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1                                   A bill to be entitled  
2            An act relating to regulatory reform; providing for an  
3 extension for certain construction, operating, and building  
4 permits and development orders; requiring legislative  
5 authorization for certain permitting standards; amending s.  
6 120.569, F.S., providing for an electronic notice of rights;  
7 amending s. 120.60, F.S.; relating to licensing; creating s.  
8 125.022, F.S.; relating to counties and development permits;  
9 amending s. 161.032, F.S.; providing for applicant response for  
10 requests for additional information; amending s. 166.033, F.S.,  
11 relating to municipalities and development permits; amending s.  
12 253.034, F.S., providing a form of authorization for certain  
13 restoration activities; amending s. 373.4141, F.S., providing  
14 applicant response for requests for additional information;  
15 amending ss. 373.079, 373.083, and 373.118, F.S., requiring  
16 water management district boards to delegate certain duties to  
17 executive director; amending s. 373.236, F.S., authorizing the  
18 Department of environmental protection and the governing boards  
19 of water management districts to grant permits as incentives for  
20 landowners to pursue alternative water supply projects;  
21 providing requirements for such permits; amending s. 373.236,  
22 F.S., creating a noticed general permit for certain restoration  
23 activities; amending s. 373.406, F.S., exempting the  
24 construction of certain public use facilities on county-owned  
25 natural areas; amending s. 403.061, F.S., removing the need for  
26 a variance for certain docks in shellfish waters; requiring the  
27 Department of Environmental Protection to develop a list of  
28 activities for applicants to consider for meeting mitigation or

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29 public interest requirements; prohibiting local governments from  
 30 specifying the method or form of documentation that a project  
 31 meets the provisions for authorization under chapters 161, 253,  
 32 373, or 403, F.S.; requiring the Department of Environmental  
 33 Protection shall develop a project management plan to implement  
 34 an e-permitting program and providing a report; amending s.  
 35 403.813, F.S.; relating to permits issued at district centers  
 36 and exceptions; amending s. 403.814, F.S, providing for  
 37 rulemaking; amending s. 403.973, F.S.; relating to expedited  
 38 permitting and comprehensive plan amendments; providing an un-  
 39 numbered section requiring legislative authorization for certain  
 40 permitting standards; providing an un-numbered section directing  
 41 the Department of Environmental Protection to amend rules  
 42 relating to sovereignty submerged land leases; providing an  
 43 effective date.

44  
 45 Be It Enacted by the Legislature of the State of Florida:

46 Section 1. All construction and operating permits,  
 47 development orders, building permits or other land use  
 48 approvals, issued by the state or any local governmental entity  
 49 pursuant to chapters 125, 161, 163, 166, 253, 373, 378, 379,  
 50 380, 403, and 553, Florida Statutes, s. 381.0065, or any other  
 51 local ordinance, that are due to expire or did expire October 1,  
 52 2008 through October 1, 2011 are hereby extended and renewed for  
 53 a period of 3 years beyond the previously identified expiration  
 54 date. For development orders and local land use approvals,  
 55 including but not limited to certificates of concurrency and  
 56 developer agreements, this extension shall also include phase,

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57 commencement and buildout dates. Required mitigation associated  
 58 with any phase is similarly extended so that it takes place  
 59 within the phase originally intended. This provision expressly  
 60 provides for retroactive effect. Nothing in this act shall be  
 61 deemed to extend or purport to extend any permit or approval  
 62 issued by the government of the United States or any agency or  
 63 instrumentality thereof, or any permit or approval by whatever  
 64 authority issued of which the duration of effect or the date or  
 65 terms of its expiration are specified or determined by or  
 66 pursuant to law or regulation of the federal government or any  
 67 of its agencies or instrumentalities. Nothing in this act shall  
 68 be construed or implemented in such a way as to modify any  
 69 requirement of law that is necessary to retain federal  
 70 delegation to, or assumption by, the State of the authority to  
 71 implement a federal law or program. Nothing in this act shall  
 72 be deemed to extend or purport to extend any permit or approval  
 73 for the consumptive use of water within Water-Use Caution Areas  
 74 as permitted under chapter 373 and chapter 403.

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

77 120.569 Decisions which affect substantial interests.—

78 (1) The provisions of this section apply in all  
 79 proceedings in which the substantial interests of a party are  
 80 determined by an agency, unless the parties are proceeding under  
 81 s. 120.573 or s. 120.574. Unless waived by all parties, s.  
 82 120.57(1) applies whenever the proceeding involves a disputed  
 83 issue of material fact. Unless otherwise agreed, s. 120.57(2)  
 84 applies in all other cases. If a disputed issue of material fact

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85 arises during a proceeding under s. 120.57(2), then, unless  
 86 waived by all parties, the proceeding under s. 120.57(2) shall  
 87 be terminated and a proceeding under s. 120.57(1) shall be  
 88 conducted. Parties shall be notified of any order, including a  
 89 final order. Unless waived, a copy of the order shall be  
 90 delivered or mailed to each party or the party's attorney of  
 91 record at the address of record. Each notice shall inform the  
 92 recipient of any administrative hearing or judicial review that  
 93 is available under this section, s. 120.57, or s. 120.68; shall  
 94 indicate the procedure which must be followed to obtain the  
 95 hearing or judicial review; and shall state the time limits  
 96 which apply. Notwithstanding any other provision of law, notice  
 97 of the procedure to obtain an administrative hearing or judicial  
 98 review, including any items required by the uniform rules  
 99 adopted pursuant to s. 120.54(5), may be provided via a link to  
 100 a publicly available Internet site.

101 Section 3. Subsection (1) of Section 120.60, Florida  
 102 Statutes, is amended to read:

103 120.60 Licensing.--

104 (1) Upon receipt of an application for a license, an  
 105 agency shall examine the application and, within 30 days after  
 106 such receipt, notify the applicant of any apparent errors or  
 107 omissions and request any additional information the agency is  
 108 permitted by law to require. If the applicant believes the  
 109 request for such additional information is not authorized by law  
 110 or agency rule, the agency, at the applicant's request, shall  
 111 proceed to process the permit application. An agency shall not  
 112 deny a license for failure to correct an error or omission or to

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113 supply additional information unless the agency timely notified  
 114 the applicant within this 30-day period. An application shall be  
 115 considered complete upon receipt of all requested information  
 116 and correction of any error or omission for which the applicant  
 117 was timely notified or when the time for such notification has  
 118 expired. Every application for a license shall be approved or  
 119 denied within 90 days after receipt of a completed application  
 120 unless a shorter period of time for agency action is provided by  
 121 law. The 90-day time period shall be tolled by the initiation of  
 122 a proceeding under ss. 120.569 and 120.57. Any application for a  
 123 license that is not approved or denied within the 90-day or  
 124 shorter time period, within 15 days after conclusion of a public  
 125 hearing held on the application, or within 45 days after a  
 126 recommended order is submitted to the agency and the parties,  
 127 whichever action and timeframe is latest and applicable, is  
 128 considered approved unless the recommended order recommends that  
 129 the agency deny the license. Subject to the satisfactory  
 130 completion of an examination if required as a prerequisite to  
 131 licensure, any license that is considered approved shall be  
 132 issued and may include such reasonable conditions as are  
 133 authorized by law. Any applicant for licensure seeking to claim  
 134 licensure by default under this subsection shall notify the  
 135 agency clerk of the licensing agency, in writing, of the intent  
 136 to rely upon the default license provision of this subsection,  
 137 and shall not take any action based upon the default license  
 138 until after receipt of such notice by the agency clerk.

