

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 662

SPONSOR: Comprehensive Planning, Local and Military Affairs Committee & Senator Carlton

SUBJECT: Expedited Permitting

DATE: March 16, 1999

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

The bill repeals the permit information clearinghouse responsibilities of the Office of Tourism, Trade and Economic Development (OTTED) within the Governor's Office.

The bill authorizes the Department of Management Services to create, by January 1, 2000, a One-Stop Permitting Internet System to provide individuals and businesses with a central source of development permit information. The bill creates a Quick Permitting County Program where counties who certify that they employ certain permitting "best management practices," must be designated as Quick Permitting Counties by the Department of Management Services and become eligible for grant money of up to \$50,000 per county to connect to the One-Stop Permitting Internet System.

The bill repeals the Jobs Siting Act, ss. 403.950-403.972, F.S.

The bill amends s. 403.973, F.S., regarding the expedited permitting process, to provide counties and OTTED with additional flexibility to certify projects as eligible for expedited permitting in counties where the ratio between the number of jobs created and the number of Work and Gain Economic Self-sufficiency Act (WAGES) clients are low. In such counties, the jobs created by the project need not be considered high wage jobs that diversify the state's economy. In addition, OTTED is authorized to delegate to a Quick Permitting County the responsibility for certifying certain projects as eligible for expedited review and the convening of regional permit teams.

This bill substantially amends ss. 14.2015, 288.021 and 403.973, F.S., creates ss. 288.109, 288.1092, 288.1093, 288.1095, F.S., and repeals ss. 403.950-403.972, F.S., relating to the Jobs Siting Act.

## II. Present Situation:

The permitting of new, expanding or relocating businesses in Florida involves 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 may serve as an impediment for both small and large businesses seeking to operate in Florida. During the past several years, a number of efforts to assist businesses with permitting have been enacted into law.

First, section 14.2015(6)(c)3., F.S., directs the Office of Tourism, Trade and Economic Development (OTTED) to submit a report to the Legislature: 1) identifying methods to expedite permits; 2) describing agency rules repealed or modified during each calendar year to improve the regulatory climate of businesses operating in the state; and 3) recommending an operating plan and funding level for establishing an automated one-stop permit registry. The automated one-stop permit registry is to create a computer network of all permit applications and approval requirements of each state agency, provide assistance in the completion of the application and permit the centralized collection of permit fees.

OTTED submitted this report to the Legislature in December 1997 and an updated version in December of 1998. The report proposes the establishment of the Florida Business Permitting System Internet web site, using existing resources, and includes a schedule for establishing the system by December 2000. The proposed system would allow the permit applicant to: submit basic project description information only once for use by several agencies; receive guidance on what governmental approvals are needed; get information about permits and permit requirements and whom to contact for help; fill-out and submit application forms on-line; receive on-line help in filling out the forms; and be invoiced for permit fees and be provided with payment options.

Second, section 403.973, F.S., sets forth an expedited permitting process intended to facilitate the location and expansion of certain types of economic development projects. The section creates an expedited permitting and comprehensive plan amendment process for these projects based on the creation of regional permit action teams established through a memorandum of agreement between relevant state agencies and, if they choose to participate, local governments.

Business that may use the expedited permit process include:

- a) businesses creating at least 100 jobs;
- b) businesses creating at least 50 jobs if the project is located in an enterprise zone, in a county having a population of less than 75,000, or in a county having a population of less than 100,000 that is contiguous to a county having a population under 75,000; or

c) on a case-by-case basis at the request of a county or municipality where the project does not meet job creation thresholds, but creates a minimum of 10 jobs.

Under the expedited permit process, the Office of Tourism, Trade, and Economic Development (OTTED) certifies eligible projects and directs the creation of regional permit action teams. A memorandum of agreement between OTTED, and the heads of the Departments of Environmental Protection, Community Affairs, Transportation, Agriculture and Consumer Services, the Game and Fresh Water Fish Commission, regional planning councils, water management districts, and voluntarily participating counties and municipalities defines the role of each government agency in coordinating the review and issuance of multiple permits. The contents of the memorandum of agreement may include permitting best practices that are intended to reduce the time necessary for permit issuance including:

- a) a central contact point for filing permit and comprehensive planning applications;
- b) identification of the individuals responsible for processing the application;
- c) a preapplication review process, including an interagency preapplication review meeting, to be held within 14 days of certification of the project as eligible for the expedited permitting review process;
- d) establishment of a process for the adoption and review of comprehensive plan amendments necessary for the project within 90 days after submission; and
- e) incentives for an applicant whose project provides a net ecosystem benefit.

