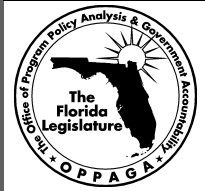




## Office of Program Policy Analysis And Government Accountability



John W. Turcotte, Director

October 1998

# Review of the Expedited Permitting Process Coordinated by the Governor's Office of Tourism, Trade, and Economic Development

### Abstract

- The expedited permitting process is performing reasonably well. However, it has not been widely used and has narrow application for increasing job creation and economic development.
- No legislation is required to take further steps to address permitting problems that may be experienced by new business facilities.

- the effectiveness of the process in encouraging and facilitating the location and expansion of job-creating businesses.

We also identified potential steps Florida and its local governments could take to further improve the permitting process to assist new business development.

### Background

The Governor's Office of Tourism, Trade, and Economic Development Expedited Permitting Process (OTTED process) is intended to encourage and facilitate the location and expansion of those types of economic development projects that

- 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.

The OTTED process was established in 1996 and revised in 1997 to assist these projects by establishing regional permit action teams to coordinate and expedite review of permit applications. This process can provide a business with assistance in avoiding delays arising from applying for separate and potentially inconsistent permits from multiple local and state permitting offices.

**Eligible Projects.** In order to qualify for the OTTED process, projects must meet a statutory job creation threshold. The threshold requires a business applicant or a committed tenant to permanently hire at least 10, 50, or 100 (depending on location) new employees.

### Purpose

The Office of Program Policy Analysis and Government Accountability is directed in s. 403.973(9), F.S., to study the implementation of the expedited permitting process and make recommendations to the Governor and the Legislature on how the process may be made more efficient and effective.

In this review, we assessed whether the expedited permitting process was efficient and effective 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 timeframe;
- the impact of the process on the workload of permitting offices; and

Speculative developers cannot typically meet this threshold because they cannot guarantee future employment.

In addition to the statutory job creation threshold, OTTED staff also determine whether the type of economic development provided by the proposed project meets three criteria described in legislative intent, higher wages, diversified economy, and environmental protection.

Certain projects are ineligible for the OTTED process, including local government funded and operated projects, waste disposal projects, electric power plants, natural resource extraction projects, and pipelines.

**Features of the OTTED Process.** The OTTED expedited permitting process helps to streamline and coordinate the review and issuance of permits for economic development projects. However, it does not reduce the number of agencies that a business must apply to for permits or the number of permits it must obtain from each agency when building a new facility. Depending on the project, the business may need to apply to state and federal agencies such as the

- Department of Environmental Protection;
- Game and Freshwater Fish Commission;
- Department of Transportation;
- Department of Community Affairs;
- regional planning council;
- water management district;
- U.S. Army Corps of Engineers; and
- U.S. Fish and Wildlife Service.

For example, a project may require local government permits; separate Department of Transportation permits for driveways, drainage, utility access, and perhaps other activities; and an Environmental Resource Permit issued by the Department of Environmental Protection or a water management district. Businesses that require multiple state permits find that the OTTED process provides several ways to expedite the process of obtaining those permits.

First, under its expedited process, OTTED assembles regional permit action teams to review the project. Rather than meeting with each permitting office independently, the applicant introduces the project at a

pre-application meeting of all relevant agencies. At this meeting, the business and its consultants learn what permits will be required and may also learn what issues the regulatory staff foresee in the review.

Second, one of the agencies participating in this process coordinates requests for information to the applicant. Rather than making duplicative requests for information, permit staff collaborate on consolidated requests for information.

Third, agencies participating in this process are expected to give these permit applications priority over others to the extent feasible. Rather than being reviewed in the order received, these applications are moved to the front of the line.

Fourth, local governments may voluntarily participate in this process by entering into a memorandum of agreement or by participating informally.

Fifth, although participating state agencies are prohibited from changing existing nonprocedural standards, the legislation that established this process provides four special procedures or standards that are not available to other projects.