139 Section 4. Section 125.022, Florida Statutes, is amended  
 140 to read:

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141           125.022 Development permits.--When a county denies an  
 142 application for a development permit, the county shall give  
 143 written notice to the applicant. The notice must include a  
 144 citation to the applicable portions of an ordinance, rule,  
 145 statute, or other legal authority for the denial of the permit.  
 146 As used in this section, the term "development permit" has the  
 147 same meaning as in s. 163.3164. No county may require as a  
 148 condition of approval for a development permit that an applicant  
 149 obtain a permit or approval from any other state or federal  
 150 agency. The applicant, not the county, shall make a  
 151 determination as to whether a permit or approval from a state or  
 152 federal agency is required by applicable state or federal laws.  
 153 Issuance of a development permit by a county does not in any way  
 154 create any rights on the part of an applicant to obtain a permit  
 155 from another state or federal agency and does not create any  
 156 liability on the part of the county for issuance of the permit  
 157 in the event that an applicant fails to fulfill its legal  
 158 obligations to obtain requisite approvals or fulfill the  
 159 obligations imposed by other state or federal agencies.  
 160 Counties may attach this disclaimer to the issuance of  
 161 development permits.

162           Section 5. Section 161.032, Florida Statutes, is created  
 163 to read:

164           (1) Within 30 days after receipt of an application for a  
 165 permit under this part, the department shall review the  
 166 application and shall request submittal of all additional  
 167 information the department is permitted by law to require. If  
 168 the applicant believes any request for additional information is

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169 not authorized by law or rule, the applicant may request a  
 170 hearing pursuant to s. 120.57. Within 30 days after receipt of  
 171 such additional information, the department shall review it and  
 172 may request only that information needed to clarify such  
 173 additional information or to answer new questions raised by or  
 174 directly related to such additional information. If the  
 175 applicant believes the request of the department for such  
 176 additional information is not authorized by law or rule, the  
 177 department, at the applicant's request, shall proceed to process  
 178 the permit application.

179 (2) Notwithstanding the provisions of s. 120.60, an  
 180 applicant for a permit under this part shall have 90 days from  
 181 the date of a timely request for additional information to  
 182 submit that information. If an applicant requires more than 90  
 183 days in which to respond to a request for additional  
 184 information, the applicant may notify the agency processing the  
 185 permit application in writing of the circumstances, at which  
 186 time the application shall be held in active status for no more  
 187 than one additional period of up to 90 days. Additional  
 188 extensions may be granted for good cause shown by the applicant.  
 189 A showing that the applicant is making a diligent effort to  
 190 obtain the requested additional information shall constitute  
 191 good cause. Failure of an applicant to provide the timely  
 192 requested information by the applicable deadline shall result in  
 193 denial of the application without prejudice.

194 Section 6. Section 166.033, Florida Statutes, is amended  
 195 to read:

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196           166.033 Development permits.--When a municipality denies  
 197 an application for a development permit, the municipality shall  
 198 give written notice to the applicant. The notice must include a  
 199 citation to the applicable portions of an ordinance, rule,  
 200 statute, or other legal authority for the denial of the permit.  
 201 As used in this section, the term "development permit" has the  
 202 same meaning as in s. 163.3164. No municipality may require as  
 203 a condition of approval for a development permit that an  
 204 applicant obtain a permit or approval from any other state or  
 205 federal agency. The applicant, not the municipality, shall make  
 206 determination as to whether a permit or approval from a state or  
 207 federal agency is required by applicable state or federal laws.  
 208 Issuance of a development permit by a municipality does not in  
 209 any way create any rights on the part of an applicant to obtain  
 210 a permit from another state or federal agency and does not  
 211 create any liability on the part of the municipality for  
 212 issuance of the permit in the event that an applicant fails to  
 213 fulfill its legal obligations to obtain requisite approvals or  
 214 fulfill the obligations imposed by other state or federal  
 215 agencies. Municipalities may attach this disclaimer to the  
 216 issuance of development permits.

217           Section 7. Subsection (18) is added to section 253.03,  
 218 Florida Statutes, to read:

219           253.03 Board of trustees to administer state lands; lands  
 220 enumerated -

221           (18) Projects which qualify for the noticed general permit  
 222 enumerated in 373.4061 shall also be deemed to qualify for  
 223 Letter of Consent from the Board of Trustees of the Internal



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224 Improvement Trust Fund consistent with the provisions of 18-  
 225 21.005(1)(c), F.A.C.

226 Section 8. Subsection (14) is added to section 253.034,  
 227 Florida Statutes, to read:

228 253.034 State owned lands; uses.

229 (14) Spoiling of material on state-owned lands shall be  
 230 conducted in such a manner as to maximize the environmental  
 231 benefits of spoil deposition. Any material placed within a  
 232 manmade dredge hole shall be at such an elevation to allow light  
 233 penetration so as to maximize propagation of native wetland  
 234 vegetation including seagrasses, mangroves, smooth cordgrass,  
 235 blackrush and other grasses.

236 Section 9. Subsection (2) of Section 373.4141 is amended  
 237 to read:

238 373.4141 Permits; processing.—

239 (1) Within 30 days after receipt of an application for a  
 240 permit under this part, the department or the water management  
 241 district shall review the application and shall request  
 242 submittal of all additional information the department or the  
 243 water management district is permitted by law to require. If the  
 244 applicant believes any request for additional information is not  
 245 authorized by law or rule, the applicant may request a hearing  
 246 pursuant to s. 120.57. Within 30 days after receipt of such  
 247 additional information, the department or water management  
 248 district shall review it and may request only that information  
 249 needed to clarify such additional information or to answer new  
 250 questions raised by or directly related to such additional  
 251 information. If the applicant believes the request of the

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252 department or water management district for such additional  
 253 information is not authorized by law or rule, the department or  
 254 water management district, at the applicant's request, shall  
 255 proceed to process the permit application.

