

1 A bill to be entitled
2 An act relating to required advertisements and public
3 notices by governmental entities; creating s. 50.0311,
4 F.S.; defining the term "publicly accessible website";
5 authorizing a governmental entity to use its publicly
6 accessible website for legally required advertisements and
7 public notices; providing conditions for such use;
8 providing for optional receipt of legally required
9 advertisements and public notices by first-class mail;
10 providing requirements for advertisements and public
11 notices published on a publicly accessible website;
12 amending s. 50.011, F.S.; providing that a notice,
13 advertisement, or publication on a publicly accessible
14 website in accordance with s. 50.0311, F.S., constitutes
15 legal notice; amending s. 50.021, F.S.; providing that
16 advertisements directed by law or order or decree of court
17 to be made in a county in which no newspaper is published
18 may be made by publication on a publicly accessible
19 website; amending s. 50.051, F.S.; providing clarifying
20 provisions; amending s. 50.061, F.S.; providing clarifying
21 provisions; amending s. 100.342, F.S.; providing for
22 notice of special election or referendum on a publicly
23 accessible website; amending s. 125.012, F.S.; providing
24 that required publication of notice of a county's
25 intention to grant certain exclusive franchises may be
26 provided on a publicly accessible website; amending s.
27 125.35, F.S.; providing for publication of notice of the
28 sale of real property by a county on a publicly accessible

29 | website for a specified period; amending s. 125.66, F.S.;

30 | providing for notice of consideration of an ordinance by a

31 | board of county commissioners to be published on a

32 | publicly accessible website; requiring maintenance of the

33 | advertisement for a specified period; providing clarifying

34 | provisions; amending s. 129.03, F.S.; providing for the

35 | advertisement of a summary statement of adopted tentative

36 | county budgets on a publicly accessible website; amending

37 | s. 129.06, F.S.; providing for advertisement of a public

38 | hearing relating to the amendment of a county budget on a

39 | publicly accessible website; amending s. 138.12, F.S.;

40 | providing for publication of notice of a proposal to

41 | expand a county seat and meetings related thereto on a

42 | publicly accessible website; amending s. 153.53, F.S.;

43 | providing for publication of notice of an election to

44 | create a county water and sewer system district on a

45 | publicly accessible website; amending s. 153.55, F.S.;

46 | providing for advertisement of a hearing on a report

47 | relative to the creation of a county water and sewer

48 | system district on a publicly accessible website; amending

49 | s. 153.79, F.S.; providing for public advertisement by a

50 | county water and sewer system district of projects to

51 | construct, reconstruct, acquire, or improve a water system

52 | or a sewer system, and of a call for sealed bids for such

53 | projects, on a publicly accessible website; amending s.

54 | 157.03, F.S.; providing for advertisement for bids for the

55 | construction of ditches, drains, or canals within a county

56 | on a publicly accessible website; amending s. 157.21,

57 F.S.; providing for advertisement by a county on a
58 publicly accessible website for bids to enlarge or deepen
59 a drain; amending s. 157.28, F.S.; providing for
60 advertisement for bids for the repair of a county ditch,
61 drain, or canal on a publicly accessible website; amending
62 s. 159.32, F.S.; providing for advertisement for
63 competitive bids for contracts for the construction of a
64 project under the Florida Industrial Development Financing
65 Act on a publicly accessible website; amending s. 162.12,
66 F.S.; providing for optional serving of notice by a code
67 enforcement board of a violation of a county or municipal
68 code via a publicly accessible website; amending s.
69 163.3184, F.S.; providing for notice of public hearings on
70 the adoption of a local government comprehensive plan or
71 plan amendment or the approval of a compliance agreement
72 under the Local Government Comprehensive Planning and Land
73 Development Regulation Act via a publicly accessible
74 website; amending s. 163.3225, F.S.; providing for
75 advertisement by a local government of notice of intent to
76 consider a development agreement on a publicly accessible
77 website; amending s. 163.356, F.S.; providing for posting
78 of notice of the filing of a report of the activities of a
79 community redevelopment agency on a publicly accessible
80 website; amending s. 163.360, F.S.; providing for notice
81 of a public hearing on a community redevelopment plan via
82 a publicly accessible website; amending s. 163.361, F.S.;
83 providing for notice of a public hearing on a proposed
84 modification of a community redevelopment plan via a

85 | publicly accessible website; amending s. 163.380, F.S.;

86 | providing for public notice of the disposition of any real

87 | property in a community redevelopment area on a publicly

88 | accessible website; amending s. 163.387, F.S.; providing

89 | for publication on a publicly accessible website of notice

90 | of a public hearing regarding a taxing authority's

91 | intention to limit the amount of the authority's

92 | contribution to a community redevelopment trust fund;

93 | providing for publication on a publicly accessible website

94 | of notice of a local governing body's public hearing on a

95 | special district's request for exemption from

96 | appropriation of tax increment funds to a community

97 | redevelopment trust fund; amending s. 163.511, F.S.;

98 | providing for notification of electors and freeholders of

99 | general provisions relating to special neighborhood

100 | improvement districts via a publicly accessible website;

101 | amending s. 163.514, F.S.; providing for notification of

102 | electors in a neighborhood improvement district of general

103 | provisions relating to powers of such districts via a

104 | publicly accessible website; amending s. 163.516, F.S.;

105 | providing for publication of notice of a public hearing on

106 | a safe neighborhood improvement plan or on the amendment

107 | or modification of a safe neighborhood improvement plan

108 | via a publicly accessible website; amending s. 163.524,

109 | F.S.; providing for publication of notice of a joint

110 | public hearing on the adoption, amendment, or modification

111 | of a neighborhood enhancement plan via a publicly

112 | accessible website; amending s. 165.041, F.S.; providing

113 | for publication of notice of an election for the approval
114 | of a charter for the merger of two or more municipalities
115 | and associated unincorporated areas via a publicly
116 | accessible website; amending s. 165.051, F.S.; providing
117 | for notice of an election to vote on an ordinance to
118 | revoke the charter of an existing municipality to be
119 | published on a publicly accessible website; amending s.
120 | 166.041, F.S.; providing for notice of adoption of a
121 | municipal ordinance via a publicly accessible website;
122 | providing clarifying provisions; amending s. 166.0497,
123 | F.S.; providing for publication of notice of a public
124 | hearing on the adoption of an ordinance to alter, amend,
125 | or expand a municipal downtown development district via a
126 | publicly accessible website; amending s. 170.05, F.S.;
127 | providing for publication on a publicly accessible website
128 | of a resolution relating to municipal public improvements
129 | financed by special assessments; amending s. 170.07, F.S.;
130 | providing for publication on a publicly accessible website
131 | of notice of hearing on municipal public improvements
132 | financed by special assessments; amending s. 171.0413,
133 | F.S.; providing for publication of notice of a referendum
134 | on annexation of territory by a municipality via a
135 | publicly accessible website; amending s. 171.051, F.S.;
136 | providing for notice of a contraction ordinance and
137 | publication of notice of a referendum on contraction of
138 | municipal boundaries via a publicly accessible website;
139 | amending s. 173.09, F.S.; providing for advertisement via
140 | a publicly accessible website of the sale of land pursuant

