

Committee Substitute for
Committee Substitute for Senate Bill No. 662

An act relating to expedited permitting; providing legislative intent with respect to creating a statewide one-stop permitting system; amending s. 14.2015, F.S.; deleting provisions authorizing the Office of Tourism, Trade, and Economic Development to make recommendations to the Legislature on improving permitting procedures; amending s. 288.021, F.S.; authorizing the appointment of certain economic development liaisons; creating s. 288.109, F.S.; requiring that the Department of Management Services establish a One-Stop Permitting System using the Internet; providing requirements for the system; requiring that the department develop a protocol for adding state agencies and counties to the One-Stop Permitting System; specifying the various state agencies to be provided access to the system; requiring a permit that is filed using the One-Stop Permitting System to be approved or denied within a specified time; providing for a temporary waiver of the permit fee for applications filed using the One-Stop Permitting System; providing for a permit fee reduction under certain conditions; creating s. 288.1092, F.S.; creating the One-Stop Permitting System Grant Program within the Department of Management Services; providing for grant moneys to be awarded to counties certified as Quick Permitting Counties; providing requirements for the use of grant moneys; creating s. 288.1093, F.S.; creating the Quick Permitting County Designation Program within the Department of Management Services; providing criteria under which the department may designate a county as a Quick Permitting County; creating s. 288.1095, F.S.; requiring that the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., and state agencies provide information on the One-Stop Permitting System and the Quick Permitting Counties; repealing ss. 403.950, 403.951, 403.952, 403.953, 403.954, 403.955, 403.9551, 403.956, 403.957, 403.958, 403.959, 403.960, 403.961, 403.9615, 403.962, 403.963, 403.964, 403.965, 403.966, 403.967, 403.968, 403.969, 403.970, 403.971, 403.972, F.S., relating to the Florida Jobs Siting Act; amending s. 403.973, F.S.; providing that certain projects located in certain counties may be certified as eligible for expedited permitting; requiring that the Office of Tourism, Trade, and Economic Development delegate certain responsibilities to a county designated as a Quick Permitting County; requiring a memorandum of agreement for projects that qualify for expedited review; providing requirements for such memoranda of agreement; deleting obsolete provisions; providing an appropriation; appropriating funds to offset reduced revenues resulting from implementing the One-Stop Permitting System; providing an effective date.

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

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

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

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

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

(g)1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~5.— Obtain information and permit applications from agencies and provide such information and permit applications to the public.~~

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

7.—Determine, upon request, the status of a particular permit application.

8.—Receive complaints and suggestions concerning permitting policies and activities of governmental agencies which affect businesses.

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

(d)(e) In carrying out its duties under this subsection, the Office of Tourism, Trade, and Economic Development may consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021.

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

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

288.021 Economic development liaison.—

(1) The heads of the Department of Transportation, the Department of Environmental Protection and an additional member appointed by the secretary of the department, the Department of Labor and Employment Security, the Department of Education, the Department of Community Affairs, the Department of Management Services, the Department of Revenue, and the Game and Fresh Water Fish Commission, each water management district, and each Department of Transportation District office shall designate a high-level staff member from within such agency to serve as the economic development liaison for the agency. This person shall report to the agency head and have general knowledge both of the state's permitting and other regulatory functions and of the state's economic goals, policies, and programs. This person shall also be the primary point of contact for the agency with the Office of Tourism, Trade, and Economic Development on issues and projects important to the economic development of Florida, including its rural areas, to expedite project review, to ensure a prompt, effective response to problems arising with regard to permitting and regulatory functions, and to work closely with the other economic development liaisons to resolve interagency conflicts.

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

288.109 One-Stop Permitting System.—

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

(2) The department shall develop the One-Stop Permitting System Internet site to allow an applicant to complete and submit application forms for development permits to agencies and counties. The Internet site must be capable of allowing an applicant to submit payment for permit fees and must provide payment options. After initially establishing the Internet site, the department shall implement, in the most timely manner possible, the capabilities described in this subsection. The department shall also develop a protocol for adding to the One-Stop Permitting System additional state agencies and counties that agree to participate. The department may competitively procure and contract for services to develop such capabilities.

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

- (a) Wetland or environmental resource permits.
- (b) Surface-water management permits.
- (c) Stormwater permits.
- (d) Site-plan approvals.
- (e) Zoning approvals and comprehensive plan amendments.
- (f) Building permits.
- (g) Transportation concurrency approvals.
- (h) Consumptive water-use permits.
- (i) Wastewater permits.

