommendation from the governing body of the county
10 or municipality in which the project may be located is
11 required in order for the office to certify that any project
12 is eligible for expedited review under this paragraph. When
13 considering projects that do not meet the minimum job creation
14 thresholds but that are recommended by the governing body in
15 which the project may be located, the office shall consider
16 economic impact factors that include, but are not limited to:

- 17 1. The proposed wage and skill levels relative to
18 those existing in the area in which the project may be
19 located;
- 20 2. The project's potential to diversify and strengthen
21 the area's economy;
- 22 3. The amount of capital investment; and
- 23 4. The number of jobs that will be made available for
24 persons served by the WAGES Program.

25 (c) At the request of a county or municipal
26 government, the office or a Quick Permitting County may
27 certify projects located in counties where the ratio of new
28 jobs per WAGES client, as determined by the Workforce
29 Development Board of Enterprise Florida, is less than one or
30 otherwise critical, as eligible for the expedited permitting
31 process. Such projects must meet the numerical job creation

1 criteria of subsection (3), but the jobs created by the
2 project do not have to be high-wage jobs that diversify the
3 state's economy.

4 (4) The office may delegate to a Quick Permitting
5 County designated under s. 288.1093 the responsibility for
6 convening regional permit teams and, in consultation with the
7 office, for certifying as eligible for expedited review
8 projects that meet the criteria of subsection (3) and that are
9 consistent with the economic goals of the county. In order to
10 receive such a delegation, the Quick Permitting County must
11 hold the public hearing required under subsection (7) and
12 agree to execute a memorandum of agreement for each qualified
13 project.

14 (5)(4) The regional teams shall be established through
15 the execution of memoranda of agreement between the office and
16 the respective heads of the Department ~~Departments~~ of
17 Environmental Protection, the Department of Community Affairs,
18 the Department of Transportation and its district offices, the
19 Department of Agriculture and Consumer Services, the Game and
20 Fresh Water Fish Commission, appropriate regional planning
21 councils, appropriate water management districts, and
22 voluntarily participating municipalities and counties. The
23 memoranda of agreement should also accommodate participation
24 in this expedited process by other local governments and
25 federal agencies as circumstances warrant.

26 (6)(5) In order to facilitate local government's
27 option to participate in this expedited review process, the
28 office shall, in cooperation with local governments and
29 participating state agencies, create a standard form
30 memorandum of agreement. A local government shall hold a duly
31 noticed public workshop to review and explain to the public

1 the expedited permitting process and the terms and conditions
2 of the standard form memorandum of agreement.

3 (7)~~(6)~~ The local government shall hold a duly noticed
4 public hearing to execute a memorandum of agreement for each
5 qualified project. The memorandum of agreement that a local
6 government signs shall include a provision identifying
7 necessary local government procedures and time limits that
8 will be modified to allow for the local government decision on
9 the project within 90 days. The memorandum of agreement
10 applies to projects, on a case-by-case basis, that qualify for
11 special review and approval as specified in this section. The
12 memorandum of agreement must make it clear that this expedited
13 permitting and review process does not modify, qualify, or
14 otherwise alter existing local government nonprocedural
15 standards for permit applications, unless expressly authorized
16 by law.

17 (8)~~(7)~~ At the option of the participating local
18 government, appeals of its final approval for a project may be
19 pursuant to the summary hearing provisions of s. 120.574,
20 pursuant to subsection(15)~~(13)~~, or pursuant to other
21 appellate processes available to the local government. The
22 local government's decision to enter into a summary hearing
23 must be made as provided in s. 120.574 or in the memorandum of
24 agreement.

25 (9)~~(8)~~ Each memorandum of agreement shall include a
26 process for final agency action on permit applications and
27 local comprehensive plan amendment approvals within 90 days
28 after receipt of a completed application, unless the applicant
29 agrees to a longer time period or the office determines that
30 unforeseen or uncontrollable circumstances preclude final
31 agency action within the 90-day timeframe. Permit

1 applications governed by federally delegated or approved
2 permitting programs whose requirements would prohibit or be
3 inconsistent with the 90-day timeframe are exempt from this
4 provision, but must be processed by the agency with federally
5 delegated or approved program responsibility as expeditiously
6 as possible.