141 to foreclosure of municipal tax and special assessment
142 liens; amending s. 177.101, F.S.; providing for publishing
143 of legal notice of intention to apply to a county
144 governing body to vacate a plat of land via a publicly
145 accessible website; amending s. 180.09, F.S.; providing
146 for publication of notice via a publicly accessible
147 website of the adoption of a resolution or ordinance by a
148 city council or other legislative body authorizing the
149 issuance of mortgage revenue certificates or debentures;
150 amending s. 180.24, F.S.; providing for advertisement via
151 a publicly accessible website of specified construction
152 contracts for utilities or extensions to a previously
153 constructed utility; amending s. 189.4044, F.S.; providing
154 for publication of a notice of proposed declaration of
155 inactive status of a special district via a publicly
156 accessible website; amending s. 189.417, F.S.; providing
157 for the advertisement of meetings of the governing body of
158 an independent special district via a publicly accessible
159 website; providing for notice of public meetings of a
160 water management district held to evaluate responses to
161 solicitations issued by the district via a publicly
162 accessible website; amending s. 190.006, F.S.; providing
163 for publication of notice via a publicly accessible
164 website of a meeting of the landowners of a community
165 development district for the purpose of electing district
166 supervisors; amending s. 190.033, F.S.; providing for
167 advertisement for notice of bids or other competitive
168 solicitation by the board of supervisors of a community

169 development district via a publicly accessible website;
 170 amending s. 191.005, F.S.; providing for publication via a
 171 publicly accessible website of special notice of any
 172 meeting at which the governing board of an independent
 173 fire control district will consider a salary change for a
 174 board member; amending s. 192.0105, F.S.; providing for
 175 advertisement via a publicly accessible website of a
 176 listing of the names of taxpayers who are delinquent in
 177 paying tangible personal property taxes as provided for
 178 under the Florida Taxpayer's Bill of Rights; providing for
 179 advertised notice via a publicly accessible website of the
 180 actions of a value adjustment board as provided for under
 181 the Florida Taxpayer's Bill of Rights; amending s.
 182 194.037, F.S.; providing for publication on a publicly
 183 accessible website of the findings and results of a
 184 property tax value adjustment board; amending s. 197.3632,
 185 F.S.; providing for publication on a publicly accessible
 186 website of a local government's notice of intent to use
 187 the uniform method of collecting non-ad valorem
 188 assessments; amending s. 200.065, F.S.; providing for
 189 advertisement on a publicly accessible website of a taxing
 190 authority's intent to adopt a millage rate and budget;
 191 providing for advertisement on a publicly accessible
 192 website of a school district's intent to adopt a tentative
 193 budget; providing for advertisement on a publicly
 194 accessible website of the intention of a specified
 195 multicounty taxing authority to adopt a tentative budget
 196 and millage rate; providing clarifying and conforming

197 provisions; providing for notice via a publicly accessible
198 website of correction of a specified error contained in a
199 notice of proposed property taxes mailed to taxpayers;
200 amending s. 205.032, F.S.; providing for publication of
201 notice on a publicly accessible website of the levy of a
202 business tax by a county governing body; amending s.
203 205.042, F.S.; providing for publication of notice on a
204 publicly accessible website of the levy of a business tax
205 by the governing body of an incorporated municipality;
206 amending s. 255.0525, F.S.; providing for advertisement
207 via a publicly accessible website for the solicitation of
208 competitive bids or proposals for construction projects of
209 a county, municipality, or other political subdivision
210 which are projected to exceed specified costs; amending s.
211 274.06, F.S.; providing for publication of notice via a
212 publicly accessible website of a local government's sale
213 of tangible personal property having a specified value;
214 amending s. 290.0057, F.S.; providing for notice via a
215 publicly accessible website of a public hearing on an
216 enterprise zone strategic plan; amending s. 298.301, F.S.;
217 providing for publication on a publicly accessible website
218 of notice of a public hearing on a proposed district water
219 control plan or plan amendment; providing for publication
220 by the board of supervisors of a water control district
221 on a publicly accessible website of the filing of an
222 engineer's report and a geographical depiction of the
223 water control district; providing conforming provisions;
224 amending ss. 348.243, 348.83, 348.943, 348.953, and

225 348.968, F.S.; providing for advertisement via a publicly
 226 accessible website of public hearings on specified
 227 projects of the Broward County Expressway Authority, the
 228 Pasco County Expressway Authority, the St. Lucie County
 229 Expressway and Bridge Authority, the Seminole County
 230 Expressway Authority, and the Santa Rosa Bay Bridge
 231 Authority, respectively; amending s. 350.81, F.S.;
 232 providing for publication on a publicly accessible website
 233 of notice of public hearings by a governmental entity that
 234 proposes to provide a communications service; amending s.
 235 373.4592, F.S.; providing for publication on a publicly
 236 accessible website of notice by the South Florida Water
 237 Management District of the certification of a non-ad
 238 valorem assessment roll in specified counties relative to
 239 Everglades management and improvement; amending s.
 240 373.45924, F.S.; providing for publication as a notice on
 241 a publicly accessible website of a truth-in-borrowing
 242 statement from the South Florida Water Management District
 243 relative to the district's proposal to borrow or otherwise
 244 finance with debt any fixed capital outlay projects or
 245 operating capital outlay for Everglades management and
 246 improvement; amending s. 373.536, F.S.; providing for
 247 publication on a publicly accessible website of notice of
 248 budget hearings conducted by the governing board or
 249 district staff of the South Florida Water Management
 250 District, advertisement of budget workshops conducted by
 251 the district for the public, advertisement of the
 252 district's intention to adopt a tentative budget and

253 millage rate, and notices of the district governing
 254 board's intention to adopt a final budget for the district
 255 for the ensuing fiscal year under the Everglades
 256 Restoration Investment Act; amending s. 376.80, F.S.;
 257 providing for notice via a publicly accessible website of
 258 public hearings on the proposed designation of a specified
 259 brownfield area by a local government; amending s.
 260 379.2425, F.S.; providing for publication of notice via a
 261 publicly accessible website of the establishment of a
 262 restricted area by the Fish and Wildlife Conservation
 263 Commission; amending s. 380.06, F.S.; providing for
 264 publication of an advertisement on a publicly accessible
 265 website of a public hearing by a local government on an
 266 areawide development of regional impact under the Florida
 267 Environmental Land and Water Management Act of 1972;
 268 amending s. 403.973, F.S.; redefining the term "duly
 269 noticed" to include publication on a publicly accessible
 270 website; providing conforming provisions; amending s.
 271 420.9075, F.S.; providing for advertisement of notice on a
 272 publicly accessible website of funding availability
 273 through a local housing assistance plan under the State
 274 Housing Initiatives Partnership Act; amending s. 553.73,
 275 F.S.; providing for advertisement on a publicly accessible
 276 website of a public hearing on the need to adopt local
 277 technical amendments to the Florida Building Code which
 278 provide for more stringent requirements; amending s.
 279 633.025, F.S.; providing for advertisement on a publicly
 280 accessible website of a public hearing to determine the