256 ~~(2) A permit shall be approved or denied within 90 days~~  
 257 ~~after receipt of the original application, the last item of~~  
 258 ~~timely requested additional material, or the applicant's written~~  
 259 ~~request to begin processing the permit application.~~

260 Notwithstanding the provisions of s. 120.60, an applicant for a  
 261 permit under this part shall have 120 days from the date of a  
 262 timely request for additional information to submit that  
 263 information. If an applicant requires more than 120 days in  
 264 which to respond to a request for additional information, the  
 265 applicant may notify the agency processing the permit  
 266 application in writing of the circumstances, at which time the  
 267 application shall be held in active status for no more than one  
 268 additional period of up to 90 days. Additional extensions may  
 269 be granted for good cause shown by the applicant. A showing  
 270 that the applicant is making a diligent effort to obtain the  
 271 requested additional information shall constitute good cause.  
 272 Failure of an applicant to provide the timely requested  
 273 information by the applicable deadline shall result in denial of  
 274 the application without prejudice.

275 Section 10. Section 373.079, Florida Statutes, is amended  
 276 to read:

277 373.079. Members of governing board; oath of office; staff

278 (1) Each member of the governing board of the district,  
 279 before entering upon his or her official duties, shall take and

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280 subscribe to an oath, before some officer authorized by law to  
 281 administer oaths, that the member will honestly, faithfully, and  
 282 impartially perform the duties devolving upon him or her in  
 283 office as member of the governing board of the district to which  
 284 the member was appointed and that he or she will not neglect any  
 285 of the duties imposed upon him or her by this chapter.

286 (2) Immediately after their appointment, and every 2 years  
 287 thereafter, the governing board shall meet at some convenient  
 288 place and choose some suitable person, who may or may not be a  
 289 member of the governing board, and who may be required to  
 290 execute bond for the faithful performance of his or her duties  
 291 as the governing board may determine, as secretary. Such board  
 292 shall adopt a seal with a suitable device and shall keep a well-  
 293 bound book entitled, in effect, "Record of Governing Board of  
 294 \_\_\_\_\_ District," in which shall be recorded minutes of all  
 295 meetings, resolutions, proceedings, certificates, bonds given by  
 296 all employees, and any and all corporate acts, which book shall  
 297 at reasonable times be open to the inspection of any citizen of  
 298 this state or taxpayer in the district or his or her agent or  
 299 attorney.

300 (3) The chair and members of the board shall receive no  
 301 compensation for services as such; but, while officially on work  
 302 for the district, they shall receive their actual travel  
 303 expenses between their respective places of residence and the  
 304 place where official district business is conducted,  
 305 subsistence, lodging, and other expenses in the actual amount  
 306 incurred therefor. These expenses may not exceed the statutory  
 307 amount allowed state officers and employees. Payment or

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308 reimbursement to governing board members for the use of private  
 309 or charter aircraft may be no greater than that allowed for  
 310 commercial air travel for equivalent distances. This subsection  
 311 applies retroactively to the effective date of the creation of  
 312 each of the five separate water management districts.

313 (4) (a) The governing board of the district is authorized to  
 314 employ an executive director, ombudsman, and such engineers,  
 315 other professional persons, and other personnel and assistants  
 316 as it deems necessary and under such terms and conditions as it  
 317 may determine and to terminate such employment. The appointment  
 318 of an executive director by the governing board is subject to  
 319 approval by the Governor and must be initially confirmed by the  
 320 Florida Senate. The governing board may delegate all or part of  
 321 its authority under this paragraph to the executive director.  
 322 However, the governing board shall delegate all of its authority  
 323 to take final action on permit applications under part II or  
 324 part IV, or petitions for variances or waivers of permitting  
 325 requirements under part II or part IV, except as provided for  
 326 under ss. 373.083(5) and 373.118(4). This delegation shall not  
 327 be subject to the rulemaking requirements of chapter 120. The  
 328 executive director must be confirmed by the Senate upon  
 329 employment and must be confirmed or reconfirmed by the Senate  
 330 during the second regular session of the Legislature following a  
 331 gubernatorial election.

332 (b)1. The governing board of each water management district  
 333 shall employ an inspector general, who shall report directly to  
 334 the board. However, the governing boards of the Suwannee River  
 335 Water Management District and the Northwest Florida Water

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336 Management District may jointly employ an inspector general, or  
 337 provide for inspector general services by interagency agreement  
 338 with a state agency or water management district inspector  
 339 general.

340 2. An inspector general must have the qualifications  
 341 prescribed and perform the applicable duties of state agency  
 342 inspectors general as provided in s. 20.055.

343 Section 11. Section 373.083, Florida Statutes, is amended  
 344 to read:

345 373.083. General powers and duties of the governing board

346 In addition to other powers and duties allowed it by law,  
 347 the governing board is authorized to:

348 (1) Contract with public agencies, private corporations, or  
 349 other persons; sue and be sued; and appoint and remove agents  
 350 and employees, including specialists and consultants.

351 (2) Issue orders to implement or enforce any of the  
 352 provisions of this chapter or regulations thereunder.

353 (3) Make surveys and investigations of the water supply and  
 354 resources of the district and cooperate with other governmental  
 355 agencies in similar activities.

356 (4) Solicit and accept donations or grants of funds or  
 357 services from both public and private sources for the planning  
 358 and implementation of district undertakings and delegations,  
 359 including, but not limited to, projects, programs, works, and  
 360 studies.

361 (5) Execute any of the powers, duties, and functions vested  
 362 in the governing board through a member or members thereof, the  
 363 executive director, or other district staff as designated by the

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364 governing board. The governing board may establish the scope and  
 365 terms of any delegation. ~~However, if t~~The governing board shall  
 366 delegates to the executive director the authority to take final  
 367 action on permit applications under part II or part IV, or  
 368 petitions for variances or waivers of permitting requirements  
 369 under part II or part IV, and this delegation shall not be  
 370 subject to the rulemaking requirements of chapter 120. However,  
 371 the governing board shall provide a process for referring any  
 372 denial of such application or petition to the governing board to  
 373 take final action. The authority in this subsection is  
 374 supplemental to any other provision of this chapter granting  
 375 authority to the governing board to delegate specific powers,  
 376 duties, or functions.

377 Section 12. Section 373.118, Florida Statutes, is amended  
 378 to read:

379 373.118. General permits; delegation

380 (1) The governing board may adopt rules establishing a  
 381 general permit system under this chapter for projects, or  
 382 categories of projects, which have, either singly or  
 383 cumulatively, a minimal adverse impact on the water resources of  
 384 the district. Such rules shall specify design or performance  
 385 criteria which, if applied, would result in compliance with the  
 386 conditions for issuance of permits established in this chapter  
 387 and district rules.