- Projects can obtain local comprehensive plan amendments outside of the regular biannual plan amendment cycle, saving up to 6 months.
- Projects meeting certain criteria are exempt from Development of Regional Impact review.
- Projects need not await interstate highway construction for development purposes, although they may be assessed a “fair share” mitigation payment for traffic impacts.
- Challenges to state and local government action are consolidated and limited to about one month, which one legal expert expects to save three to six months over the normal administrative hearing schedule.

The legislation also provides that OTTED and other state agencies shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for rural counties.

Enterprise Florida, Inc., Florida's public-private partnership for statewide economic development, plays no formal role in the OTTED process. Enterprise Florida does provide information about the process to businesses.

## Findings

**Although permits for the first two projects could potentially have been issued faster, the OTTED process sped up permitting and satisfied its users.**

Most people are generally satisfied with the OTTED process. Agency staff, applicants, and others involved with these two projects described the process as an improvement over the status quo, believe that regulatory standards were met, did not consider its use to increase most agency workloads, and accomplished these objectives at a reasonable cost.

### Two Projects Have Used the Process

Two projects have qualified for and used the OTTED process.

- The Osceola Trace World Expo Center near Kissimmee is a 768-acre commercial development, projected to employ 4,200 people, including a 3.6 million square foot exhibition center and other buildings. The project broke ground in August 1998.
- The Winn-Dixie Distribution Center near Jacksonville is a 246-acre project, projected to employ 250 people in 1.2 million square feet of buildings. The project is expected to break ground in early fall 1998.

Two other projects have been certified to use the OTTED process. As one is on hold and the other was certified in September 1998, neither has progressed sufficiently to be included in this report.

### Projects Were Permitted Faster

Business managers responsible for both OTTED projects were pleased with the timeliness of agency action on their permit applications.

- In the case of the Winn-Dixie distribution center, pre-construction permits are expected to be approved within 10 months of the pre-application meeting, now that two delays have been resolved. Without the OTTED process, the applicant, its consultants, and permitting offices agree that the project would have taken significantly longer to be permitted—one consultant estimated two years. Those parties also agreed that although delays occurred during the permitting process, the delays were not caused by government agencies. Some of those parties estimated that if those delays had not

occurred, the project could have been permitted in perhaps as little as three to four months.

- In the case of the Osceola Trace World Expo Center, the project turned out to be among Florida's most complicated permitting projects in many years. The major pre-construction permits were approved within eight months, allowing construction to go forward. Without the OTTED process, the applicant, its consultants, and permitting offices believe that the project could have taken 18-24 months to permit.

The delays in both projects can be generally attributed to the time required by the applicants to complete the necessary requirements of permit applications. The quick responses of permitting offices at all stages of the permitting process were noted and appreciated by the managers responsible for both projects.

One notable success in the Expo Center project is the concurrent review of the Development of Regional Impact (DRI) revision and the project's environmental permits. Often, environmental permit applications are filed after a project has obtained DRI approval. Because the Expo Center site had pre-existing DRI approval and because the OTTED process facilitated concurrent review, the DRI process did not substantially delay this large project.

### Agencies Upheld Regulatory Standards

According to participants in the two projects, the OTTED process did not compromise regulatory standards. In both cases, permit review staff indicated that the final agency permit conditions met or exceeded environmental and transportation standards.

- In the case of the Winn-Dixie distribution center, the permits require substantial wetland enhancement and restoration on nearby wetlands in exchange for the loss of low quality wetlands on the project site.
- In the case of the Osceola Trace World Expo Center, the project will purchase and reserve an 850-acre site with 435 acres of wetlands in exchange for the loss of 68 acres of wetlands, including a 42-acre mixed forest wetland of regional significance. In addition to approval by permit agencies, these terms were accepted by the Florida Audubon Society, which took an interest in the project.
- The Expo Center developers are also required to make a multi-million dollar "fair share" payment

to compensate for the impacts the project will have on transportation infrastructure in the area. Although the amount of that payment remains unresolved, the dispute is related to long-standing policy issues and does not appear to be related to the use of the OTTED process.<sup>1</sup> On September 1, 1998, the Department of Transportation formally objected to some provisions of the Osceola County Development Order but remains in negotiations to resolve the dispute.