281 need to strengthen a local governing body's minimum
282 firesafety code requirements; amending s. 705.103, F.S.;
283 providing for publication of notice on a publicly
284 accessible website of a law enforcement agency's election
285 to retain lost property; providing for publication on a
286 publicly accessible website of the advertisement of public
287 sale of lost property by a law enforcement agency;
288 amending s. 715.109, F.S.; providing for publication on a
289 publicly accessible website of advertisement of the sale
290 of abandoned property under the Disposition of Personal
291 Property Landlord and Tenant Act; reenacting ss. 125.56(1)
292 and 212.054(6), F.S., relating to enforcement and
293 amendment of the Florida Building Code and Florida Fire
294 Prevention Code and a discretionary sales surtax, to
295 incorporate the amendment to s. 125.66, F.S., in
296 references thereto; reenacting ss. 163.3164(18), 163.346,
297 and 376.80(1), F.S., relating to the definition of "public
298 notice" for purposes of the Local Government Comprehensive
299 Planning and Land Development Regulation Act, notice to
300 taxing authorities, and the brownfield program
301 administration process, respectively, to incorporate the
302 amendments to ss. 125.66 and 166.041, F.S., in references
303 thereto; reenacting ss. 30.50(4) and 200.065(3)(1), F.S.,
304 relating to amendment of a county budget relative to
305 payment of salaries and expenses by a sheriff and
306 advertisement and notice requirements with respect to the
307 fixing of millage rates, to incorporate the amendments to
308 ss. 129.03 and 129.06, F.S., in references thereto;

HB 1381

2010

309 | reenacting ss. 163.3246(9)(a), 163.32465(6)(h),
310 | 288.975(10) and (12)(d), 420.5095(9), and 1013.30(6),
311 | F.S., relating to adoption and review of local government
312 | comprehensive plan amendments, entry into compliance
313 | agreements between parties to an administrative challenge
314 | to an amendment to certain urban local comprehensive
315 | plans, military base reuse plans, a local government
316 | comprehensive plan amendment to implement a community
317 | workforce housing innovation pilot program project, and
318 | review of a university campus draft master plan,
319 | respectively, to incorporate the amendments to s.
320 | 163.3184, F.S., in references thereto; reenacting s.
321 | 163.3187(1)(c), F.S., relating to the amendment of an
322 | adopted comprehensive plan, to incorporate the amendments
323 | to s. 166.041, F.S., in a reference thereto; reenacting
324 | ss. 192.0105(1)(b) and (c), 200.068, and 286.0105, F.S.,
325 | relating to taxpayer rights, certification of compliance
326 | with ch. 200, F.S., relating to determination of millage,
327 | and to a requirement that notices of meetings and hearings
328 | of a board, commission, or agency of the state advise that
329 | a record of the proceedings is required to appeal,
330 | respectively, to incorporate the amendments to s. 200.065,
331 | F.S., in references thereto; reenacting ss. 705.104(1) and
332 | 717.119(5)(b), F.S., relating to title to lost or
333 | abandoned property and to disposition by a law enforcement
334 | agency of a firearm or ammunition found in an unclaimed
335 | safe-deposit box or other safekeeping repository,
336 | respectively, to incorporate the amendment to s. 705.103,

HB 1381

2010

337 F.S., in references thereto; providing an effective date.

338

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

340

341 Section 1. Section 530.0311, Florida Statutes, is created
342 to read:

343 530.0311 Publication of advertisements and public notices
344 on a governmental entity's publicly accessible website.—

345 (1) For purposes of notices and advertisements required by
346 statute to be published by governmental entities, the term
347 "publicly accessible website" means a governmental entity's
348 official website that is accessible via the Internet.

349 (2) If specifically authorized by statute, a governmental
350 entity may use its website for legally required advertisements
351 and public notices if:

352 (a) A public library or other governmental facility
353 providing free access to the Internet during regular business
354 hours exists within the jurisdictional boundaries of such
355 governmental entity;

356 (b) The governmental entity provides notice to its
357 residents at least once per year in a newspaper of general
358 circulation, the governmental entity's newsletter or periodical,
359 or another publication that is mailed or delivered to all
360 residents or property owners throughout the governmental
361 entity's jurisdiction, indicating that residents may receive
362 legally required advertisements and public notices from the
363 governmental entity by first-class mail or e-mail upon
364 registering their name and address or e-mail address with the

365 local governmental entity;

366 (c) The governmental entity maintains a registry of names,
 367 addresses, and e-mail addresses of residents who request in
 368 writing that they receive legally required advertisements and
 369 public notices from the governmental entity by first-class mail
 370 or e-mail; and

371 (d) At the time of initial publication of an advertisement
 372 or public notice on a governmental entity's publicly accessible
 373 website, the governmental entity mails or e-mails a copy of such
 374 publication to residents indicating a preference to receive such
 375 advertisements and notices by first-class mail or e-mail.

376 (3) Advertisements and public notices published on a
 377 publicly accessible website shall be conspicuously placed on the
 378 website's homepage or accessible through a direct link from the
 379 homepage. The advertisement shall indicate the date on which the
 380 advertisement was first published on the publicly accessible
 381 website.

382 Section 2. Section 50.011, Florida Statutes, is amended to
 383 read:

384 50.011 Where and in what language legal notices to be
 385 published.—Whenever by statute an official or legal
 386 advertisement or a publication, or notice in a newspaper has
 387 been or is directed or permitted in the nature of or in lieu of
 388 process, or for constructive service, or in initiating,
 389 assuming, reviewing, exercising or enforcing jurisdiction or
 390 power, or for any purpose, including all legal notices and
 391 advertisements of sheriffs and tax collectors, the
 392 contemporaneous and continuous intent and meaning of such

HB 1381

2010

393 | legislation all and singular, existing or repealed, is and has
 394 | been and is hereby declared to be and to have been, and the rule
 395 | of interpretation is and has been, a publication in a newspaper
 396 | printed and published periodically once a week or oftener,
 397 | containing at least 25 percent of its words in the English
 398 | language, entered or qualified to be admitted and entered as
 399 | periodicals matter at a post office in the county where
 400 | published, for sale to the public generally, available to the
 401 | public generally for the publication of official or other
 402 | notices and customarily containing information of a public
 403 | character or of interest or of value to the residents or owners
 404 | of property in the county where published, or of interest or of
 405 | value to the general public. Notwithstanding any provisions to
 406 | the contrary, and if specifically authorized by statute, a
 407 | notice, advertisement, or publication on a publicly accessible
 408 | website in accordance with s. 50.0311 constitutes legal notice.