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

- (a) The Department of Environmental Protection.
- (b) The Department of Community Affairs.
- (c) The Department of Management Services.

- (d) The Department of Transportation, including district offices.
- (e) The Northwest Florida Water Management District.
- (f) The St. Johns River Water Management District.
- (g) The Southwest Florida Water Management District.
- (h) The Suwannee River Water Management District.
- (i) The South Florida Water Management District.
- (j) Selected counties that agree to participate.

(5) By January 1, 2001, the following state agencies, and the programs within such agencies which require the issuance of licenses, permits, and approvals to businesses, must also be integrated into the One-Stop Permitting System:

- (a) The Department of Agriculture and Consumer Services.
- (b) The Department of Business and Professional Regulation.
- (c) The Department of Health.
- (d) The Department of Insurance.
- (e) The Department of Labor.
- (f) The Department of Revenue.
- (g) The Department of State.
- (h) The Game and Freshwater Fish Commission.
- (i) Other state agencies.

(6) The department may add counties and municipalities to the One-Stop Permitting System as such local governments agree to participate and develop the technical capability of joining the system.

(7) To the extent feasible, state agencies are directed to develop and implement on-line permitting systems.

(8) Section 120.60(1) shall apply to any development permit or license filed under the One-Stop Permitting System, except the 90-day time period for approving or denying a completed application shall be 60 days. In the case of permits issued by the water management districts, each completed application that does not require governing board approval must be approved or denied within 60 days after receipt. However, completed permit applications which must be considered by a water management district governing board shall be approved or denied at the next regularly scheduled meeting after the 60-day period has expired.

(9) Each agency shall maintain a record of the time required for that agency to process each application that is filed using the One-Stop Permit-

ting System and submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year which compiles such information.

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

(11) A state agency or water management district is authorized to reduce a development permit fee by 25 percent for applicants who submit a complete application over the Internet when the applicant is not required to submit additional information to the agency or water management district.

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

288.1092 One-Stop Permitting Grant Program.—There is created within the Department of Management Services the One-Stop Permitting System Grant Program. The purpose of the grant program is to encourage counties to coordinate and integrate the development of the county's permitting process with the One-Stop Permitting System. The department shall review grant applications and, subject to available funds, if a county is certified as a Quick Permitting County under s. 288.1093, shall award a grant of up to \$50,000 to provide for such integration. The department must review a grant application for consistency with the purpose of the One-Stop Permitting System to provide access to development permit information and application forms. Grants shall be issued on a first-come, first-served basis to qualified Quick Permitting Counties. The grant moneys may be used to purchase software, hardware, or consulting services necessary for the county to create an interface with the One-Stop Permitting System. Grant moneys may not be used to pay administrative costs. The grant application must specify what items or services the county intends to purchase using the grant moneys, the amount of each of the items or services to be purchased, and how the items or services are necessary for the county to create an interface with the One-Stop Permitting System.

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

288.1093 Quick Permitting County Designation Program.—

(1) There is established within the Department of Management Services the Quick Permitting County Designation Program. To be designated as a Quick Permitting County, the Chair of the Board of County Commissioners

of the applying county must certify to the Department of Management Services that the county meets the criteria specified in subsection (3).

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

- (a) Wetland or environmental resource permits.
- (b) Surface-water management permits.
- (c) Stormwater permits.
- (d) Site-plan approvals.
- (e) Zoning and comprehensive plan amendments.
- (f) Building permits.
- (g) Transportation concurrency approvals.
- (h) Wastewater permits.

(3) In order to qualify for a Quick Permitting County designation, a county must certify to the department that the county has implemented the following best-management practices:

- (a) The establishment of a single point of contact for a business seeking assistance in obtaining a permit;
- (b) The selection of high-priority projects for accelerated permit review;
- (c) The use of documented preapplication meetings following standard procedures;
- (d) The maintenance of an inventory of sites suitable for high-priority projects;
- (e) The development of a list of consultants who conduct business in the county;
- (f) The evaluation and elimination of duplicative approval and permitting requirements within the county;
- (g) The commitment to participate, through the entry of an interlocal agreement for individual projects, in the expedited permit process set forth in s. 403.973;
- (h) The development of a timetable for processing development permits and approvals; and
- (i) The use of interagency coordination to facilitate permit processing.

