

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1738

SPONSOR: Senator Bronson

SUBJECT: Expedited Permitting

DATE: April 13, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	_____	_____	<u>AGG</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill transfers the responsibilities for the “One-Stop Permitting System” from the Department of Management Services (DMS) to the State Technology Office (STO). It provides that existing law’s 60 day time frame for approving or denying Internet permit applications does not apply to applications evaluated under a federally delegated or approved permitting system. It deletes existing law that requires agencies to waive permit fees during the first six months in which online permit applications are received.

This bill substantially amends the following sections of the Florida Statutes: 288.109, 288.1092, and 288.1093.

II. Present Situation:

One-Stop Permitting System--In the past, the permitting of new, expanding or relocating businesses in Florida involved a mosaic of state, regional and local development permits and approvals. A typical large commercial development might require, for example, an environmental resource permit from the applicable water management district, a stormwater permit from the Department of Environmental Protection or local government, a comprehensive plan amendment from the local government as reviewed by the Department of Community Affairs, a certification of transportation concurrency from the local government or the Department of Transportation, site plan approval from the local government, and a building permit from the local government. The time and difficulty of coordinating the application and issuance of such permits has been an impediment for both small and large businesses seeking to

operate in Florida. In 1999, ch. 99-244, L.O.F.,¹ an act entitled the “One-Stop Permitting System,” was enacted to assist businesses with permitting.

The act directed the Department of Management Services (DMS) to establish by January 1, 2000, an Internet site that allows a business or individual to complete and submit application forms for development permits to state agencies and counties. A “development permit” is defined by the act as including any state, regional, or local permits or approvals necessary for the physical location or expansion of a business; examples include: wetland or environmental resource permits; surface water management permits; stormwater permits; site plan permits; zoning approvals and comprehensive plan amendments; building permits; transportation currency approvals; consumptive water-use permits; and wastewater permits.

The act initially required the following entities to be provided access to the One-Stop Permitting System: the DMS; the Department of Environmental Protection; the Department of Community Affairs; the Department of Transportation, including district offices; and each water management district. In addition, counties and municipalities that agreed to participate were to be included in the system. Thereafter, by January 1 of this year, the Departments of Agriculture and Consumer Services, Business and Professional Regulation, Health, Insurance, Labor, Revenue, and State, and the Game and Fresh Water Fish Commission were to be added to the One-Stop Permitting System.

The act also provides incentives for individuals or businesses to submit a permit application over the One-Stop Permitting System. First, the time frame for approving or denying an application is quickened. Applications submitted via the Internet are to be issued or denied within 60 days of receipt, rather than 90 days, except that permits issued by the water management districts that require governing board approval must be approved or denied at the next governing board meeting after the 60-day period expired. Second, the fee imposed by a state agency or water management district for issuing a permit was to be waived for complete permit applications received by the agency over the Internet during the first six months of agency participation in the One-Stop Permitting System. Permit fees assessed under the Electrical Power Siting Act, ss. 403.501-403.519, F.S., the Transmission Line Siting Act, ss. 403.52-403.5365, F.S., the statewide Multi-purpose Hazardous Waste Facility Siting Act, ss. 403.78-403.7893, F.S., and the High Speed Rail Transportation Siting Act, ss. 341.3201-341.386, F.S., are exempt from the fee waiver.

The act also enacted ss. 288.1092 and 288.1093, F.S., to create the “One-Stop Permitting System Grant Program.” The purpose of the program is to permit DMS to award grants up to \$50,000, on a first-come, first-served basis and subject to available funds, to counties that are certified as “Quick Permitting Counties.” In order to become certified, the county must certify to the DMS the:

- (a) Establishment of a single point of contact for a business seeking assistance in obtaining a permit;
- (b) Selection of high-priority projects for accelerated permit review;
- (c) Use of documented preapplication meetings following standard procedures;

¹Ch. 99-244, L.O.F., was codified at s. 288.109, F.S.

- (d) Maintenance of an inventory of sites suitable for high-priority projects;
- (e) Development of a list of consultants who conduct business in the county;
- (f) Evaluation and elimination of duplicative approval and permitting requirements within the county;
- (g) Commitment to participate, through the entry of an interlocal agreement for individual projects, in the expedited permit process set forth in s. 403.973, F.S.;
- (h) Development of a timetable for processing development permits and approvals; and
- (i) Use of interagency coordination to facilitate permit processing.

Grant moneys awarded are to be spent to purchase software, hardware, or consulting services necessary for a county to create an interface with the One-Stop Permitting System.

Progress in Implementing the One-Stop Permitting System—The One-Stop Permitting System can be found at www.myflorida.com/myflorida/licensingpermitting/index.html. To date, all water management districts and state departments, except the Departments of Insurance and Labor, are participating in the system, as statutorily required. Moreover for Fiscal Year 1999-2000, 16 grants, totaling \$460,884, were awarded to 16 counties,² and for Fiscal Year 2000–2001, 14 grants, totaling \$604,000, will be awarded to 14 counties.^{3 4} Currently, the web site only provides information on the permitting process, and allows persons to print out a permit application for participating entities. In Phase II of the system’s implementation, the system will enable the public to complete and submit permit applications online.

III. Effect of Proposed Changes:

The bill transfers the responsibilities for the “One-Stop Permitting System” contained in ss. 288.109, 288.1092, and 288.1093, F.S., from the DMS to the State Technology Office (STO), which is administratively housed in the DMS, but is independently headed by a Chief Information Officer, who is appointed by the Governor.⁵

The bill amends s. 288.109(8), F.S., to provide that the 60 day time frame for approving or denying completed online applications for permits does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting system. Under federal law, agencies are provided 90 days to evaluate such applications. The bill further specifies, however, that the reviewing agency must make a good-faith effort to act on such permit applications within 60 days.

The bill deletes s. 288.109(10), F.S., which provides that the permit fee is waived for online applications submitted to a state agency or water management district for six months after the date the agency or district begins accepting online applications.

The bill takes effect upon becoming a law.

²The 16 counties receiving grants in Fiscal Year 1999-2000 were: Bay; Brevard; Charlotte; Citrus; Hardee; Indian River; Jackson; Lake; Leon; Okaloosa; Palm Beach; Pasco; Pinellas; St. Lucie; Sumter; and Volusia.

³The 14 counties to receive grants in Fiscal Year 2000-2001 are: Bay; Brevard; Charlotte; Citrus; Hernando; Indian River; Lake; Lee; Leon; Marion; Pinellas; Santa Rosa; Sumter; and Volusia.

⁴Two counties, Manatee and Collier, which have not received grants, are also participating.

⁵Section 282.102, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

The bill deletes current law's provision that requires the waiver of permit fees for online applications submitted to a state agency or water management district for six months after the date the agency or district begins accepting online applications.

B. Private Sector Impact:

Persons who apply for permits online will not receive the fee waiver created by existing law for the first six months after an agency or water management district begins accepting online applications.

C. Government Sector Impact:

The bill should have a positive fiscal impact in that state agencies and water management districts would no longer be required to waive permit fees during the first six months of accepting online permit applications. These fee waivers were initially created to provide an incentive to the public to apply for permits online; however, in practicality, the waivers have operated somewhat as a deterrent in that agencies have been reluctant to begin accepting online permit applications because they could lose significant permit fee revenue. For example, the STO estimates that the Department of Agriculture and Consumer Services would have to waive over \$12 million in permit fees under existing law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
