

HB 1447

2006
CS

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the issuance of licenses and
7 development permits; amending s. 120.52, F.S.; revising
8 the definition of "license"; amending s. 120.60, F.S.;
9 requiring that a state agency include a citation to the
10 applicable rule or statute when giving notice of the
11 decision to issue or deny a license; creating s. 125.022,
12 F.S.; requiring a county to give written notice of the
13 decision to deny a development permit; requiring that the
14 notice include a citation to the applicable ordinance;
15 creating s. 166.033, F.S.; requiring a municipality to
16 give written notice of the decision to deny a development
17 permit; requiring that the notice include a citation to
18 the applicable ordinance; 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 (9) of section 120.52, Florida
23 Statutes, is amended to read:

HB 1447

2006
CS

24 120.52 Definitions.--As used in this act:

25 (9) "License" means a franchise, permit, building permit,
26 certification, registration, charter, or similar form of
27 authorization required by law, but it does not include a license
28 required primarily for revenue purposes when issuance of the
29 license is merely a ministerial act.

30 Section 2. Subsection (3) of section 120.60, Florida
31 Statutes, is amended to read:

32 120.60 Licensing.--

33 (3) Each applicant shall be given written notice either
34 personally or by mail that the agency intends to grant or deny,
35 or has granted or denied, the application for license. The
36 notice must state with particularity the grounds or basis,
37 including a citation to the applicable rule, statute, or both,
38 if applicable, for the issuance or denial of the license, except
39 when issuance is a ministerial act. Unless waived, a copy of the
40 notice shall be delivered or mailed to each party's attorney of
41 record and to each person who has requested notice of agency
42 action. Each notice shall inform the recipient of the basis for
43 the agency decision, shall inform the recipient of any
44 administrative hearing pursuant to ss. 120.569 and 120.57 or
45 judicial review pursuant to s. 120.68 which may be available,
46 shall indicate the procedure which must be followed, and shall
47 state the applicable time limits. The issuing agency shall
48 certify the date the notice was mailed or delivered, and the
49 notice and the certification shall be filed with the agency
50 clerk.

HB 1447

2006
CS

51 Section 3. Section 125.022, Florida Statutes, is created
52 to read:

53 125.022 Development permits.--When a county denies an
54 application for a development permit, the county shall give
55 written notice to the applicant. The notice must state the
56 grounds or basis, with citation to the applicable ordinance or
57 other legal authority, for the denial of the development permit.

58 Section 4. Section 166.033, Florida Statutes, is created
59 to read:

60 166.033 Development permits.--When a municipality denies
61 an application for a development permit, the municipality shall
62 give written notice to the applicant. The notice must state the
63 grounds or basis, with citation to the applicable ordinance or
64 other legal authority, for the denial of the development permit.

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