388 (2) A general permit system relating to water use may  
 389 provide for the granting of permits for the use of water in  
 390 specified amounts within identified areas of the district.  
 391 General permits for water use shall be subject to all the

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392 provisions of part II except the provisions of s. 373.229.

393 (3) In lieu of the publication of notice requirements of  
 394 ss. 373.116, 373.229, and 373.413, the governing board may  
 395 establish alternative notice requirements for general permits,  
 396 which requirements take into account the nature and scope of the  
 397 projects permitted and the effect the proposed activity may have  
 398 on other persons.

399 (4) To provide for greater efficiency, the governing board  
 400 ~~may~~ shall delegate by rule its powers and duties pertaining to  
 401 general permits to the executive director and this delegation  
 402 shall not be subject to the rulemaking requirements of chapter  
 403 120. The executive director may execute such delegated authority  
 404 through designated staff. However, when delegating the authority  
 405 to take final action on permit applications under part II or  
 406 part IV or petitions for variances or waivers of permitting  
 407 requirements under part II or part IV, the governing board shall  
 408 provide a process for referring any denial of such application  
 409 or petition to the governing board to take such final action.

410 (5) The department shall adopt by rule one or more general  
 411 permits for local governments to construct, operate, and  
 412 maintain public marina facilities, public mooring fields, public  
 413 boat ramps, including associated courtesy docks, and associated  
 414 parking facilities located in uplands. Such general permits  
 415 adopted by rule shall include provisions to ensure compliance  
 416 with part IV of this chapter, subsection (1), and the criteria  
 417 necessary to include the general permits in a state programmatic  
 418 general permit issued by the United States Army Corps of  
 419 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-

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420 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility  
 421 authorized under such general permits is exempt from review as a  
 422 development of regional impact if the facility complies with the  
 423 comprehensive plan of the applicable local government. Such  
 424 facilities shall be consistent with the local government manatee  
 425 protection plan required pursuant to chapter 370 [FN1] and shall  
 426 obtain Clean Marina Program status prior to opening for  
 427 operation and maintain that status for the life of the facility.  
 428 Marinas and mooring fields authorized under any such general  
 429 permit shall not exceed an area of 50,000 square feet over  
 430 wetlands and other surface waters. All facilities permitted  
 431 under this section shall be constructed, maintained, and  
 432 operated in perpetuity for the exclusive use of the general  
 433 public. The department shall initiate the rulemaking process  
 434 within 60 days after the effective date of this act.

435 Section 13. Subsection (6) is added to Section 373.236,  
 436 Florida Statutes, to read:

437 373.236 Duration of permits; compliance reports.--

438 (6) (a) The need for alternative water supply development  
 439 projects to meet anticipated public water supply demands of the  
 440 state is such that it is essential to encourage participation in  
 441 and contribution to such projects by private rural landowners  
 442 who characteristically have relatively modest near-term water  
 443 demands but substantially increasing demands after the 20-year  
 444 planning horizon provided in s. 373.0361. Where such landowners  
 445 make extraordinary contributions of lands or construction  
 446 funding to enable the expeditious implementation of such  
 447 projects, water management districts and the department are



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448 authorized to grant permits for such projects for a period of up  
 449 to 50 years to municipalities, counties, special districts,  
 450 regional water supply authorities, multijurisdictional water  
 451 supply entities, and publicly owned or privately owned utilities  
 452 created for or by the private landowners on or before April 1,  
 453 2009, which entities have entered into an agreement with the  
 454 private landowner, for the purposes of more efficiently pursuing  
 455 alternative public water supply development projects identified  
 456 in a district's regional water supply plan and meeting water  
 457 demands of both the applicant and the landowner.

458 (b) Any permit pursuant to paragraph (a) shall be granted  
 459 only for that period of time for which there is sufficient data  
 460 to provide reasonable assurance that the conditions for permit  
 461 issuance will be met. Such a permit shall require a compliance  
 462 report by the permittee every 5 years during the term of the  
 463 permit. The report shall contain sufficient data to maintain  
 464 reasonable assurance that the conditions for permit issuance,  
 465 applicable at the time of district review of the compliance  
 466 report, are met. Following review of the report, the governing  
 467 board or the department may modify the permit to ensure that the  
 468 use meets the conditions for issuance. This paragraph shall not  
 469 be construed to limit the existing authority of the department  
 470 or the governing board to modify or revoke a consumptive use  
 471 permit.

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

474 373.406 Exemptions - The following exemptions shall apply:

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475 (12) Construction of public use facilities in accordance  
 476 with Florida Communities Trust grant-approved projects on  
 477 county-owned natural areas, including but not limited to, up to  
 478 10 car parking facilities, boardwalks, observation platforms,  
 479 canoe or kayak launches when such facilities comprise no more  
 480 than 1% of the county-owned natural area and affect not more  
 481 than ½ acre of surface waters or wetlands.

482 Section 15. Section 373.4061, Florida Statutes, is created  
 483 to read:

484 373.4061 Noticed General Permit to Counties for  
 485 Environmental Restoration Activities -

486 (1) A general permit is hereby granted to Counties to  
 487 construct, operate, alter, maintain or remove systems for the  
 488 purposes of environmental restoration.

489 (2) In order to qualify for this general permit, the  
 490 project must comply with the following procedures:

491 (a) The project must be included in a management plan which  
 492 has been the subject of at least one public workshop; and

493 (b) The County Commission must conduct at least one public  
 494 hearing; and

495 (c) If the project is located in a tidal waterbody, this  
 496 general permit is limited to those waterbodies given priority  
 497 restoration status pursuant to 373.453(1)(c);

498 (d) No activity under this part may be considered as  
 499 mitigation for any other project, presently or in the future.

500 (3) The following restoration activities are authorized by  
 501 this general permit:

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

506 (b) Placement of riprap within 10' waterward of the low  
 507 tide line for the purpose of preventing or abating erosion of a  
 508 predominantly natural shoreline and provided that seagrass,  
 509 coral and sponge communities are not adversely affected; and

510 (c) Placement of riprap within 10' waterward of an  
 511 existing seawall and the backfill of the area between the riprap  
 512 and seawall with clean fill for the sole purpose of planting  
 513 mangroves and Spartina provided that seagrass, coral and sponge  
 514 communities are not adversely affected; and

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

518 (e) Backfilling of existing dredge holes which are at  
 519 least 5' deeper than surrounding natural grades to an intertidal  
 520 elevation or, at a minimum, an elevation at which light  
 521 penetration is expected to allow for seagrass recruitment; and

522 (f) Placement of rock riprap or clean concrete in existing  
 523 dredge holes which are at least 5' deeper then surrounding  
 524 natural grades provided that placed rock or concrete does not  
 525 protrude above surrounding natural grades.