409 | Section 3. Section 50.021, Florida Statutes, is amended to
 410 | read:

411 | 50.021 Publication when no newspaper in county.—When any
 412 | law, or order or decree of court, shall direct advertisements to
 413 | be made in any county and there be no newspaper published in the
 414 | said county, the advertisement may be made by publishing such
 415 | advertisement on a publicly accessible website maintained by the
 416 | entity responsible for publication or posting three copies
 417 | thereof in three different places in said county, one of which
 418 | shall be at the front door of the courthouse, and by publication
 419 | in the nearest county in which a newspaper is published.

420 | Section 4. Section 50.051, Florida Statutes, is amended to

HB 1381

2010

421 read:

422 50.051 Proof of publication; form of uniform affidavit.—
 423 The printed form upon which all such affidavits establishing
 424 proof of publication in a newspaper are to be executed shall be
 425 substantially as follows:

426
 427 NAME OF NEWSPAPER

428 Published (Weekly or Daily)

429 (Town or City) (County) FLORIDA

430

431 STATE OF FLORIDA

432

433 COUNTY OF

434 Before the undersigned authority personally appeared,
 435 who on oath says that he or she is of the, a
 436 newspaper published at in County, Florida; that the
 437 attached copy of advertisement, being a in the matter of
 438 in the Court, was published in said newspaper in the
 439 issues of

440 Affiant further says that the said is a newspaper
 441 published at, in said County, Florida, and that the
 442 said newspaper has heretofore been continuously published in
 443 said County, Florida, each and has been entered as
 444 periodicals matter at the post office in, in said
 445 County, Florida, for a period of 1 year next preceding the first
 446 publication of the attached copy of advertisement; and affiant
 447 further says that he or she has neither paid nor promised any
 448 person, firm or corporation any discount, rebate, commission or

HB 1381

2010

449 refund for the purpose of securing this advertisement for
 450 publication in the said newspaper.

451
 452 Sworn to and subscribed before me this day of,
 453 ...(year)..., by, who is personally known to me or who has
 454 produced (type of identification) as identification.

455
 456
 457 ...(Signature of Notary Public)...

458
 459 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

460
 461 ...(Notary Public)...

462 Section 5. Subsection (4) of section 50.061, Florida
 463 Statutes, is amended to read:

464 50.061 Amounts chargeable.—

465 (4) All official public notices and legal advertisements
 466 published in a newspaper shall be charged and paid for on the
 467 basis of 6-point type on 6-point body, unless otherwise
 468 specified by statute.

469 Section 6. Section 100.342, Florida Statutes, is amended
 470 to read:

471 100.342 Notice of special election or referendum.—In any
 472 special election or referendum not otherwise provided for there
 473 shall be at least 30 days' notice of the election or referendum
 474 by publication in a newspaper of general circulation in the
 475 county, district, or municipality, as the case may be, or
 476 publication on a publicly accessible website maintained by the

HB 1381

2010

477 entity responsible for publication and published daily during
 478 the 5 weeks immediately preceding the election or referendum. If
 479 advertised in the newspaper, the publication shall be made at
 480 least twice, once in the fifth week and once in the third week
 481 prior to the week in which the election or referendum is to be
 482 held. If there is no newspaper of general circulation in the
 483 county, district, or municipality and publication is not made on
 484 a publicly accessible website maintained by the entity
 485 responsible for publication, the notice shall be posted in no
 486 fewer ~~less~~ than five places within the territorial limits of the
 487 county, district, or municipality.

488 Section 7. Subsection (17) of section 125.012, Florida
 489 Statutes, is amended to read:

490 125.012 Project facilities; general powers and duties.—Any
 491 county and the board of county commissioners thereof shall have
 492 the power, in addition to the powers otherwise conferred:

493 (17) To grant exclusive or nonexclusive franchises to
 494 persons, firms, or corporations for the operating of
 495 restaurants, cafeterias, bars, taxicabs, vending machines, and
 496 other concessions of a nonaeronautical nature in, on, and in
 497 connection with any project owned and operated by the county.
 498 However, no exclusive franchise shall be so granted unless the
 499 board of county commissioners of such county shall award such
 500 franchise following receipt of sealed competitive bids in the
 501 manner prescribed by law, or cause to be published on a publicly
 502 accessible website maintained by the county or in a newspaper of
 503 general circulation in the county notice of the fact that it
 504 intends to grant such exclusive franchise and will at a time

HB 1381

2010

505 certain to be fixed in such notice, not less than 30 days after
506 the publication of the notice, enter into negotiations with any
507 interested parties as to the terms, conditions, and provisions
508 of any such exclusive franchise. Such negotiations with any
509 interested parties as to the terms, conditions, and provisions
510 of any such exclusive franchise are to continue for a period of
511 not less than 10 days before such exclusive franchise is
512 granted.

513 Section 8. Paragraph (c) of subsection (1) of section
514 125.35, Florida Statutes, is amended to read:

515 125.35 County authorized to sell real and personal
516 property and to lease real property.—

517 (1)

518 (c) No sale of any real property shall be made unless
519 notice thereof is published once a week for at least 2 weeks in
520 some newspaper of general circulation published in the county or
521 published daily during the 2 weeks preceding the sale of any
522 real property on a publicly accessible website maintained by the
523 county, calling for bids for the purchase of the real estate so
524 advertised to be sold. In the case of a sale, the bid of the
525 highest bidder complying with the terms and conditions set forth
526 in such notice shall be accepted, unless the board of county
527 commissioners rejects all bids because they are too low. The
528 board of county commissioners may require a deposit to be made
529 or a surety bond to be given, in such form or in such amount as
530 the board determines, with each bid submitted.

531 Section 9. Paragraph (a) of subsection (2) and paragraph
532 (b) of subsection (4) of section 125.66, Florida Statutes, are

HB 1381

2010

533 amended to read:

534 125.66 Ordinances; enactment procedure; emergency
 535 ordinances; rezoning or change of land use ordinances or
 536 resolutions.—

537 (2) (a) The regular enactment procedure shall be as
 538 follows: The board of county commissioners at any regular or
 539 special meeting may enact or amend any ordinance, except as
 540 provided in subsection (4), if notice of intent to consider such
 541 ordinance is given at least 10 days before the ~~prior to said~~
 542 meeting on a publicly accessible website maintained by the
 543 county or by publication in a newspaper of general circulation
 544 in the county. If advertised on a publicly accessible website,
 545 the advertisement shall be published daily during the 10 days
 546 immediately preceding the meeting. A copy of such notice shall
 547 be kept available for public inspection during the regular
 548 business hours of the office of the clerk of the board of county
 549 commissioners. The notice of proposed enactment shall state the
 550 date, time, and place of the meeting; the title or titles of
 551 proposed ordinances; and the place or places within the county
 552 where such proposed ordinances may be inspected by the public.
 553 The notice shall also advise that interested parties may appear
 554 at the meeting and be heard with respect to the proposed
 555 ordinance.