### **Process Did Not Create Workload Problems**

Overall, expediting permit review does not appear to increase the workload of permitting offices. In both OTTED projects, permitting offices reported that the additional time required for joint meetings was adequately compensated for by the time saved in reduced requests for information from the applicant and fewer inter-agency conflicts.

In one of the projects, however, the agency assigned to coordinate the process did have additional costs. The regional planning council that coordinated the Expo Center project committed staff full-time to coordinate the review. The council was reimbursed about \$50,000 for its time because the developer was required to pay a fee under the Development of Regional Impact review process. In the other case, which is considered to be a more typical project, the level of extra coordination was not a burden for the coordinator.

### **Cost to Operate Process Is Reasonable**

The cost for OTTED to operate the process also appears to be reasonable, about \$27,000 per year. OTTED estimates that it can accommodate about 20 projects per year, depending on the projects' complexity.

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<sup>1</sup> As of July 24, 1998, the developer had proposed a \$10.2 million contribution and the Florida Department of Transportation had suggested a \$25.8 million contribution.

**The main reasons that few projects have used the OTTED process are that state regulation does not usually affect business location decisions, and state agency-caused delays are only part of the problem with permitting.**

While the OTTED process does streamline the regulatory process for some projects, it is unlikely to be widely used in the future. Even though environmental permitting and land use regulation are thought to be important factors in site location decisions, state regulation is not the major factor influencing siting decisions of most companies that are attracted to Florida. If state permitting were a widespread obstacle to Florida's economic development, Florida would not be among the leading states in attracting job-creating facilities.

In addition, where permitting is a problem, the OTTED process is not always a complete solution because agency-caused delays are only part of the problem. Thus, the potential of this process to attract job-creating facilities is limited because expediting permits does not solve all regulatory problems.

### **Permitting Affects Few Siting Decisions**

State level regulation is not generally considered to be a major factor in site location. Since the 1980s, direct business involvement with state permitting has decreased due to changing business practices and improved permitting service. According to the permitting officials and economic development professions with whom we spoke, most new facilities choose to locate in permitted parks or zoned land with full water and sewer hookups.

Although permitting is reported as a problem for real estate developers and "dirty" industries such as mining, few economic development professionals described widespread state-level regulatory problems for new or expanding business facilities. This impression was confirmed by nine companies we contacted that received state financial incentives in Fiscal Year 1997-98 and projecting at least 100 new jobs; most reported needing few or no state regulatory permits.

Even for regulated manufacturing facilities, state permitting is not generally considered to be a major factor in site location decisions. We learned from a review of literature and discussions with a number of economic development professionals that the three

most important factors affecting the siting of manufacturing facilities are labor costs, financial incentives, and location.<sup>2</sup> Furthermore, the same group of economic development professionals said that for many manufacturing firms Florida compared poorly with other states in the region on these three factors. These three factors are unrelated to permitting and thus cannot be addressed through the OTTED process, although they help explain why Florida ranks below the national average in manufacturing.<sup>3</sup>

**Factors Outside OTTED Control Also Affect Permitting**

The OTTED process primarily addresses factors related to agency-caused permit delays. Other factors, however, can affect permitting. The OTTED process does not have the authority to fully address

- local government permitting delays;

<sup>22</sup> Although Florida’s location is an asset for certain firms, most regional manufacturing facilities serving the southeast will prefer a more central location.