526 (4) This general permit shall be subject to the following  
 527 specific conditions:

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528 (a) A project under this general permit shall not  
 529 significantly impeded navigation or unreasonably infringe upon  
 530 the riparian rights of others; and

531 (b) All erodible surfaces, including intertidal slopes  
 532 shall be revegetated with appropriate native plantings within 72  
 533 hours of completion of construction; and

534 (c) Riprap material shall be clean limestone, granite or  
 535 other native rock 1' to 3' in diameter; and

536 (d) Fill material used to backfill dredge holes or seawall  
 537 planter areas shall be local, native material legally removed  
 538 from nearby submerged lands or shall be material brought to the  
 539 site with not more than 10% of the material passing through a  
 540 #200 standard sieve and containing no more than 10% organic  
 541 content; and

542 (e) Turbidity shall be monitored and controlled at all  
 543 times such that turbidity immediately outside the project area  
 544 complies with Rule 62-302.300, F.A.C.; and

545 (f) Equipment, barges and staging areas shall not be stored  
 546 over seagrass, coral or sponge communities.

547 (5) The District or Department shall provide written  
 548 notification as to whether the proposed activity qualifies for  
 549 the general permit within 30 days of receipt of written notice  
 550 of a County's intent to use the general permit. If the District  
 551 or Department notifies the County that the system does not  
 552 qualify for a noticed general permit due to an error or omission  
 553 in the original notice to the District or the Department, the  
 554 County shall have 30 days from the date of the notification to

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555 amend the notice to use the general permit and submit such  
 556 additional information to correct such error or omission.

557 Section 16. Subsection (29) of section 403.061, Florida  
 558 Statutes, is amended to read:

559 403.061 Department; powers and duties.— The department  
 560 shall have the power and the duty to control and prohibit  
 561 pollution of air and water in accordance with the law and rules  
 562 adopted and promulgated by it and, for this purpose, to:

563 (29) Adopt by rule special criteria to protect ~~Class II~~  
 564 shellfish harvesting waters. Rules previously adopted by the  
 565 department in rule 17-4.28(8)(a), Florida Administrative Code,  
 566 are hereby ratified and determined to be a valid exercise of  
 567 delegated legislative authority and shall remain in effect  
 568 unless amended ~~by the Environmental Regulation Commission.~~ Such  
 569 rules may include special criteria for approval of docking  
 570 facilities with 10 or fewer slips where construction and  
 571 operation of such facilities will not result in the closure of  
 572 shellfish waters.

573 Section 17. Present subsection (40) of section 403.061,  
 574 Florida Statutes, is redesignated as subsection (43), and new  
 575 subsections (40), (41) and (42) are added to that section to  
 576 read:

577 403.061 Department; powers and duties.--The department  
 578 shall have the power and the duty to control and prohibit  
 579 pollution of air and water in accordance with the law and rules  
 580 adopted and promulgated by it and, for this purpose, to:

581 (40) Maintain a list of projects or activities, including  
 582 mitigation banks, that applicants may consider when developing

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583 proposals to meet the mitigation or public interest requirements  
 584 of chapter 253, chapter 373, or this chapter. The contents of  
 585 such a list are not a rule as defined in chapter 120, and  
 586 listing a specific project or activity does not imply approval  
 587 by the department for such project or activity. Each county  
 588 government is encouraged to develop an inventory of projects or  
 589 activities for inclusion on the list by obtaining input from  
 590 local stakeholder groups in the public, private, and nonprofit  
 591 sectors, including local governments, port authorities, marine  
 592 contractors, other representatives of the marine construction  
 593 industry, environmental or conservation organizations, and other  
 594 interested parties. Counties may establish dedicated funds for  
 595 depositing public interest donations into a reserve for future  
 596 public interest projects, including improvements to on water law  
 597 enforcement.

598 (41) Develop a project management plan to implement an e-  
 599 permitting program that allows for timely submittal and exchange  
 600 of permit application and compliance information that yields  
 601 positive benefits in support of the department's mission, permit  
 602 applicants, permit holders, and the public. The plan shall  
 603 include an implementation timetable, estimated costs, and  
 604 transaction fees. The department shall submit the plan to the  
 605 President of the Senate, Speaker of the House of Representatives  
 606 and the Legislative Committee on Intergovernmental Relations by  
 607 January 15, 2010.

608 (42) Expand the use of Internet based self certification  
 609 services for appropriate exemptions and general permits issued  
 610 by the department and the water management districts.

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611 Notwithstanding any other provision of law a local government is  
 612 prohibited from specifying the method or form of documentation  
 613 that a project meets the provisions for authorization under  
 614 chapters 161, 253, 373, or 403. This shall include Internet  
 615 based programs of the department or water management district  
 616 that provide for self certification.

617 (43) ~~(40)~~ Serve as the state's single point of contact for  
 618 performing the responsibilities described in Presidential  
 619 Executive Order 12372, including administration and operation of  
 620 the Florida State Clearinghouse. The Florida State Clearinghouse  
 621 shall be responsible for coordinating interagency reviews of the  
 622 following: federal activities and actions subject to the federal  
 623 consistency requirements of s. 307 of the Coastal Zone  
 624 Management Act; documents prepared pursuant to the National  
 625 Environmental Policy Act, 42 U.S.C. ss. 4321 et seq., and the  
 626 Outer Continental Shelf Lands Act, 43 U.S.C. ss. 1331 et seq.;  
 627 applications for federal funding pursuant to s. 216.212; and  
 628 other notices and information regarding federal activities in  
 629 the state, as appropriate. The Florida State Clearinghouse shall  
 630 ensure that state agency comments and recommendations on the  
 631 environmental, social, and economic impact of proposed federal  
 632 actions are communicated to federal agencies, applicants, local  
 633 governments, and interested parties.

634 The department shall implement such programs in  
 635 conjunction with its other powers and duties and shall place  
 636 special emphasis on reducing and eliminating contamination that  
 637 presents a threat to humans, animals or plants, or to the  
 638 environment.