556 (4) Ordinances or resolutions, initiated by other than the
 557 county, that change the actual zoning map designation of a
 558 parcel or parcels of land shall be enacted pursuant to
 559 subsection (2). Ordinances or resolutions that change the actual
 560 list of permitted, conditional, or prohibited uses within a

HB 1381

2010

561 zoning category, or ordinances or resolutions initiated by the
562 county that change the actual zoning map designation of a parcel
563 or parcels of land shall be enacted pursuant to the following
564 procedure:

565 (b) In cases in which the proposed ordinance or resolution
566 changes the actual list of permitted, conditional, or prohibited
567 uses within a zoning category, or changes the actual zoning map
568 designation of a parcel or parcels of land involving 10
569 contiguous acres or more, the board of county commissioners
570 shall provide for public notice and hearings as follows:

571 1. The board of county commissioners shall hold two
572 advertised public hearings on the proposed ordinance or
573 resolution. At least one hearing shall be held after 5 p.m. on a
574 weekday, unless the board of county commissioners, by a majority
575 plus one vote, elects to conduct that hearing at another time of
576 day. The first public hearing shall be held at least 7 days
577 after the day that the first advertisement is published. The
578 second hearing shall be held at least 10 days after the first
579 hearing and shall be advertised at least 5 days prior to the
580 public hearing.

581 2. The required newspaper advertisements shall be no less
582 than 2 columns wide by 10 inches long in a standard size or a
583 tabloid size newspaper, and the headline in the advertisement
584 shall be in a type no smaller than 18 point. The newspaper
585 advertisement shall not be placed in that portion of the
586 newspaper where legal notices and classified advertisements
587 appear. The newspaper advertisement shall be placed in a
588 newspaper of general paid circulation in the county and of

589 | general interest and readership in the community pursuant to
 590 | chapter 50, not one of limited subject matter. It is the
 591 | legislative intent that, whenever possible, the newspaper
 592 | advertisement shall appear in a newspaper that is published at
 593 | least 5 days a week unless the only newspaper in the community
 594 | is published less than 5 days a week. The newspaper
 595 | advertisement shall be in substantially the following form:

597 | NOTICE OF (TYPE OF) CHANGE

599 | The ...(name of local governmental unit)... proposes to
 600 | adopt the following by ordinance or resolution:...(title of
 601 | ordinance or resolution)....

602 | A public hearing on the ordinance or resolution will be
 603 | held on ...(date and time)... at ...(meeting place)....

605 | Except for amendments which change the actual list of permitted,
 606 | conditional, or prohibited uses within a zoning category, the
 607 | advertisement shall contain a geographic location map which
 608 | clearly indicates the area within the local government covered
 609 | by the proposed ordinance or resolution. The map shall include
 610 | major street names as a means of identification of the general
 611 | area.

612 | 3. In lieu of publishing the advertisements set out in
 613 | this paragraph, the board of county commissioners may mail a
 614 | notice to each person owning real property within the area
 615 | covered by the ordinance or resolution. Such notice shall
 616 | clearly explain the proposed ordinance or resolution and shall

HB 1381

2010

617 | notify the person of the time, place, and location of both
 618 | public hearings on the proposed ordinance or resolution.

619 | Section 10. Paragraph (b) of subsection (3) of section
 620 | 129.03, Florida Statutes, is amended to read:

621 | 129.03 Preparation and adoption of budget.—

622 | (3) No later than 15 days after certification of value by
 623 | the property appraiser pursuant to s. 200.065(1), the county
 624 | budget officer, after tentatively ascertaining the proposed
 625 | fiscal policies of the board for the ensuing fiscal year, shall
 626 | prepare and present to the board a tentative budget for the
 627 | ensuing fiscal year for each of the funds provided in this
 628 | chapter, including all estimated receipts, taxes to be levied,
 629 | and balances expected to be brought forward and all estimated
 630 | expenditures, reserves, and balances to be carried over at the
 631 | end of the year.

632 | (b) Upon receipt of the tentative budgets and completion
 633 | of any revisions made by the board, the board shall prepare a
 634 | statement summarizing all of the adopted tentative budgets. This
 635 | summary statement shall show, for each budget and the total of
 636 | all budgets, the proposed tax millages, the balances, the
 637 | reserves, and the total of each major classification of receipts
 638 | and expenditures, classified according to the classification of
 639 | accounts prescribed by the appropriate state agency. The board
 640 | shall cause this summary statement to be advertised one time in
 641 | a newspaper of general circulation published in the county, on a
 642 | publicly accessible website maintained by the county, or by
 643 | posting at the courthouse door if there is no such newspaper or
 644 | website, and the advertisement shall appear adjacent to the

645 advertisement required pursuant to s. 200.065.

646 Section 11. Paragraph (f) of subsection (2) of section
647 129.06, Florida Statutes, is amended to read:

648 129.06 Execution and amendment of budget.—

649 (2) The board at any time within a fiscal year may amend a
650 budget for that year, and may within the first 60 days of a
651 fiscal year amend the budget for the prior fiscal year, as
652 follows:

653 (f) If an amendment to a budget is required for a purpose
654 not specifically authorized in paragraphs (a)-(e), unless
655 otherwise prohibited by law, the amendment may be authorized by
656 resolution or ordinance of the board of county commissioners
657 adopted following a public hearing. ~~The public hearing must be~~
658 ~~advertised at least 2 days, but not more than 5 days, before the~~
659 ~~date of the hearing.~~ The advertisement must appear on a publicly
660 accessible website maintained by the county or in a newspaper of
661 paid general circulation and must identify the name of the
662 taxing authority, the date, place, and time of the hearing, and
663 the purpose of the hearing. If advertised in the newspaper, the
664 public hearing must be advertised at least 2 days, but not more
665 than 5 days, before the date of the hearing. If advertised on a
666 publicly accessible website, the notice must be published daily
667 during the 5 days immediately preceding the hearing. The
668 advertisement must also identify each budgetary fund to be
669 amended, the source of the funds, the use of the funds, and the
670 total amount of each budget.