Local governments may elect to participate in the expedited permitting process. In order to participate, the local government must first hold a public workshop to explain the expedited permitting process to the public; and next, execute a memorandum of agreement for each qualified project.

The expedited permitting process does not weaken, modify or alter existing agency permit standards for permit applications or local comprehensive plan amendments. However, advantages of undertaking expedited permitting process that are not otherwise available to a business include:

- 1) local comprehensive plan amendments are exempt from the twice-a-year limitations of s. 163.3187, F.S.;
- 2) expedited permitting projects are not subject to interstate highway level-of-service standards adopted by the Department of Transportation for concurrency purposes but are required to pay a fair share of the cost of mitigating the significant traffic impacts of the project; and
- 3) challenges to state agency action are subject to the summary hearing provisions of s. 120.574, F.S., except the administrative law judge's decision shall be in the form of a recommended order.

Since its creation in 1996, the expedited permitting process has not been widely used. To date, only 6 projects have been certified as eligible for the expedited permitting process and only two projects have completed the process.

In October 1998, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued Report No. 98-17 entitled “Review of the Expedited Permitting Process Coordinated by the Governor’s Office of Tourism, Trade and Economic Development.” The report evaluated the expedited permitting process based on:

- the ability of job-creating businesses using the process to reduce the time needed to obtain final agency action on permits and approvals;
- the ability of agencies to maintain environmental, transportation and other permitting standards in a reduced time frame;
- the impact of the process on the workload of permitting offices; and
- the effectiveness of the process in encouraging and facilitating the location and expansion of job creating businesses.

While the expedited permitting process has resulted in the faster issuance of permits, the process has been underutilized because of the newness of the process and lack of a proven track record, potential applicants being unaware of the process, and business location decisions which are made based on criteria other than permitting concerns. Because the expedited permit process has a narrow application, the OPPAGA report recommends the adoption of permitting best practices by both state agencies and local governments. These best practices include:

- ▶ establish a single point of contact for businesses seeking permit assistance;
- ▶ assign high-priority projects to senior staff with sufficient authority to ensure expeditious review;
- ▶ select high-priority projects to senior staff with sufficient authority to ensure expeditious review;
- ▶ use pre-application meetings to set a schedule and to agree on methods for resolving identified problems;
- ▶ use frequent inter-agency meetings to discuss key issues and address inter-agency conflicts;
- ▶ take extra steps to avoid routine, but unnecessary procedural delays for high-priority projects; and
- ▶ participate in efforts to maintain an adequate site inventory.

The report also recommends the establishment of a one-stop permit registry to provide comprehensive on-line permit information, increased education of the business community about the expedited permitting process, and repeal of the Jobs Siting Act.

The Jobs Siting Act, ss. 403.950-403.972, F.S., was enacted in 1993 to establish a coordinated and consolidated facility siting process. Since its enactment, it has never been used due to its complexity, restrictive eligibility criteria, and high application fee. The expedited permitting process set forth in s. 403.973, F.S., provides a more flexible option for projects that would otherwise qualify for the Jobs Siting Act.

### III. Effect of Proposed Changes:

Section 1 sets forth legislative intent to create a statewide one-stop permitting system and encourages local governments to expedite and streamline permitting, adopt best management practices and integrate local permitting processes into the state-wide one-stop permitting system.

Section 2 amends s. 14.2015, F.S., regarding the duties of the OTTED of the Governor's Office to repeal its specific duties to act as a clearinghouse for one stop permit information and assistance responsibilities, to coordinate permitting agencies under the Jobs Siting Act; and to provide a recommendation and funding level for a one-stop permit registry.

Section 3 amends s. 288.021, F.S., to include the Department of Revenue, each water management district, and each Department of Transportation District Office as government entities for which the head of such agency must designate an economic development liaison. This person is to be the primary point of contact of the government entity with the OTTED in the Governor's Office on economic development issues, including to expedite project review, and other permitting and regulatory functions.

Section 4 creates s. 288.109, F.S., establishing an Internet One-Stop Permitting System. The purpose of the One-Stop Permitting System is to provide individuals and businesses with information concerning development permits, including guidance on permit requirements and who may be contacted concerning development permits for a specific location. Ultimately, the objective of the Internet site is to allow an applicant to complete and submit permit application forms and fees to state agencies and local governments over the Internet.

By January 1, 2000, the Department of Management Services is directed to develop the One-Stop Permitting System Internet site. The Internet site is to allow a business or individual to complete and submit application forms for development permits to state agencies and counties. The term "development permits" is defined to include 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; stormwater permits; and zoning approvals and comprehensive plan amendments. State agencies to be initially included in the One-Stop Permitting System include: the Department of Environmental Protection; the Department of Community Affairs; the Department of Transportation, including district offices; and each water management district. In addition, selected counties that agree to participate will be included in the One-Stop Permitting System.