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639 Section 18. Subsections (1) and (2) of section 403.813,  
 640 Florida Statutes, are amended to read:  
 641 403.813 Permits issued at district centers; exceptions.--  
 642 (1) A permit is not required under this chapter, chapter  
 643 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 644 chapter 25270, 1949, Laws of Florida, for activities associated  
 645 with the following types of projects; however, except as  
 646 otherwise provided in this subsection, ~~nothing in~~ this  
 647 subsection does not relieve ~~relieves~~ an applicant from any  
 648 requirement to obtain permission to use or occupy lands owned by  
 649 the Board of Trustees of the Internal Improvement Trust Fund or  
 650 any water management district in its governmental or proprietary  
 651 capacity or from complying with applicable local pollution  
 652 control programs authorized under this chapter or other  
 653 requirements of county and municipal governments:  
 654 (a) The installation of overhead transmission lines, with  
 655 support structures which are not constructed in waters of the  
 656 state and which do not create a navigational hazard.  
 657 (b) The installation and repair of mooring pilings and  
 658 dolphins associated with private docking facilities or piers and  
 659 the installation of private docks, piers and recreational  
 660 docking facilities, or piers and recreational docking facilities  
 661 of local governmental entities when the local governmental  
 662 entity's activities will not take place in any manatee habitat,  
 663 any of which docks:  
 664 1. Has 500 square feet or less of over-water surface area  
 665 for a dock which is located in an area designated as Outstanding  
 666 Florida Waters or 1,000 square feet or less of over-water



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667 surface area for a dock which is located in an area which is not  
 668 designated as Outstanding Florida Waters;

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

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

674 4. Is used for recreational, noncommercial activities  
 675 associated with the mooring or storage of boats and boat  
 676 paraphernalia; and

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

682 Nothing in this paragraph shall prohibit the department  
 683 from taking appropriate enforcement action pursuant to this  
 684 chapter to abate or prohibit any activity otherwise exempt from  
 685 permitting pursuant to this paragraph if the department can  
 686 demonstrate that the exempted activity has caused water  
 687 pollution in violation of this chapter.

688 (c) The installation and maintenance to design  
 689 specifications of boat ramps on artificial bodies of water where  
 690 navigational access to the proposed ramp exists or the  
 691 installation of boat ramps open to the public in any waters of  
 692 the state where navigational access to the proposed ramp exists  
 693 and where the construction of the proposed ramp will be less  
 694 than 30 feet wide and will involve the removal of less than 25

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695 cubic yards of material from the waters of the state, and the  
 696 maintenance to design specifications of such ramps; however, the  
 697 material to be removed shall be placed upon a self-contained  
 698 upland site so as to prevent the escape of the spoil material  
 699 into the waters of the state.

700 (d) The replacement or repair of existing docks and piers,  
 701 except that no fill material is to be used and provided that the  
 702 replacement or repaired dock or pier is in approximately the  
 703 same location and no larger in size than the existing dock or  
 704 pier, and no additional aquatic resources are adversely and  
 705 permanently affected ~~the same location and of the same~~  
 706 ~~configuration and dimensions as the dock or pier being replaced~~  
 707 ~~or repaired.~~

708 (2) The provisions of subsection (2) are superseded by  
 709 general permits established pursuant to ss. 373.118 and 403.814  
 710 which include the same activities. Until such time as general  
 711 permits are established, or if should general permits are be  
 712 suspended or repealed, the exemptions under subsection (2) shall  
 713 remain or shall be reestablished in full force and effect.

714 Section 19. Subsection (12) of section 403.814, Florida  
 715 Statutes, is created to read:

716 (12) The department Suwannee River Water Management  
 717 District, St. Johns River Water Management District, and  
 718 Southwest Florida Water Management District are directed to  
 719 amend their rules to substantially conform with the provisions  
 720 of rule 40E-400.315(1), FAC, as adopted by the South Florida  
 721 Water Management District.

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722 Section 20. Section 403.973, Florida Statutes, is amended  
 723 to read:

724 403.973 Expedited permitting; comprehensive plan  
 725 amendments.--

726 (1) It is the intent of the Legislature to encourage and  
 727 facilitate the location and expansion of those types of economic  
 728 development projects which offer job creation and high wages,  
 729 strengthen and diversify the state's economy, and have been  
 730 thoughtfully planned to take into consideration the protection  
 731 of the state's environment. It is also the intent of the  
 732 Legislature to provide for an expedited permitting and  
 733 comprehensive plan amendment process for such projects.

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

735 (a) "Duly noticed" means publication in a newspaper of  
 736 general circulation in the municipality or county with  
 737 jurisdiction. The notice shall appear on at least 2 separate  
 738 days, one of which shall be at least 7 days before the meeting.  
 739 The notice shall state the date, time, and place of the meeting  
 740 scheduled to discuss or enact the memorandum of agreement, and  
 741 the places within the municipality or county where such proposed  
 742 memorandum of agreement may be inspected by the public. The  
 743 notice must be one-eighth of a page in size and must be  
 744 published in a portion of the paper other than the legal notices  
 745 section. The notice shall also advise that interested parties  
 746 may appear at the meeting and be heard with respect to the  
 747 memorandum of agreement.

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

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

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

755 (d) "Secretary" means the Secretary of the Department of  
 756 Environmental Protection, or his or her designee.

757 (3) (a) The Secretary ~~Governor, through the office,~~ shall  
 758 direct the creation of regional permit action teams, for the  
 759 purpose of expediting review of permit applications and local  
 760 comprehensive plan amendments submitted by:

- 761 1. Businesses creating at least 50100 jobs, or
- 762 2. Businesses creating at least 2550 jobs if the project
- 763 is located in an enterprise zone, or in a county having a
- 764 population of less than 75,000 or in a county having a
- 765 population of less than 100,000 which is contiguous to a county
- 766 having a population of less than 75,000, as determined by the
- 767 most recent decennial census, residing in incorporated and
- 768 unincorporated areas of the county, or

769 (b) On a case-by-case basis and at the request of a county  
 770 or municipal government, the Secretary ~~office~~ may certify as  
 771 eligible for expedited review a project not meeting the minimum  
 772 job creation thresholds but creating a minimum of 10 jobs. The  
 773 recommendation from the governing body of the county or  
 774 municipality in which the project may be located is required in  
 775 order for the Secretary ~~office~~ to certify that any project is  
 776 eligible for expedited review under this paragraph. When  
 777 considering projects that do not meet the minimum job creation

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778 thresholds but that are recommended by the governing body in  
 779 which the project may be located, the Secretary ~~office~~ shall  
 780 consider economic impact factors that include, but are not  
 781 limited to:

- 782 1. The proposed wage and skill levels relative to those
- 783 existing in the area in which the project may be located;
- 784 2. The project's potential to diversify and strengthen the
- 785 area's economy;
- 786 3. The amount of capital investment; and
- 787 4. The number of jobs that will be made available for
- 788 persons served by the welfare transition program.

789 (c) At the request of a county or municipal government,  
 790 the Secretary ~~office~~ or a Quick Permitting County may certify  
 791 projects located in counties where the ratio of new jobs per  
 792 participant in the welfare transition program, as determined by  
 793 Workforce Florida, Inc., is less than one or otherwise critical,  
 794 as eligible for the expedited permitting process. Such projects  
 795 must meet the numerical job creation criteria of this  
 796 subsection, but the jobs created by the project do not have to  
 797 be high-wage jobs that diversify the state's economy.