671 Section 12. Section 138.12, Florida Statutes, is amended
672 to read:

HB 1381

2010

673 138.12 Commissioners may expand county seat.—The board of
674 county commissioners of any county may expand the geographical
675 area of the county seat of its county beyond the corporate
676 limits of the municipality named as the county seat by adopting
677 a resolution to that effect at any regular or special meeting of
678 the board. Such a resolution may be adopted only after the board
679 has held not less than two public hearings on the proposal at
680 intervals of not less than 10 or more than 20 days and after
681 notice of the proposal and such meetings has been published on a
682 publicly accessible website maintained by the county or in a
683 newspaper of general circulation in the county. However, nothing
684 herein shall be deemed to extend the boundaries of the
685 municipality in which the county seat was previously located or
686 annex to such municipality the territory added to the county
687 seat.

688 Section 13. Paragraph (d) of subsection (2) of section
689 153.53, Florida Statutes, is amended to read:

690 153.53 Establishment of districts in unincorporated
691 areas.—

692 (2)

693 (d) Within 30 days after the petition is received by the
694 property appraiser, said property appraiser shall determine
695 whether such petition has been duly signed by the requisite
696 number of property owners within the boundaries of the proposed
697 district. If there is a sufficient number of valid signatures,
698 the property appraiser shall forthwith deliver said petition to
699 the board of county commissioners who shall within 60 days hold
700 an election to determine if the district shall be created. The

HB 1381

2010

701 board of county commissioners shall have notice of such election
702 published once a week for 4 successive weeks in a newspaper of
703 general circulation within the area of the proposed district or
704 daily during the 4 successive weeks immediately preceding the
705 election on a publicly accessible website maintained by the
706 county. Said notice shall describe the purpose for which the
707 district is to be established and the territory proposed to be
708 included in the said district. If there is no such newspaper or
709 website, ~~then~~ notice may be posted on the courthouse door and in
710 five conspicuous places within the proposed district.

711 Section 14. Subsection (1) of section 153.55, Florida
712 Statutes, is amended to read:

713 153.55 Public hearing upon report of county commissioners
714 and creation of district; findings of board of county
715 commissioners.—

716 (1) Upon submission of any such report the board of county
717 commissioners shall hold a public hearing upon such report and
718 the question of the creation of such district, giving at least
719 20 days' notice of such hearing by advertisement in a newspaper
720 published in the county and circulating in the area of the
721 proposed district, by daily publication during the 20 days
722 immediately preceding the hearing on a publicly accessible
723 website maintained by the county, or by posting as provided in
724 s. 153.56 if no such newspaper or website is ~~be~~ published.

725 Section 15. Section 153.79, Florida Statutes, is amended
726 to read:

727 153.79 Contracts for construction of improvements, sealed
728 bids.—All contracts let, awarded, or entered into by the

HB 1381

2010

729 district for the construction, reconstruction, or acquisition or
730 improvement of a water system or a sewer system or both or any
731 part thereof, if the amount thereof shall exceed \$1,000, shall
732 be awarded only after public advertisement and call for sealed
733 bids therefor on a publicly accessible website maintained by the
734 county or, in a newspaper published in the county circulating in
735 the district, or, if there is ~~be~~ no such website or newspaper,
736 ~~then~~ in a newspaper published in the state and circulating in
737 the district. If advertised in the newspaper, such advertisement
738 shall ~~to~~ be published at least once at least 3 weeks before the
739 date set for the receipt of such bids. If advertised on a
740 publicly accessible website, such advertisement shall be
741 published daily during the 3 weeks immediately preceding the
742 date set for the receipt of such bids. Such advertisements for
743 bids in addition to the other necessary and pertinent matter
744 shall state in general terms the nature and description of the
745 improvement or improvements to be undertaken and shall state
746 that detailed plans and specifications for such work are on file
747 for inspection in the office of the district clerk and copies
748 thereof shall be furnished to any interested party upon payment
749 of reasonable charges to reimburse the district for its expenses
750 in providing such copies. The award shall be made to the
751 responsible and competent bidder or bidders who shall offer to
752 undertake the improvements at the lowest cost to the district
753 and such bidder or bidders shall be required to file bond for
754 the full and faithful performance of such work and the execution
755 of any such contract in such amount as the district board shall
756 determine, and in all other respects the letting of such

HB 1381

2010

757 construction contracts shall comply with applicable provisions
 758 of the general laws relating to the letting of public contracts.
 759 Nothing in this section shall be deemed to prevent the district
 760 from hiring or retaining such consulting engineers, attorneys,
 761 financial experts or other technicians as it shall determine, in
 762 its discretion, or from undertaking any construction work with
 763 its own resources, without any such public advertisement.

764 Section 16. Section 157.03, Florida Statutes, is amended
 765 to read:

766 157.03 Commissioners to appoint committee; report of plans
 767 and estimate; letting contract; right-of-way for drains.—When
 768 the county commissioners shall order that such ditch, drain, or
 769 canal, ~~shall~~ be established, they shall appoint a committee of
 770 three disinterested freeholders who are citizens of the county,
 771 who may employ a surveyor, and shall cause an accurate survey to
 772 be made of the proposed ditch, drain, or canal, and shall
 773 establish the commencement, route, and terminus of said ditch,
 774 drain, or canal, the width, length, and depth thereof, and shall
 775 make and present to the county commissioners, at their next
 776 regular meeting, or at a meeting as soon thereafter as
 777 practicable, plans, specifications, and profiles for said
 778 construction, together with an estimate of the approximate cost
 779 of said ditch, drain, or canal, and the annual cost of its
 780 maintenance, and upon this report of the said committee, the
 781 board of county commissioners shall advertise once a week for 3
 782 weeks, ~~in a newspaper published in the said county~~ or daily for
 783 3 weeks on a publicly accessible website maintained by the
 784 county, ~~for bids for the construction of said ditch, drain, or~~

HB 1381

2010

785 canal, and the same shall be given to the lowest responsible
786 bidder; provided, the board of county commissioners may, if they
787 deem it for the best interest of all concerned, reject all bids;
788 and in case said bids are rejected they may advertise for
789 further bids. Whenever the survey for any proposed ditch, drain,
790 or canal, shall run through the lands of anyone who shall object
791 thereto, the board of county commissioners may proceed to
792 condemn the right-of-way for such ditch, drain, or canal, and
793 pay therefor out of the funds arising from the levy and
794 assessments hereinafter provided for.

