

By the Committees on Governmental Oversight and Productivity;
Community Affairs; and Senator Bennett

585-1987-06

1 A bill to be entitled

2 An act relating to the issuance of licenses and

3 development permits; amending s. 120.60, F.S.;

4 requiring that a state agency include a

5 citation to the applicable rule 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 development permit under

10 certain conditions; requiring that the notice

11 include a citation to the applicable ordinance;

12 providing criteria for the notice; creating s.

13 166.033, F.S.; requiring a municipality to give

14 written notice of its decision to issue or deny

15 a development permit under certain conditions;

16 requiring that the notice include a citation to

17 the applicable ordinance; providing criteria

18 for the notice; providing an effective date.

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

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22 Section 1. Subsection (3) of section 120.60, Florida

23 Statutes, is amended to read:

24 120.60 Licensing.--

25 (3) Each applicant shall be given written notice

26 either personally or by mail that the agency intends to grant

27 or deny, or has granted or denied, the application for

28 license. The notice must state with particularity the grounds

29 or basis, including a citation to the applicable rule,

30 statute, or both if applicable, for the issuance or denial of

31 the license, except when issuance is a ministerial act.

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

12 Section 2. Section 125.022, Florida Statutes, is
13 created to read:

14 125.022 Development permits.--When a county denies an
15 application for a development permit, the county shall give
16 written notice to the applicant. The notice must state the
17 grounds or basis, with citation to the applicable ordinance or
18 other legal authority, for the denial of the development
19 permit. For purposes of a quasi-judicial proceeding, the
20 written notice may refer generally to the record before the
21 decisionmaking body, and such notice is not required to
22 contain written findings of fact or conclusions of law.

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

25 166.033 Development permits.--When a municipality
26 denies an application for a development permit, the
27 municipality shall give written notice to the applicant. The
28 notice must state the grounds or basis, with citation to the
29 applicable ordinance or other legal authority, for the denial
30 of the development permit. For purposes of a quasi-judicial
31 proceeding, the written notice may refer generally to the

1 record before the decisionmaking body, and such notice is not
2 required to contain written findings of fact or conclusions of
3 law.

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

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 CS for SB 1112

10 Provides that when a county or municipality denies an
11 application for a development permit, the county or
12 municipality must give written notice to the applicant. The
13 notice must state the grounds, with citation to the applicable
14 legal authority, for the denial of the development permit.

15 Provides that for purposes of a quasi-judicial proceeding, the
16 written notice may refer generally to the record before the
17 decision-making body, and such notice is not required to
18 contain written findings of fact or conclusions of law.
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