

Streamlining the One Stop Permitting Process

By: Thornton J. Williams, Williams Wilson P.A.



Florida's permitting process from receipt of application through the approval or denial of the permit can be a daunting undertaking. The process can be long and tedious because there are many steps that need to be taken before a permit issuance. First, there are a multitude of permits that are needed for various activities, such as access permits for driveways, streets, turnouts, or other means of providing access to the State Highway Systems; drainage permits for drainage connections for properties adjacent to the Florida Department of Transportation's (FDOT) right of way; utility permits for installation of, or adjustments to utilities within FDOT's right of way; building construction permits required in most jurisdictions for new construction, or adding onto pre-existing structures, and in some cases for major renovations; and general use permits, just to name a few.

Second, the permitting process involves collecting information for the property and completing applications for City, County, Water Management District, Florida Department of Environmental Protection (FDEP), Department of Community Affairs (DCA), U.S. Environmental Protection Agency (EPA), FDOT and others; all of which can take a lot of time and effort before a permit is granted.

Thus, the ultimate goal of streamlining the permitting process is to keep the lines of communication open between agencies and to make this process as fast and easy as possible so that the citizens of Florida can be more effectively served. Undoubtedly, for the process to be successful, it is essential that all the stakeholders must communicate and coordinate their efforts as a finely-tuned team to provide assistance and avoid delays arising from applying for separate and potentially inconsistent permits from multiple local, state and federal permitting agencies.

In fact, pursuant to section 403.973, Florida Statutes, it is the intent of the Legislature to provide for an expedited permitting and comprehensive plan amendment process for projects that 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.

One example of Florida's attempt to streamline the permitting process is the Governor's Office of Tourism, Trade, and Economic Development Expedited Permitting Process (OTTED process), which was established in 1996 and revised in 1997. It establishes the regional permit action teams to coordinate and expedite review of permit applications.¹

¹ <http://www.oppaga.state.fl.us/reports/pdf/9817rpt.pdf>

However, because the OTTED process has certain threshold criteria that must be met², certain projects are ineligible, “including local government funded and operated projects, waste disposal projects, electric power plants, natural resource extraction projects, and pipelines.”³ Moreover, the Office of Program Policy Analysis and Government Accountability (OPPAGA) determined that the OTTED process is not a comprehensive solution to the problem of how to efficiently and effectively streamline the complex permitting process between local, state and federal agencies.

In October 1998, OPPAGA studied the implementation of the expedited permitting process and made recommendations to the Governor and the Legislature on how the process may be made more efficient and effective.⁴ OPPAGA found that while the OTTED expedited permitting process helps to streamline and coordinate the review and issuance of permits for economic development projects, it did not reduce the number of agencies that a business applicant must apply to for permits or the number of permits that must be obtained from each agency when constructing a new facility or project.

In addition, the OTTED process primarily only addressed state agency-caused delays, but other factors contribute to problems in the permitting process such as local government permitting delays, special industry permitting needs, applicant or consultant delays, and overlapping program jurisdictions with potentially conflicting policies.⁵

Since this time, there have been many attempts to streamline and expedite the permitting process. Many state and local government permitting offices have begun to implement an expedited and/or streamlined permitting process to alleviate the hassles and time constraints often associated with the permitting process. For example, the Florida Department of Transportation has on its website a One Stop Permitting page that includes the various types of permits and all the applicable code and rules and permit applications that must be followed for each type of permit.⁶ Likewise the City of Tampa has a Construction Services Center that

² In order to qualify for the OTTED process, projects must meet a statutory job creation threshold where the applicant permanently hires at least 10, 50, or 100 (depending on location) new employees. The applicant also has to meet the criteria described in the legislative intent of offering job creation and higher wages; strengthening and diversifying the state’s economy; and having been thoughtfully planned to take into consideration the protection of the state’s environment. *See* s. 403.973(1) and (3), F.S.

³ <http://www.oppaga.state.fl.us/reports/pdf/9817rpt.pdf>

⁴ Id.

⁵ Id.

⁶ <http://www.dot.state.fl.us/onestoppermitting/>

provides for one-stop permitting and an expedited review process for commercial and residential projects that include both site and building review.⁷

While one comprehensive, wide range solution has not yet been found to make the permitting process a one stop shop, state and local government permitting offices are beginning to look at best practices to improve performance such as coordination of interagency efforts for review and approval of permits and by establishment of a single entry point of contact for businesses seeking permit assistance.

About the Author:

Thornton J. Williams is a Managing Partner at Williams Wilson P.A. He may be reached at: 850-224-3999 or by email: twilliams@twalaw.com



⁷ http://usmayors.org/bestpractices/bp_volume_2/tampa.htm; Each division will have a manager who will have "final" authority to make decisions that will assure accountability and a quick response. In addition, a separate division will handle all inspections. Certain minor residential and commercial site-related projects can now be expedited through the permit system by eliminating unnecessary building/site reviews. An express permit process has been implemented allowing for same-day permitting for certain applications and CSC now handles phone-in express permits allowing the public to call in directly for issuance of a permit (issued within 24 hours in most cases). Permits are approved over the phone and then are either faxed or mailed to the customer depending on the method of payment. For the convenience of the public, a computer-assisted call-in system will be available to take the permit information after normal work hours and on weekends and holidays.