795 Section 17. Section 157.21, Florida Statutes, is amended
796 to read:

797 157.21 Enlargement of drains; appointment of committee;
798 report to commissioners; letting contract; contractor's bond;
799 payments; assessment.—Whenever the board of county commissioners
800 shall have determined upon a petition, filed as provided in s.
801 157.16, to enlarge or deepen any drain, they shall appoint a
802 committee of the three competent and disinterested persons who
803 are citizens of the county, who shall cause an accurate survey
804 to be made of the proposed work, and shall establish the depth
805 or width to which the same shall be deepened and shall make and
806 present to the county commissioners at their next regular
807 meeting, an estimate of the cost of said work, and upon the
808 report of said committee to them, said county commissioners
809 shall advertise not less than 2 weeks in a newspaper published
810 in the county or daily for 2 weeks on a publicly accessible
811 website maintained by the county, for bids on said work, to be
812 given to the lowest responsible bidder, with the privilege of

HB 1381

2010

813 | rejecting all bids that may be offered, should the same be
814 | considered unreasonable; and in case the said bids are rejected,
815 | they may again advertise for further bids. The said board of
816 | county commissioners shall require of the person whose bid is
817 | accepted for said work a good and sufficient bond for the
818 | faithful performance of said contract, which said work shall be
819 | done under the supervision of the committee appointed as
820 | aforesaid. When the work shall be completed the committee shall
821 | certify the same to the board of county commissioners who shall
822 | also inspect such work before final payment is made to the
823 | contractor, and such confirmation with the report of the
824 | committee that the work has been done according to contract,
825 | shall be made a matter of record; provided, that nothing in this
826 | chapter shall prevent the county commissioners from making
827 | payments in installments during the progress of the work, if
828 | deemed expedient. Before letting such contract, the committee
829 | appointed by the commissioners shall view the lands to be
830 | benefited by the enlargement or deepening of said drain or
831 | auxiliary and assess each parcel according and in proportion as
832 | each shall be benefited, both those lands lying immediately
833 | along such ditch, drain, or canal, and those adjacent thereto,
834 | for all the expenses that may be incurred in the enlarging or
835 | deepening of said drain and keeping the same in repair from year
836 | to year, and shall file a report of the same with the board of
837 | county commissioners, which said report shall show the several
838 | tracts of lands assessed and the names of the owners thereof,
839 | and the amounts assessed against each tract; provided, however,
840 | that if the owners of any tract cannot be ascertained by

HB 1381

2010

841 diligent inquiry, said tract shall be assessed as unknown.

842 Section 18. Section 157.28, Florida Statutes, is amended
843 to read:

844 157.28 Awarding contracts for repair; approval.—If the
845 estimated cost of repairing any such ditch, drain, or canal
846 shall not exceed the sum of \$100, the board of county
847 commissioners shall have full power to have the same done in
848 such manner as said board may see fit; but if such estimated
849 cost shall exceed \$100, then the contract shall be let to the
850 lowest responsible bidder after advertising for bids at least
851 once each week for 2 consecutive weeks in some newspaper
852 published in the county or advertising daily for 2 consecutive
853 weeks on a publicly accessible website maintained by the county,
854 or by posting in five conspicuous places in the commissioners'
855 district in which such ditch, drain, or canal shall be located,
856 and all work done shall be subject to the approval and
857 acceptance of the board of county commissioners.

858 Section 19. Section 159.32, Florida Statutes, is amended
859 to read:

860 159.32 Construction contracts.—Contracts for the
861 construction of the project may be awarded by the local agency
862 in such manner as in its judgment will best promote free and
863 open competition, including advertisement for competitive bids
864 in a newspaper of general circulation within the boundaries of
865 the local agency or on a publicly accessible website maintained
866 by the local agency responsible for publication; however, if the
867 local agency shall determine that the purposes of this part will
868 be more effectively served, the local agency in its discretion

HB 1381

2010

869 | may award or cause to be awarded contracts for the construction
870 | of any project, or any part thereof, upon a negotiated basis as
871 | determined by the local agency. The local agency shall prescribe
872 | bid security requirements and other procedures in connection
873 | with the award of such contracts as in its judgment shall
874 | protect the public interest. The local agency may by written
875 | contract engage the services of the lessee, purchaser, or
876 | prospective lessee or purchaser of any project in the
877 | construction of the project and may provide in the contract that
878 | the lessee, purchaser, or prospective lessee or purchaser may
879 | act as an agent of, or an independent contractor for, the local
880 | agency for the performance of the functions described therein,
881 | subject to such conditions and requirements consistent with the
882 | provisions of this part as shall be prescribed in the contract,
883 | including functions such as the acquisition of the site and
884 | other real property for the project; the preparation of plans,
885 | specifications, and contract documents; the award of
886 | construction and other contracts upon a competitive or
887 | negotiated basis; the construction of the project, or any part
888 | thereof, directly by the lessee, purchaser, or prospective
889 | lessee or purchaser; the inspection and supervision of
890 | construction; the employment of engineers, architects, builders,
891 | and other contractors; and the provision of money to pay the
892 | cost thereof pending reimbursement by the local agency. Any such
893 | contract may provide that the local agency may, out of proceeds
894 | of bonds, make advances to or reimburse the lessee, purchaser,
895 | or prospective lessee or purchaser for its costs incurred in the
896 | performance of those functions, and shall set forth the

Page 32 of 128

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1381-00

HB 1381

2010

897 supporting documents required to be submitted to the local
 898 agency and the reviews, examinations, and audits that shall be
 899 required in connection therewith to assure compliance with the
 900 provisions of this part and the contract.

901 Section 20. Paragraph (a) of subsection (2) of section
 902 162.12, Florida Statutes, is amended to read:

903 162.12 Notices.—

904 (2) In addition to providing notice as set forth in
 905 subsection (1), at the option of the code enforcement board,
 906 notice may also be served by publication or posting, as follows:

907 (a)1. Such notice shall be published once during each week
 908 for 4 consecutive weeks (four publications being sufficient) in
 909 a newspaper of general circulation in the county where the code
 910 enforcement board is located or daily during the 4 weeks
 911 immediately preceding the hearing on a publicly accessible
 912 website maintained by the local government. The website and
 913 newspaper shall meet such requirements as are prescribed under
 914 chapter 50 for legal and official advertisements.

915 2. Proof of newspaper publication shall be made as
 916 provided in ss. 50.041 and 50.051.

917
 918 Evidence that an attempt has been made to hand deliver or mail
 919 notice as provided in subsection (1), together with proof of
 920 publication or posting as provided in subsection (2), shall be
 921 sufficient to show that the notice requirements of this part
 922 have been met, without regard to whether or not the alleged
 923 violator actually received such notice.

924 Section 21. Paragraph (b) of subsection (15) and paragraph

HB 1381

2010

925 (c) of subsection (16) of section 163.3184, Florida Statutes,
 926 are amended to read:

927 163.3184 Process for adoption of comprehensive plan or
 928 plan amendment.—

929 (15) PUBLIC HEARINGS.—

930 (b) The local governing body shall hold at least two
 931 advertised public hearings on the proposed comprehensive plan or
 932 plan amendment as follows:

933 1. The first public hearing shall be held at the
 934 transmittal stage pursuant to subsection (3). It shall be held
 935 on a weekday at least 7 days after the day that the first
 936 advertisement is published or after the notice of the first
 937 public hearing is initially published on the publicly accessible
 938 website.