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

800 (e) Projects that are part of the state-of-the-art  
 801 biomedical research institution and campus to be established in  
 802 this state by the grantee under s. 288.955 are eligible for the  
 803 expedited permitting process, if the projects are designated as  
 804 part of the institution or campus by the board of county

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805 commissioners of the county in which the institution and campus  
 806 are established.

807 (f) Projects resulting in the production of biofuels  
 808 cultivated on lands 1,000 acres or larger or the construction of  
 809 a biofuel or biodiesel processing facility or renewable energy  
 810 generating facility as defined in s. 366.91(2)(d).

811 (4) The regional teams shall be established through the  
 812 execution of memoranda of agreement developed by the applicant  
 813 and between the Secretary office and with input solicited from  
 814 and the respective heads of the Department of Environmental  
 815 Protection, the Department of Community Affairs, the Department  
 816 of Transportation and its district offices, the Department of  
 817 Agriculture and Consumer Services, the Fish and Wildlife  
 818 Conservation Commission, appropriate regional planning councils,  
 819 appropriate water management districts, and voluntarily  
 820 participating municipalities and counties. The memoranda of  
 821 agreement should also accommodate participation in this  
 822 expedited process by other local governments and federal  
 823 agencies as circumstances warrant.

824 (5) In order to facilitate local government's option to  
 825 participate in this expedited review process, the Secretary  
 826 office shall, in cooperation with local governments and  
 827 participating state agencies, create a standard form memorandum  
 828 of agreement. A local government shall hold a duly noticed  
 829 public workshop to review and explain to the public the  
 830 expedited permitting process and the terms and conditions of the  
 831 standard form memorandum of agreement.

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832           (6) The local government shall hold a duly noticed public  
 833 hearing to execute a memorandum of agreement for each qualified  
 834 project. Notwithstanding any other provision of law, and at the  
 835 option of the local government, the workshop provided for in  
 836 subsection (5) may be conducted on the same date as the public  
 837 hearing held under this subsection. The memorandum of agreement  
 838 that a local government signs shall include a provision  
 839 identifying necessary local government procedures and time  
 840 limits that will be modified to allow for the local government  
 841 decision on the project within 90 days. The memorandum of  
 842 agreement applies to projects, on a case-by-case basis, that  
 843 qualify for special review and approval as specified in this  
 844 section. The memorandum of agreement must make it clear that  
 845 this expedited permitting and review process does not modify,  
 846 qualify, or otherwise alter existing local government  
 847 nonprocedural standards for permit applications, unless  
 848 expressly authorized by law.

849           (7) ~~At the option of the participating local government,~~  
 850 Appeals of local government its final approvals for a project  
 851 shall may be pursuant to the summary hearing provisions of s.  
 852 120.574, pursuant to subsection (14), and be consolidated with  
 853 the challenge of applicable state agency actions, if any. ~~or~~  
 854 ~~pursuant to other appellate processes available to the local~~  
 855 ~~government. The local government's decision to enter into a~~  
 856 ~~summary hearing must be made as provided in s. 120.574 or in the~~  
 857 ~~memorandum of agreement.~~

858           (8) Each memorandum of agreement shall include a process  
 859 for final agency action on permit applications and local

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860 comprehensive plan amendment approvals within 90 days after  
 861 receipt of a completed application, unless the applicant agrees  
 862 to a longer time period or the Secretary ~~office~~ determines that  
 863 unforeseen or uncontrollable circumstances preclude final agency  
 864 action within the 90-day timeframe. Permit applications governed  
 865 by federally delegated or approved permitting programs whose  
 866 requirements would prohibit or be inconsistent with the 90-day  
 867 timeframe are exempt from this provision, but must be processed  
 868 by the agency with federally delegated or approved program  
 869 responsibility as expeditiously as possible.

870 (9) The Secretary ~~office~~ shall inform the Legislature by  
 871 October 1 of each year to ~~which agencies have not entered into~~  
 872 ~~or implemented an agreement and~~ identify any barriers to  
 873 achieving success of the program.

874 (10) The memoranda of agreement may provide for the waiver  
 875 or modification of procedural rules prescribing forms, fees,  
 876 procedures, or time limits for the review or processing of  
 877 permit applications under the jurisdiction of those agencies  
 878 that are party to the memoranda of agreement. Notwithstanding  
 879 any other provision of law to the contrary, a memorandum of  
 880 agreement must to the extent feasible provide for proceedings  
 881 and hearings otherwise held separately by the parties to the  
 882 memorandum of agreement to be combined into one proceeding or  
 883 held jointly and at one location. Such waivers or modifications  
 884 shall not be available for permit applications governed by  
 885 federally delegated or approved permitting programs, the  
 886 requirements of which would prohibit, or be inconsistent with,  
 887 such a waiver or modification.



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

892 (a) A central contact point for filing permit applications  
 893 and local comprehensive plan amendments and for obtaining  
 894 information on permit and local comprehensive plan amendment  
 895 requirements;

896 (b) Identification of the individual or individuals within  
 897 each respective agency who will be responsible for processing  
 898 the expedited permit application or local comprehensive plan  
 899 amendment for that agency;

900 (c) A mandatory preapplication review process to reduce  
 901 permitting conflicts by providing guidance to applicants  
 902 regarding the permits needed from each agency and governmental  
 903 entity, site planning and development, site suitability and  
 904 limitations, facility design, and steps the applicant can take  
 905 to ensure expeditious permit application and local comprehensive  
 906 plan amendment review. As a part of this process, the first  
 907 interagency meeting to discuss a project shall be held within 14  
 908 days after the Secretary's ~~office's~~ determination that the  
 909 project is eligible for expedited review. Subsequent interagency  
 910 meetings may be scheduled to accommodate the needs of  
 911 participating local governments that are unable to meet public  
 912 notice requirements for executing a memorandum of agreement  
 913 within this timeframe. This accommodation may not exceed 45 days  
 914 from the office's determination that the project is eligible for  
 915 expedited review;

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916 (d) The preparation of a single coordinated project  
 917 description form and checklist and an agreement by state and  
 918 regional agencies to reduce the burden on an applicant to  
 919 provide duplicate information to multiple agencies;

920 (e) Establishment of a process for the adoption and review  
 921 of any comprehensive plan amendment needed by any certified  
 922 project within 90 days after the submission of an application  
 923 for a comprehensive plan amendment. However, the memorandum of  
 924 agreement may not prevent affected persons as defined in s.  
 925 163.3184 from appealing or participating in this expedited plan  
 926 amendment process and any review or appeals of decisions made  
 927 under this paragraph; and

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

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

936 (13) Notwithstanding any other provisions of law:

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

940 (b) Projects qualified under this section are not subject  
 941 to interstate highway level-of-service standards adopted by the  
 942 Department of Transportation for concurrency purposes. The  
 943 memorandum of agreement specified in subsection (5) must include

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944 a process by which the applicant will be assessed a fair share  
 945 of the cost of mitigating the project's significant traffic  
 946 impacts, as defined in chapter 380 and related rules. The  
 947 agreement must also specify whether the significant traffic  
 948 impacts on the interstate system will be mitigated through the  
 949 implementation of a project or payment of funds to the  
 950 Department of Transportation. Where funds are paid, the  
 951 Department of Transportation must include in the 5-year work  
 952 program transportation projects or project phases, in an amount  
 953 equal to the funds received, to mitigate the traffic impacts  
 954 associated with the proposed project.

