

By the Committee on Community Affairs; and Senator Bennett

578-1697-06

1                                   A bill to be entitled  
2                   An act relating to licensing; amending s.  
3                   120.60, F.S.; requiring that a state agency  
4                   include a citation to the applicable rule,  
5                   statute, or both if applicable, when giving  
6                   notice of its decision to issue or deny a  
7                   license; creating s. 125.022, F.S.; requiring a  
8                   county to give written notice of its decision  
9                   to issue or deny a license; requiring that the  
10                  notice include a citation to the applicable  
11                  ordinance or other legal authority; creating s.  
12                  166.033, F.S.; requiring a municipality to give  
13                  written notice of its decision to issue or deny  
14                  a license; requiring that the notice include a  
15                  citation to the applicable ordinance or other  
16                  legal authority; providing an effective date.

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

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20                   Section 1. Subsection (3) of section 120.60, Florida  
21 Statutes, is amended to read:

22                   120.60 Licensing.--

23                   (3) Each applicant shall be given written notice  
24 either personally or by mail that the agency intends to grant  
25 or deny, or has granted or denied, the application for  
26 license. The notice must state with particularity the grounds  
27 or basis, including a citation to the applicable rule,  
28 statute, or both if applicable, for the issuance or denial of  
29 the license, except when issuance is a ministerial act.  
30 Unless waived, a copy of the notice shall be delivered or  
31 mailed to each party's attorney of record and to each person

1 who has requested notice of agency action. Each notice shall  
2 inform the recipient of the basis for the agency decision,  
3 shall inform the recipient of any administrative hearing  
4 pursuant to ss. 120.569 and 120.57 or judicial review pursuant  
5 to s. 120.68 which may be available, shall indicate the  
6 procedure which must be followed, and shall state the  
7 applicable time limits. The issuing agency shall certify the  
8 date the notice was mailed or delivered, and the notice and  
9 the certification shall be filed with the agency clerk.

10 Section 2. Section 125.022, Florida Statutes, is  
11 created to read:

12 125.022 Licensing.--Each applicant who applies to a  
13 county for a license shall be given written notice either  
14 personally or by mail that the county intends to grant or deny  
15 the application. The notice must state with particularity the  
16 grounds or basis, including a citation to the applicable  
17 ordinance or other legal authority, for the issuance or denial  
18 of the license. For purposes of this section, the term  
19 "license" means a permit, certification, registration, or  
20 similar form of authorization required by the county, but the  
21 term does not include a license required primarily for revenue  
22 purposes when issuance of the license is merely a ministerial  
23 act.

24 Section 3. Section 166.033, Florida Statutes, is  
25 created to read:

26 166.033 Licensing.--Each applicant who applies to a  
27 municipality for a license shall be given written notice  
28 either personally or by mail that the municipality intends to  
29 grant or deny the application. The notice must state with  
30 particularity the grounds or basis, including a citation to  
31 the applicable ordinance or other legal authority, for the

1 issuance or denial of the license. For purposes of this  
2 section, the term "license" means a permit, certification,  
3 registration, or similar form of authorization required by the  
4 municipality, but the term does not include a license required  
5 primarily for revenue purposes when issuance of the license is  
6 merely a ministerial act.

7           Section 4. This act shall take effect upon becoming a  
8 law.

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10                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11   COMMITTEE SUBSTITUTE FOR  
12   Senate Bill 1112

13 The committee substitute (CS) requires state agencies to cite  
14 any statutory authority it has, along with the applicable  
15 rule, as grounds for the issuance or denial of a license in  
16 the agencies' notice of intended agency action. It provides  
17 that a local government may cite to "other legal authority" in  
18 a notice of intended action on a licensing application if  
19 there is no ordinance based on which the local government has  
20 grounds to deny or issue a license. Also, this CS narrows the  
21 definition of "license" for the purposes of ss. 125.022 and  
22 166.033, F.S., which are created in the CS and deletes the  
23 reference to the definition of "license" in ch. 120, F.S.

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