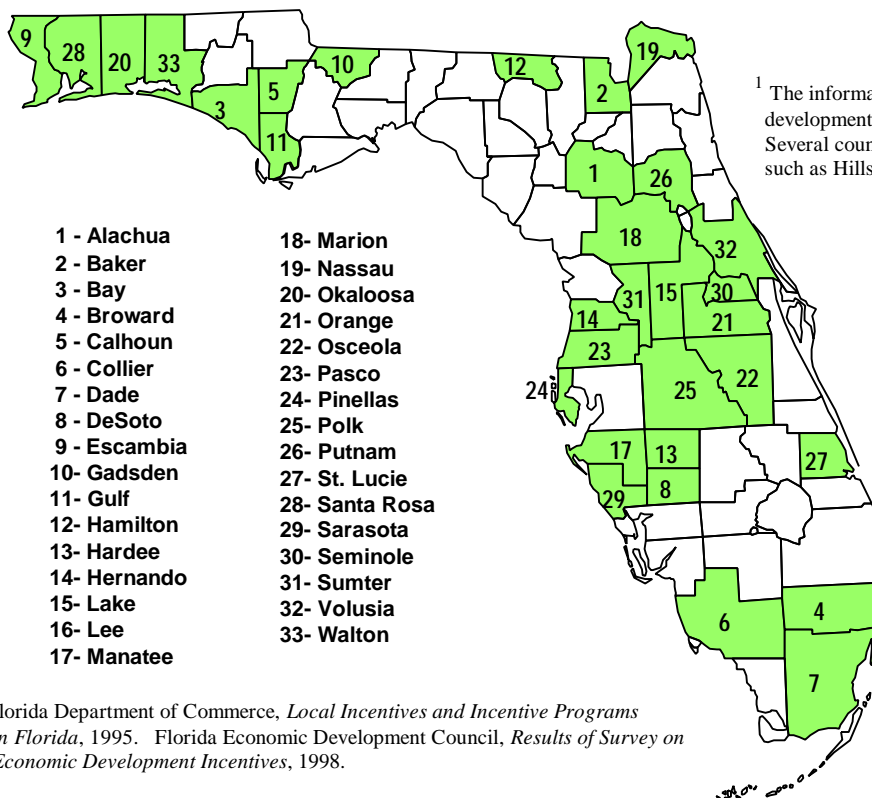
<sup>3</sup> In 1997, according to the federal Bureau of Labor Statistics, 7.6% of Florida’s workforce was employed in manufacturing, compared to 15.2% nationwide.

- overlapping program jurisdictions with potentially conflicting policies;
- special industry permitting needs; and
- applicant or consulting delays.

**Local Government Permit Delays.** Although not many facilities require complex state permits, nearly all require local government permits. When state permits are required, local governments appear to be willing to expedite OTTED projects. However, for the many new business facilities that deal primarily with local government permitting offices, an effort by the local government to accelerate the permit review can make a difference. Economic development professionals indicated that some local permitting offices work closely with economic development offices, but others can act as obstacles.

Although local government interest and performance in accelerating permitting varies, interest appears to be increasing. In 1993, only 18 of 51 counties that responded to a Florida Department of Commerce survey reported some type of accelerated permitting. However, those numbers are now increasing. As shown in Exhibit 1, 33 counties recently reported making some type of accelerated permitting available.

**Exhibit 1  
33 Counties Report Making Accelerated Permitting Available<sup>1</sup>**



<sup>1</sup> The information was compiled from statewide economic development surveys conducted in 1995 and 1998. Several counties, including high-population counties such as Hillsborough, did not reply to either survey.

Sources: Florida Department of Commerce, *Local Incentives and Incentive Programs in Florida*, 1995. Florida Economic Development Council, *Results of Survey on Economic Development Incentives*, 1998.

**Overlapping Jurisdictions.** Regulatory programs with overlapping jurisdictions and conflicting policies can delay projects. Although the OTTED process may facilitate the resolution of inter-agency problems for many projects, policy conflicts cannot necessarily be resolved by the process. For example, conflicts between federal and state wetlands permitting regulations can be reduced, but not eliminated, by the type of coordination demonstrated in OTTED projects.

Although Florida's environmental agencies and the U.S. Army Corps of Engineers attempt to coordinate permit responses, sometimes their permit conditions conflict, requiring the permit recipient to renegotiate the permit conditions with one or both agencies. For example, each environmental agency has developed different legal standards for protecting wetlands reserved as mitigation. As a result, even with expeditious processing, the prospect of conflicting permits could cause applicants to be uncertain how long it will take to obtain wetlands permits.

Voluntary participation in the OTTED process is one of the steps being taken by the Corps to improve coordination and reduce permit delays. In both projects, the Corps issued wetlands permits at about the same time as the water management districts after coordinating the terms of the permits to avoid conflict. The projects could have been delayed without the Corps' voluntary participation.