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

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

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

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

403.973 Expedited permitting; comprehensive plan amendments.—

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

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

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

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

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

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

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

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

2.(b) Businesses creating at least 50 jobs if the project is located in an enterprise zone, or in a county having a population of less than 75,000 or in a county having a population of less than 100,000 which is contiguous to a county having a population of less than 75,000, as determined by the most recent decennial census, residing in incorporated and unincorporated areas of the county, or

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

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

(c) At the request of a county or municipal government, the office or a Quick Permitting County may certify projects located in counties where the ratio of new jobs per WAGES client, as determined by the Workforce Development Board of Enterprise Florida, is less than one or otherwise critical, as eligible for the expedited permitting process. Such projects must meet the numerical job creation criteria of subsection (3), but the jobs created by the project do not have to be high-wage jobs that diversify the state's economy.

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

(5)(4) The regional teams shall be established through the execution of memoranda of agreement between the office and the respective heads of the

Department ~~Departments~~ of Environmental Protection, the Department of Community Affairs, the Department of Transportation and its district of-fices, the Department of Agriculture and Consumer Services, the Game and Fresh Water Fish Commission, appropriate regional planning councils, appropriate water management districts, and voluntarily participating municipalities and counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

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

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

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

~~(9)~~(8) Each memorandum of agreement shall include a process for final agency action on permit applications and local comprehensive plan amendment approvals within 90 days after receipt of a completed application, unless the applicant agrees to a longer time period or the office determines that unforeseen or uncontrollable circumstances preclude final agency action within the 90-day timeframe. Permit applications governed by federally delegated or approved permitting programs whose requirements would prohibit or be inconsistent with the 90-day timeframe are exempt from this provision, but must be processed by the agency with federally delegated or approved program responsibility as expeditiously as possible.

~~(10)~~(9) The office shall inform the Legislature by October 1 of each year, ~~1997, and every October thereafter,~~ which agencies have not entered into or implemented an agreement, and identify any barriers to achieving success of the program. ~~The Office of Program Policy Analysis and Government Accountability shall study the implementation of this program and make~~

~~recommendations to the Governor and the Legislature by October 1, 1998, on how this program may be made more efficient and effective.~~

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

~~(12)~~(11) The memoranda of agreement shall include guidelines to be used in working with state, regional, and local permitting authorities. Guidelines may include, but are not limited to, the following:

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

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

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

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

(e) Establishment of a process for the adoption and review of any comprehensive plan amendment needed by any certified project within 90 days after the submission of an application for a comprehensive plan amendment. However, the memorandum of agreement may not prevent affected persons as defined in s. 163.3184 from appealing or participating in this expedited

plan amendment process and any review or appeals of decisions made under this paragraph; and

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

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

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

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

(b) Projects qualified under this section are not subject to interstate highway level of service standards adopted by the Department of Transportation for concurrency purposes. The memorandum of agreement specified in subsection ~~(6)~~ ~~(5)~~ must include a process by which the applicant will be assessed a fair share of the cost of mitigating the project's significant traffic impacts, as defined in chapter 380 and related rules. The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.

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

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

process, the applicant may apply for permitting of the project through the normal permitting processes.

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

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

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

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

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

1. Effect the final disposal of solid waste, biomedical waste, or hazardous waste in this state.
2. Produce electrical power, unless the production of electricity is incidental and not the primary function of the project.
3. Extract natural resources.
4. Produce oil.
5. Construct, maintain, or operate an oil, petroleum, natural gas, or sewage pipeline.

Section 10. The sum of \$100,000 is appropriated from the General Revenue Fund to the Department of Management Services to fund the administrative costs to establish and implement an Internet site for the One-Stop Permitting System.

Section 11. Effective July 1, 1999, the sum of \$3 million is appropriated from nonrecurring general revenue to the Executive Branch Administered Funds to be used to offset the potential decline in revenues as a result of the expedited One-Stop Permitting System. The funds shall be held in reserve by the Executive Office of the Governor until the principals of the Revenue Estimating Conference have determined the amount of loss of permit fees associated with applications submitted pursuant to the one-stop permitting

process. The Office of Planning and Budgeting shall approve a spending plan based on an analysis provided by the Revenue Estimating Conference and distribute and release the appropriated funds through budget amendments that are subject to the legislative consultation requirements set forth in section 216.177, Florida Statutes.

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

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.