955 (14) (a) Challenges to state agency action in the expedited  
 956 permitting process for projects processed under this section are  
 957 subject to the summary hearing provisions of s. 120.574, except  
 958 that the administrative law judge's decision, as provided in s.  
 959 120.574(2) (f), shall be in the form of a recommended order and  
 960 shall not constitute the final action of the state agency. In  
 961 those proceedings where the action of only one agency of the  
 962 state other than the Department of Environmental Protection is  
 963 challenged, the agency of the state shall issue the final order  
 964 within 10 working days of receipt of the administrative law  
 965 judge's recommended order. In those proceedings where the action  
 966 of the Department of Environmental Protection is challenged, or  
 967 the actions of more than one agency of the state are challenged,  
 968 the Governor shall issue the final order within 10 working days  
 969 of receipt of the administrative law judge's recommended order.  
 970 The participating agencies of the state may opt at the  
 971 preliminary hearing conference to allow the administrative law

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972 judge's decision to constitute the final agency action. If a  
 973 participating local government agrees to participate in the  
 974 summary hearing provisions of s. 120.574 for purposes of review  
 975 of local government comprehensive plan amendments, s.  
 976 163.3184(9) and (10) apply.

977 (b) Challenges to state agency action in the expedited  
 978 permitting process for establishment of a state-of-the-art  
 979 biomedical research institution and campus in this state by the  
 980 grantee under s. 288.955 or projects identified in paragraph  
 981 (3)(f) are subject to the same requirements as challenges  
 982 brought under paragraph (a), except that, notwithstanding s.  
 983 120.574, summary proceedings must be conducted within 30 days  
 984 after a party files the motion for summary hearing, regardless  
 985 of whether the parties agree to the summary proceeding.

986 (15) The Secretary office, working with the agencies  
 987 providing cooperative assistance and input to participating in  
 988 the memoranda of agreement, shall review sites proposed for the  
 989 location of facilities eligible for the Innovation Incentive  
 990 Program under s. 288.1089. Within 20 days after the request for  
 991 the review by the Secretary office, the agencies shall provide  
 992 to the office a statement as to each site's necessary permits  
 993 under local, state, and federal law and an identification of  
 994 significant permitting issues, which if unresolved, may result  
 995 in the denial of an agency permit or approval or any significant  
 996 delay caused by the permitting process.

997 (16) This expedited permitting process shall not modify,  
 998 qualify, or otherwise alter existing agency nonprocedural  
 999 standards for permit applications or local comprehensive plan

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1000 amendments, unless expressly authorized by law. If it is  
 1001 determined that the applicant is not eligible to use this  
 1002 process, the applicant may apply for permitting of the project  
 1003 through the normal permitting processes.

1004 (17) The Secretary ~~office~~ shall be responsible for  
 1005 certifying a business as eligible for undergoing expedited  
 1006 review under this section. Enterprise Florida, Inc., a county or  
 1007 municipal government, or the Rural Economic Development  
 1008 Initiative may recommend to the Secretary ~~Office of Tourism,~~  
 1009 ~~Trade, and Economic Development~~ that a project meeting the  
 1010 minimum job creation threshold undergo expedited review.

1011 (18) The Secretary ~~office~~, working with the Rural Economic  
 1012 Development Initiative and the agencies participating in the  
 1013 memoranda of agreement, shall provide technical assistance in  
 1014 preparing permit applications and local comprehensive plan  
 1015 amendments for counties having a population of less than 75,000  
 1016 residents, or counties having fewer than 100,000 residents which  
 1017 are contiguous to counties having fewer than 75,000 residents.  
 1018 Additional assistance may include, but not be limited to,  
 1019 guidance in land development regulations and permitting  
 1020 processes, working cooperatively with state, regional, and local  
 1021 entities to identify areas within these counties which may be  
 1022 suitable or adaptable for preclearance review of specified types  
 1023 of land uses and other activities requiring permits.

1024 (19) The following projects are ineligible for review  
 1025 under this part:

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1026 (a) A project funded and operated by a local government,  
 1027 as defined in s. 377.709, and located within that government's  
 1028 jurisdiction.

1029 (b) A project, the primary purpose of which is to:

1030 1. Effect the final disposal of solid waste, biomedical  
 1031 waste, or hazardous waste in this state.

1032 2. Produce electrical power, unless the production of  
 1033 electricity is incidental and not the primary function of the  
 1034 project or the electrical power is derived from a renewable fuel  
 1035 source as defined by s. 366.91(2)(d), Florida Statutes.

1036 3. Extract natural resources.

1037 4. Produce oil.

1038 5. Construct, maintain, or operate an oil, petroleum,  
 1039 natural gas, or sewage pipeline.

1040 Section 21. From the effective date of this act through  
 1041 October 1, 2011, no more stringent or additional permitting  
 1042 standards, regulations or criteria related to construction,  
 1043 development, building or other land use activity shall be  
 1044 adopted by the state or any local governmental entity pursuant  
 1045 to chapters 125, 161, 163, 166, 253, 373, 378, 379, 380, 403, or  
 1046 553, Florida Statutes, s. 381.0065, or any other local  
 1047 ordinance, without express legislative direction and  
 1048 authorization. Nothing in this act shall be deemed to prevent  
 1049 any governmental entity from adopting rules necessary to retain  
 1050 federal delegation to, or assumption by, the State of the  
 1051 authority to implement a federal law or program.

1052 Section 22. The Department of Environmental Protection is  
 1053 directed to amend its rules for calculating square footage for a

BILL

ORIGINAL

YEAR

1054 | Sovereignty State Land Lease to exclude a boat lift, davits, and  
1055 | a boat lift covering that provides the boat with reasonable  
1056 | protection from the elements.

1057 |       Section 23. This act shall take effect upon becoming law,  
1058 | except as noted elsewhere where retroactive effect is expressly  
1059 | provided.