The Corps and the Department of Environmental Protection are pursuing a resolution to the statutory policy differences between the federal and state government. The new "state program general permit" eliminates the need for some permit applicants to obtain separate state and federal wetlands permits.<sup>4</sup> Using this permit, the Department of Environmental Protection simplified and expedited wetland permits for about 5% of Corps permit applicants over the past two years. However, expanding efforts to expedite wetlands permitting using this approach will be difficult because of substantial legal and institutional obstacles.

**Special Needs Industries.** Even under the best circumstances, some business facilities may need even faster and more certain permitting. Although the

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<sup>4</sup> The state program general permit is available in certain circumstances where there is no dispute between state and federal law as to what constitutes a wetland. Federal and state laws define wetlands differently in a few significant areas, most often for relatively flat pine woods.

OTTED process may reduce the delay and uncertainty associated with obtaining permits, certain types of projects—particularly semiconductor and other high tech manufacturing facilities—require even faster permitting than the OTTED process can reasonably provide.

A solution proposed by Enterprise Florida is to "pre-permit" sites for semiconductor and other high tech manufacturing facilities. This approach is based on a pilot project in New York. Enterprise Florida is working with state agencies to identify several sites that would be attractive for such facilities and then "pre-permit" the sites using a typical semiconductor fabrication plant as a model. "Pre-permitting" would identify proposed sites that are not feasible for such permits without the pressure of needing to satisfy the timetable of an actual business. It is not clear when the "pre-permitting" exercise will occur. If and when Enterprise Florida is able to "pre-permit" several sites, they will be able to market those sites to prospective facilities as being locations where the actual permits can be obtained in the minimum necessary time with little risk.

**Applicant or Consultant Delay.** Although expedited permitting efforts have been focused on speeding up agency actions, delays can also be caused by other factors such as the time the applicant takes to provide needed information. The most time consuming part of the permitting process is the period between initial receipt of the application and the time that the agency determines that the applicant has submitted all necessary information. This length of time varies widely. Both OTTED projects demonstrate that the efforts of permitting offices to help applicants cannot eliminate delays caused by the applicant or its consultant.

One approach to helping applicants and their consultants better understand the permitting process is to make information available on-line via the internet. The OSPREY system, an on-line internet service being developed for the Department of Environmental Protection, will assist businesses with environmental permits. In order to consolidate and further simplify permitting information, OTTED has proposed a comprehensive on-line permit information system.<sup>5</sup>

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<sup>5</sup> OTTED, *Improving Florida Business Permitting*, December 1997.

The more comprehensive system proposed by OTTED would help prospective business facilities clarify the complete set of regulatory issues they are likely to face, as well as assist them in the early stages of applying for necessary permits.

**Further Efforts.** In addition to the solutions to non-procedural permitting problems discussed previously, OTTED has a statutory responsibility to make recommendations to improve permitting procedures and take other steps to improve the state's regulatory environment (s. 14.2015(6), F.S.). Its annual report, *Improving Florida Business Permitting*, summarizes these initiatives.

**The business community may not make the widest possible use of the OTTED process because of uncertainty and a lack of accurate information.**

Some business and economic development professionals expressed reluctance to consider using the OTTED process based on what they knew about the process or whether they had confidence that it would work as intended. While some of these concerns may or may not be valid, the widest possible use of this process depends on effective dissemination of accurate information.

Misperceptions and misinformation affect whether businesses consider using the OTTED process. We spoke with 42 members of Florida's business community, including business managers, site selection consultants, engineers, economic development professionals, and lobbyists.<sup>6</sup> Of those 42, 12 were unaware of the OTTED process and 5 were aware of it but were confused about its benefits and/or eligibility requirements. Furthermore, 6 of 9 businesses that recently received a state financial incentive through Enterprise Florida had not heard of the OTTED process, although only 1 of those 6 projects needed state permits.