7 (10)~~(9)~~ The office shall inform the Legislature by
8 October 1 of each year, ~~1997, and every October thereafter,~~
9 which agencies have not entered into or implemented an
10 agreement, and identify any barriers to achieving success of
11 the program. ~~The Office of Program Policy Analysis and~~
12 ~~Government Accountability shall study the implementation of~~
13 ~~this program and make recommendations to the Governor and the~~
14 ~~Legislature by October 1, 1998, on how this program may be~~
15 ~~made more efficient and effective.~~

16 (11)~~(10)~~ The memoranda of agreement may provide for
17 the waiver or modification of procedural rules prescribing
18 forms, fees, procedures, or time limits for the review or
19 processing of permit applications under the jurisdiction of
20 those agencies that are party to the memoranda of agreement.
21 Notwithstanding any other provision of law to the contrary, a
22 memorandum of agreement must to the extent feasible provide
23 for proceedings and hearings otherwise held separately by the
24 parties to the memorandum of agreement to be combined into one
25 proceeding or held jointly and at one location. Such waivers
26 or modifications shall not be available for permit
27 applications governed by federally delegated or approved
28 permitting programs, the requirements of which would prohibit,
29 or be inconsistent with, such a waiver or modification.

30 (12)~~(11)~~ The memoranda of agreement shall include
31 guidelines to be used in working with state, regional, and

1 local permitting authorities. Guidelines may include, but are
2 not limited to, the following:

3 (a) A central contact point for filing permit
4 applications and local comprehensive plan amendments and for
5 obtaining information on permit and local comprehensive plan
6 amendment requirements;

7 (b) Identification of the individual or individuals
8 within each respective agency who will be responsible for
9 processing the expedited permit application or local
10 comprehensive plan amendment for that agency;

11 (c) A mandatory preapplication review process to
12 reduce permitting conflicts by providing guidance to
13 applicants regarding the permits needed from each agency and
14 governmental entity, site planning and development, site
15 suitability and limitations, facility design, and steps the
16 applicant can take to ensure expeditious permit application
17 and local comprehensive plan amendment review. As a part of
18 this process, the first interagency meeting to discuss a
19 project shall be held within 14 days after the office's
20 determination that the project is eligible for expedited
21 review. Subsequent interagency meetings may be scheduled to
22 accommodate the needs of participating local governments that
23 are unable to meet public notice requirements for executing a
24 memorandum of agreement within this timeframe. This
25 accommodation may not exceed 45 days from the office's
26 determination that the project is eligible for expedited
27 review;

28 (d) The preparation of a single coordinated project
29 description form and checklist and an agreement by state and
30 regional agencies to reduce the burden on an applicant to
31 provide duplicate information to multiple agencies;

1 (e) Establishment of a process for the adoption and
2 review of any comprehensive plan amendment needed by any
3 certified project within 90 days after the submission of an
4 application for a comprehensive plan amendment. However, the
5 memorandum of agreement may not prevent affected persons as
6 defined in s. 163.3184 from appealing or participating in this
7 expedited plan amendment process and any review or appeals of
8 decisions made under this paragraph; and

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

11 (13) The applicant, the regional permit-action team,
12 and participating local governments may agree to incorporate
13 into a single document the permits, licenses, and approvals
14 that are obtained through the expedited permit process. This
15 consolidated permit is subject to the summary hearing
16 provisions set forth in subsection (15).

17 (14)~~(12)~~ Notwithstanding any other provisions of law:

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

21 (b) Projects qualified under this section are not
22 subject to interstate highway level of service standards
23 adopted by the Department of Transportation for concurrency
24 purposes. The memorandum of agreement specified in subsection
25 ~~(6)~~~~(5)~~ must include a process by which the applicant will be
26 assessed a fair share of the cost of mitigating the project's
27 significant traffic impacts, as defined in chapter 380 and
28 related rules. The agreement must also specify whether the
29 significant traffic impacts on the interstate system will be
30 mitigated through the implementation of a project or payment
31 of funds to the Department of Transportation. Where funds are

1 paid, the Department of Transportation must include in the
2 5-year work program transportation projects or project phases,
3 in an amount equal to the funds received, to mitigate the
4 traffic impacts associated with the proposed project.

5 (15)~~(13)~~ Challenges to state agency action in the
6 expedited permitting process for projects processed under this
7 section are subject to the summary hearing provisions of s.
8 120.574, except that the administrative law judge's decision,
9 as provided in s. 120.574(2)(f), shall be in the form of a
10 recommended order and shall not constitute the final action of
11 the state agency. In those proceedings where the action of
12 only one agency of the state is challenged, the agency of the
13 state shall issue the final order within 10 working days of
14 receipt of the administrative law judge's recommended order.
15 In those proceedings where the actions of more than one agency
16 of the state are challenged, the Governor shall issue the
17 final order within 10 working days of receipt of the
18 administrative law judge's recommended order. The
19 participating agencies of the state may opt at the preliminary
20 hearing conference to allow the administrative law judge's
21 decision to constitute the final agency action. If a
22 participating local government agrees to participate in the
23 summary hearing provisions of s. 120.574 for purposes of
24 review of local government comprehensive plan amendments, s.
25 163.3184(9) and (10) apply.