By January 1, 2001, the Departments of Agriculture and Consumer Services, Business and Professional Regulation, Health, Insurance, Labor, Revenue, and State, and the Game and Freshwater Fish Commission are to be added to the One-Stop Permitting System Internet site. In addition, the Department of Management Services may add counties and municipalities as such local governments agree to participate and develop the technical capability of joining the system.

Several incentives are available to individuals or businesses who submit a permit application over the One-Stop Permitting System. First, such applications submitted over the Internet are to be issued or denied within 60 days of receipt by the agency of a completed application. And second, the fee imposed by a state agency or water management district for issuing a permit shall 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.

Section 5 creates s. 288.1092, F.S., the One-Stop Permitting Grant Program. The purpose of the grant program is to encourage counties to participate in the One-Stop Permitting System. Under the program, the Department of Management Services is authorized to grant certain counties certified as a Quick Permitting County with grants of up to \$50,000 to purchase software, hardware or consulting services necessary for the county to interface with the One-Stop Permitting System. The grant monies shall be allocated on a first-come, first-served basis.

Section 6 creates the Quick Permitting County Designation Program, s. 288.1093, F.S. Under the program, counties may certify to the Department of Management Services that the county has implemented certain permitting "best management practices," including, for example: the establishment of a single point of contact for businesses seeking permits with the county; the selection of high-priority projects for accelerated permit review; and the evaluation and elimination of duplicative approval and permitting requirements within the county.

Once certified as a Quick Permitting County, the participating county is eligible for grant money to connect to the One-Stop Permitting System. In addition, Section 7 of the bill authorizes the Office of Tourism, Trade and Economic Development to develop a brochure which explains the One-Stop Permitting System and lists Quick Permitting Counties. State agencies and Enterprise Florida are directed to distribute the literature to businesses seeking to expand in or relocate to Florida.

Section 8 repeals the Jobs Siting Act, ss. 403.950-403.972, F.S. The Jobs Siting Act establishes a process for the permitting of large economic develop projects that create at least 100 jobs (or between 25-100 jobs with the agreement of local government) which pay an estimated annual average wage that equals at least 115 percent of the area average wage. The Act provided for the issuance of a single license which would constitute state approval of the site and the construction and operation of the proposed project. The Jobs Siting Act has never been used by an applicant.

Section 9 amends s. 403.973, F.S., to broaden the economic criteria by which an economic development project may be eligible to employ the expedited permitting process. The bill allows OTTED or a Quick Permitting County to 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 determined to be critical, as eligible for the expedited permit process. While such projects would still have to meet the job creation criteria of the statute, such jobs need not be considered high wage jobs that diversify the state's economy. In March of 1999, counties identified by the Workforce Development Board as having a low ratio of new jobs per WAGES client include Calhoun, Holmes, Jackson, Gadsden, Leon, Wakulla, Baker, Columbia, Dixie, Hamilton, Jefferson, Madison, Dade, Monroe, Pasco and Hernando.

In addition, OTTED is granted the authority to delegate to a Quick Permitting County, designated under s. 288.1093, F.S., the responsibility for certifying projects as eligible for expedited review and convening regional permit teams. In order to be receive such a delegation, the county must have held a public hearing explaining the expedited permitting process and agree to execute a memorandum of agreement to participate in individual expedited permitting projects.

Finally, the amended language would authorize the applicant, regional permit action teams and participating local governments to agree to incorporate into a single document the permits, licenses and approvals that are obtained through the expedited permit process.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. Other Constitutional Issues:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

The bill may decrease the transaction costs incurred by an individual or business applying for development permits by providing a central source of permit application information and an alternative method of submitting permit applications to state agencies. In addition, additional businesses will be eligible to use the expedited permitting process offering an option for reducing the time it takes to obtain multiple development permits.

##### **C. Government Sector Impact:**

The Department of Management Services may incur additional administrative costs in designing and contracting for services to implement the One-Stop Permitting System.

Other state agencies would incur lost permit revenue for a six-month period of time after the agency has the capability to accept permit applications over the One-Stop Permitting System.

In addition, the requirement that completed permit applications submitted to an agency over the One-Stop Permitting System be issued or denied within 60 days rather than 90 days may require agencies to hire more personnel to handle the workload within the required timeframe.

Certain counties designated as Quick Permitting Counties are eligible for grants up to \$50,000 per county to connect to the One-Stop Permitting System.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.