Related to the lack of understanding about the OTTED process is its newness and lack of a proven track record. Six members of the business community volunteered concerns that expediting permit review may lead to some inconsistencies in how agencies negotiate permits and mitigation plans. One agency we contacted is taking steps to better ensure fairness and consistency in permit reviews. The Southwest Florida Water Management District's Inspector General is

<sup>6</sup> Of the 42 members of Florida's business community we spoke with, 14 were either directly involved in a project certified to use the OTTED process, or participated in debating the legislation.

reviewing its permitting records to determine if certain rules are implemented correctly and consistently. Some form of internal or external review of permits and permit conditions may increase business confidence in the OTTED process.

**State and local government permitting offices can improve performance by using several best practices that lead to faster and better permitting of job-creating businesses.**

Many state and local government permitting offices have implemented expedited and/or streamlined permitting processes over the past few years. Because the OTTED process is not widely used, efforts to improve the procedures of all state and local permitting offices would be helpful to more new business facilities.

Based on conversations with permitting staff and users of some of these expedited permitting processes, OPPAGA identified several practices that are widely reported as leading to faster and better permitting of job-creating businesses. In order to improve services and promote economic development, effective permitting offices

- 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 for expediting based on simple, clear criteria;
- use of 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.

### **Establish a Single Point of Contact**

Effective permitting offices communicate through a single point of contact with businesses seeking permit assistance. Some agencies implement this practice at the point of entry, but then establish separate points of contact for each specific permit that the agency provides. Maintaining a single point of contact appears

to be the superior practice because it helps the agency avoid internal conflicts and provides more personal service to the applicant.

### **Need for Review by Senior Staff**

For high-priority projects, assigning permit review responsibilities to senior staff helps ensure expeditious review. This helps avoid delays that can arise when a subordinate is overruled on a negotiated permit condition by a supervisor, causing delay as the permit is renegotiated.

Both the single point of contact practice and the senior staff review practice are integrated into a single system by the Georgia Department of Natural Resources. Its New Industry Team is coordinated by a senior department official and a senior staff member reviews each permit application. As a result, its staff report that they generally complete permitting in 90-100 days for new business facilities.

### **Use Clear Criteria for Selecting Projects**

Because only some projects can be expedited, high-priority projects should be chosen based on simple, clear criteria. Although many permitting offices offer expedited permitting, the criteria they use to select high-priority projects for expediting vary widely. Some offices respond to persuasion based on either need, public benefit of the project, or political importance of the person making the request. A superior approach appears to be to establish simple, clear criteria.

For example, Sarasota County and its chamber of commerce expedite projects in targeted industry clusters that export a minimum of 25% of its product or service outside the county. The company's average wage must meet or exceed the regional average. Manatee County's criteria are more subjective but also simple and clear; it expedites projects that export goods or services, pay good wages, and are compatible with the environment.

### **Pre-Application Meetings Save Time**

Meeting to discuss the project and its permit needs in conceptual terms, before plans are finalized, saves time. The Southwest Florida Water Management District has demonstrated that pre-application meetings save its applicants 10 to 33 days, depending on the permit type. Although pre-application meetings are widely practiced, implementation varies. Establishing

permit requirements and methods for addressing potential issues at the start helps to eliminate confusion and misinformation for applicants.

### **Inter-Agency Meetings Enhance Coordination**

Inter-agency meetings reduce unnecessary conflict and duplication through coordination. One of the benefits of the OTTED process is that it assembles a permit action team in an inter-agency pre-application meeting. However, due to the difficulty and expense, agencies do not routinely organize inter-agency meetings to discuss specific projects outside of a formal multi-agency permitting process.

Where inter-agency meetings occur, it frequently involves wetlands permitting. For instance, the Department of Environmental Protection's district offices have routine meetings with the U.S. Army Corps of Engineers to discuss pending permit applications.

### **Special Processing Saves Time**

For high-priority projects, effective permitting offices offer special processing to avoid delays due to routine procedures. Routine procedures may include timeframes that cause delays for expedited permits. For instance, data entry might be done only once per week, which could delay a permit by a week.

Special processing saved the South Florida Water Management District one month for an OTTED project. The district is required to provide advance notice that a permit application will be on its Governing Board's monthly agenda. Its practice is to only place items on the agenda when all staff work is complete. However, the district placed the Osceola Trace World Expo Center application on the agenda even though staff work was not yet complete because it was a high-priority project. The Board did receive the completed staff report in time for it to consider and approve the permit.