26 (16)~~(14)~~ This expedited permitting process shall not
27 modify, qualify, or otherwise alter existing agency
28 nonprocedural standards for permit applications or local
29 comprehensive plan amendments, unless expressly authorized by
30 law. If it is determined that the applicant is not eligible
31

1 to use this process, the applicant may apply for permitting of
2 the project through the normal permitting processes.

3 (17)~~(15)~~ The office shall be responsible for
4 certifying a business as eligible for undergoing expedited
5 review under this section. Enterprise Florida, Inc., a county
6 or municipal government, or the Rural Economic Development
7 Initiative may recommend to the Office of Tourism, Trade, and
8 Economic Development that a project meeting the minimum job
9 creation threshold undergo expedited review.

10 (18)~~(16)~~ The office, working with the Rural Economic
11 Development Initiative and the agencies participating in the
12 memoranda of agreement, shall provide technical assistance in
13 preparing permit applications and local comprehensive plan
14 amendments for counties having a population of less than
15 75,000 residents, or counties having fewer than 100,000
16 residents which are contiguous to counties having fewer than
17 75,000 residents. Additional assistance may include, but not
18 be limited to, guidance in land development regulations and
19 permitting processes, working cooperatively with state,
20 regional, and local entities to identify areas within these
21 counties which may be suitable or adaptable for preclearance
22 review of specified types of land uses and other activities
23 requiring permits.

24 (19)~~(17)~~ The following projects are ineligible for
25 review under this part:

26 (a) A project funded and operated by a local
27 government, as defined in s. 377.709, and located within that
28 government's jurisdiction.

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

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

1 2. Produce electrical power, unless the production of
2 electricity is incidental and not the primary function of the
3 project.

4 3. Extract natural resources.

5 4. Produce oil.

6 5. Construct, maintain, or operate an oil, petroleum,
7 natural gas, or sewage pipeline.

8 Section 10. The sum of \$500,000 is appropriated from
9 the General Revenue Fund to the Department of Management
10 Services to be used for funding Quick Permitting Grants to
11 counties.

12 Section 11. This act shall take effect July 1, 1999.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 662

4 Repeals certain permit clearinghouse responsibilities of the
5 Office of Tourism, Trade and Economic Development.

6 Requires the Department of Management Services to create by
7 January 1, 2000, a One-Stop Permitting Internet System to
8 provide individuals and businesses with a central source of
9 development permit information. By January 1, 2000, the
10 Departments of Environmental Protection, Community Affairs,
11 Management Services, Transportation, the five water management
12 districts and selected counties are to connect to the One-Stop
13 Permitting System. By January 2001, the Departments of
14 Agriculture, Business and Professional Regulation, Insurance,
15 Labor, Revenue, State and the Game and Freshwater Fish
16 Commission and other state agencies are required to be
17 connected to the One-Stop Permitting System.

18 Permit applicants who submit a complete application over the
19 One-Stop Permitting System are eligible for incentives
20 including: 1) the state agency must issue or deny the permit
21 application within 60 days of receipt of a complete
22 application rather than the current 90 days provided by
23 chapter 120; and 2) the agency shall waive permit fees for a
24 period of 6 months following the connection of an agency to
25 the One-Stop Permitting System for applications submitted to
26 the agency over the Internet.

27 Creates a Quick Permitting County Program for counties which
28 certify to the Department of Management Services that they
29 follow certain permitting "best management practices." These
30 counties are eligible for up to \$50,000 in grants to connect
31 to the One-Stop Permitting System. The Office of Tourism,
Trade & Economic Development and Enterprise Florida are
directed to promote Quick Permitting Counties to businesses
seeking to expand or locate in Florida.

Repeals the Jobs Siting Act, ss. 403.950-403.972, F.S.

Amends s. 403.973, F.S., regarding Expedited Permitting, to
authorize the Office of Tourism, Trade and Economic
Development to delegate to Quick Permitting Counties the
certification of projects as eligible for the expedited
permitting process. Loosens the criteria for qualifying
economic development projects under the expedited permitting
process for counties with a low ratio of job creation to WAGES
recipients.