### **Maintain Adequate Site Inventory**

An adequate supply of appropriate sites is valuable to economic development efforts and expediting permits. Communities and economic development organizations can pro-actively avoid permitting delays by ensuring that adequate sites are available for future, targeted economic development. Appropriate sites will have the necessary zoning, environmental services, and, if necessary, Development of Regional Impact



(DRI) approval. As mentioned previously, facilities sited in such developed office and industrial parks are reported to have few problems with permit delays.

To avoid a shortage of appropriate sites, some economic development professionals maintain an inventory of available sites and facilities. However, there are no widely used standards to indicate whether or not a community has adequate property that is properly zoned and located for development. For instance, some economic development professionals consider DRI-approved sites to be an essential part of their inventory because it is often relatively easy to obtain permits and begin construction quickly in a DRI-approved site. Each community must determine its needs based on its particular goals for economic development.

OTTED is helping one rural community address this problem. OTTED is assisting this community by conducting a pre-clearance review of specified types of land uses and other activities requiring permits.

**The Jobs Siting Act is not used and is a potential source of confusion for the OTTED process.**

In 1993, the Legislature enacted the Jobs Siting Act to establish a coordinated and consolidated facility siting process. However, OTTED and Enterprise Florida report that it has never been used due its size criteria, complexity, and expense. Because its statutory provisions (s. 403.950–403.972, F.S.) immediately precede those of the OTTED process (s. 403.973, F.S.), some may assume that the two processes are statutorily related. Consequently, we concluded that the Jobs Siting Act has been superceded by the OTTED process, its presence in statute has not provided any benefits to the state, and it could be a source of confusion.

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## **Conclusions and Recommendations**

Since the OTTED process was revised in 1997, it has been used two times, each time with results that have satisfied its users. Two more projects have been approved to use the process.

No specific problems with the OTTED process need to be addressed at this time. Although permits for the first two projects were delayed by factors outside the state's control, both applicants were satisfied with the timeliness of permit reviews.

Because the OTTED process has a narrow application, a better way to address concerns about permitting would be to encourage improvement in each permitting office's procedures. Widespread implementation of proven permitting practices would improve the performance of state and local permitting agencies without requiring additional legislation. Improved performance by state and local government permitting offices would benefit the many businesses that locate new facilities in Florida but do not need complicated state permits.

**To help permitting offices improve performance, OTTED should establish a program to encourage and recognize voluntary implementation of permit expediting, streamlining, and pro-active site identification practices.** OTTED could partner with organizations such as Enterprise Florida, the League of Cities, and the Association of Counties to establish and operate such a program. This recognition program should be available to all state and local government permitting offices.

A recognition program should review each permitting office to determine if it implements the seven best practices outlined in this report. Specific standards for permit review times would not be appropriate. However, the program should use permitting office performance measures to determine if the agency is able to demonstrate the effectiveness of its permitting procedures.

The recognition program could also include a statewide database documenting the availability of sites for various types of new business facilities. Using criteria developed by industry experts, local economic development organizations could provide an inventory of available sites to a statewide database. Such a database could be useful to businesses seeking to identify feasible sites for new facilities.

A recognition program is more appropriate than legislative change or mandate because the variation in the performance of permitting offices is more closely related to management style than to any procedural issues. OPPAGA did not identify any specific statutory changes that could improve state agency procedures for permit review. However, the practices we identified should be a means to improving the performance of permitting offices.

**To help applicants better understand state permitting, OTTED should further develop its proposal for a one-stop permit registry.** In order to

consolidate and further simplify permitting information, OTTED has proposed a comprehensive on-line permit information. OTTED should review the approaches being tried by other states and identify the most feasible and useful strategy for a permit registry to help prospective business facilities clarify the regulatory issues they are likely to face, as well as assist them in the early stages of applying for necessary permits.

**To help attract silicon wafer fabrication plants to Florida, OTTED should work with Enterprise Florida to identify feasible sites for these facilities through pre-permitting.** State and local government permitting authorities should cooperate with this Enterprise Florida initiative to demonstrate that several sites can meet the highly specialized requirements of a major, large-scale silicon wafer fabrication plant.

**To help improve understanding of the OTTED process in the business community, OTTED should increase its efforts to raise awareness of the process.** As funding and staff resources permit, OTTED should publicize its availability in-state to permitting consultants and nationwide to site selection consultants. Permitting consultants can be reached through trade associations and possibly through mailing lists maintained by some permitting offices. Nationwide, site selection consultants can be reached through trade publications.

**To help increase confidence in the OTTED process, OTTED should encourage state regulatory agencies to determine if their permitting offices implement rules fairly and consistently.** OTTED could work with the Inspectors General of state regulatory agencies to adopt a consistent evaluation method to ensure that such reviews are credible and useful for correcting any identified problems. Because such reviews could be time-intensive, agencies will need time to incorporate a review into their workplans.

**To eliminate any potential confusion about the provisions of the OTTED process, the Legislature should consider repealing the Jobs Siting Act (ss. 403.950–403.972, F.S.).** Although the Jobs Siting Act is intended to be an expedited permitting process, OTTED and Enterprise Florida report that it has never been used due its size criteria, complexity, and expense. Because its provisions (ss. 403.950–403.972, F.S.) are located next to those of the OTTED process (s. 403.973, F.S.), some may assume that the two processes are statutorily related. The Jobs Siting Act has been superceded by the OTTED process and its presence in statute is of little benefit and a potential source of confusion

## Agency Response



LAWTON CHILES  
GOVERNOR

STATE OF FLORIDA

### Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

October 20, 1998

Mr. John W. Turcotte, Director  
Office of Program Policy Analysis  
and Government Accountability  
111 W. Madison St., Room 312  
Claude Pepper Building  
Tallahassee, FL 32301

Dear Mr. Turcotte,

Thank you for providing the preliminary findings and recommendations of your review of the **Expedited Permitting Process** which is coordinated by this Office. We appreciate the opportunity to comment.

First, your Office is to be commended for a thorough and constructive analysis. We were particularly impressed that you used the study as the basis for offering suggestions for improving the permitting process statewide. In fact, we plan to incorporate many of your comments and suggestions in our required annual report on permitting.

Second, your suggestion about the need to build awareness about the Expedited Permitting Process through education and marketing is quite valid. However, we feel that such organizations as Enterprise Florida, Inc., the Florida League of Cities, and the Florida Association of Counties need to play key roles in achieving this objective as their networks and capacity to accomplish this exceeds that of this Office alone.

Third, it is our intention to reintroduce the proposal to establish an internet-based permit information system. As you know, we were directed to prepare an operating plan and budget by 1996 Legislation and did so as a part of last year's permitting report. A budget issue on this subject is included in the package to be presented to the new governor.

In summary, we concur with the review's findings and recommendations and will begin the process of implementing them. Once your report is finalized, we plan to share it with a variety of people around the state interested in furthering the effort to have a permitting system that is both efficient and effective.

Again, thank you for the opportunity to comment. If you have any questions or wish to discuss this further, please do not hesitate to contact me.

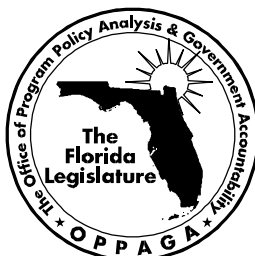
Sincerely,

A handwritten signature in black ink, appearing to read "Dennis W. Harmon".

Dennis W. Harmon  
Director

# The Florida Legislature

## Office of Program Policy Analysis and Government Accountability



Visit *The Florida Monitor*, OPPAGA's online service. This site monitors the performance and accountability of Florida government by making OPPAGA's four primary products available online.

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OPPAGA provides objective, independent, professional analyses of state policies and services to assist the Florida Legislature in decision-making, to ensure government accountability, and to recommend the best use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person (Claude Pepper Building, Room 312, 111 W. Madison St.), or by mail (OPPAGA Report Production, P.O. Box 1735, Tallahassee, FL 32302).

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