939 2. The second public hearing shall be held at the adoption
 940 stage pursuant to subsection (7). It shall be held on a weekday
 941 at least 5 days after the day that the second advertisement is
 942 published or after the notice of the second public hearing is
 943 initially published on the publicly accessible website.

944 (16) COMPLIANCE AGREEMENTS.—

945 (c) Before ~~Prior to~~ its execution of a compliance
 946 agreement, the local government must approve the compliance
 947 agreement at a public hearing advertised at least 10 days before
 948 the public hearing in a newspaper of general circulation in the
 949 area or daily during the 10 days immediately preceding the
 950 hearing on a publicly accessible website maintained by the local
 951 government in accordance with the advertisement requirements of
 952 subsection (15).

HB 1381

2010

953 Section 22. Paragraph (a) of subsection (2) of section
 954 163.3225, Florida Statutes, is amended to read:

955 163.3225 Public hearings.—

956 (2)(a) Notice of intent to consider a development
 957 agreement shall be advertised approximately 7 days before each
 958 public hearing in a newspaper of general circulation and
 959 readership in the county where the local government is located
 960 or advertised daily during the 7 days immediately preceding the
 961 hearing on a publicly accessible website maintained by the local
 962 government. Notice of intent to consider a development agreement
 963 shall also be mailed to all affected property owners before the
 964 first public hearing. The day, time, and place at which the
 965 second public hearing will be held shall be announced at the
 966 first public hearing.

967 Section 23. Paragraph (c) of subsection (3) of section
 968 163.356, Florida Statutes, is amended to read:

969 163.356 Creation of community redevelopment agency.—

970 (3)

971 (c) The governing body of the county or municipality shall
 972 designate a chair and vice chair from among the commissioners.
 973 An agency may employ an executive director, technical experts,
 974 and such other agents and employees, permanent and temporary, as
 975 it requires, and determine their qualifications, duties, and
 976 compensation. For such legal service as it requires, an agency
 977 may employ or retain its own counsel and legal staff. An agency
 978 authorized to transact business and exercise powers under this
 979 part shall file with the governing body, on or before March 31
 980 of each year, a report of its activities for the preceding

981 | fiscal year, which report shall include a complete financial
 982 | statement setting forth its assets, liabilities, income, and
 983 | operating expenses as of the end of such fiscal year. At the
 984 | time of filing the report, the agency shall publish on a
 985 | publicly accessible website maintained by the agency or in a
 986 | newspaper of general circulation in the community a notice to
 987 | the effect that such report has been filed with the county or
 988 | municipality and that the report is available for inspection
 989 | during business hours in the office of the clerk of the city or
 990 | county commission and in the office of the agency.

991 | Section 24. Paragraph (a) of subsection (6) of section
 992 | 163.360, Florida Statutes, is amended to read:

993 | 163.360 Community redevelopment plans.—

994 | (6) (a) The governing body shall hold a public hearing on a
 995 | community redevelopment plan after public notice thereof by
 996 | posting on a publicly accessible website maintained by the local
 997 | government responsible for publication or by publication in a
 998 | newspaper having a general circulation in the area of operation
 999 | of the county or municipality. The notice shall describe the
 1000 | time, date, place, and purpose of the hearing, identify
 1001 | generally the community redevelopment area covered by the plan,
 1002 | and outline the general scope of the community redevelopment
 1003 | plan under consideration.

1004 | Section 25. Subsection (2) of section 163.361, Florida
 1005 | Statutes, is amended to read:

1006 | 163.361 Modification of community redevelopment plans.—

1007 | (2) The governing body shall hold a public hearing on a
 1008 | proposed modification of any community redevelopment plan after

HB 1381

2010

1009 public notice thereof on a publicly accessible website
 1010 maintained by the local government responsible for publication
 1011 or by publication in a newspaper having a general circulation in
 1012 the area of operation of the agency.

1013 Section 26. Paragraph (a) of subsection (3) of section
 1014 163.380, Florida Statutes, is amended to read:

1015 163.380 Disposal of property in community redevelopment
 1016 area.—The disposal of property in a community redevelopment area
 1017 which is acquired by eminent domain is subject to the
 1018 limitations set forth in s. 73.013.

1019 (3) (a) Before ~~Prior to~~ disposition of any real property or
 1020 interest therein in a community redevelopment area, any county,
 1021 municipality, or community redevelopment agency shall give
 1022 public notice of such disposition by publication in a newspaper
 1023 having a general circulation in the community or on a publicly
 1024 accessible website maintained by the entity responsible for
 1025 publication, at least 30 days before ~~prior to~~ the execution of
 1026 any contract to sell, lease, or otherwise transfer real property
 1027 and, before ~~prior to~~ the delivery of any instrument of
 1028 conveyance with respect thereto under the provisions of this
 1029 section, invite proposals from, and make all pertinent
 1030 information available to, private redevelopers or any persons
 1031 interested in undertaking to redevelop or rehabilitate a
 1032 community redevelopment area or any part thereof. Such notice
 1033 shall identify the area or portion thereof and shall state that
 1034 proposals must be made by those interested within 30 days after
 1035 the date of publication of the notice and that such further
 1036 information as is available may be obtained at such office as is

HB 1381

2010

1037 designated in the notice. The county, municipality, or community
 1038 redevelopment agency shall consider all such redevelopment or
 1039 rehabilitation proposals and the financial and legal ability of
 1040 the persons making such proposals to carry them out; and the
 1041 county, municipality, or community redevelopment agency may
 1042 negotiate with any persons for proposals for the purchase,
 1043 lease, or other transfer of any real property acquired by it in
 1044 the community redevelopment area. The county, municipality, or
 1045 community redevelopment agency may accept such proposal as it
 1046 deems to be in the public interest and in furtherance of the
 1047 purposes of this part. Except in the case of a governing body
 1048 acting as the agency, as provided in s. 163.357, a notification
 1049 of intention to accept such proposal must be filed with the
 1050 governing body not less than 30 days before ~~prior to~~ any such
 1051 acceptance. Thereafter, the county, municipality, or community
 1052 redevelopment agency may execute such contract in accordance
 1053 with the provisions of subsection (1) and deliver deeds, leases,
 1054 and other instruments and take all steps necessary to effectuate
 1055 such contract.

1056 Section 27. Paragraph (b) of subsection (1) and paragraph
 1057 (d) of subsection (2) of section 163.387, Florida Statutes, are
 1058 amended to read:

1059 163.387 Redevelopment trust fund.—

1060 (1)

1061 (b)1. For any governing body that has not authorized by
 1062 June 5, 2006, a study to consider whether a finding of necessity
 1063 resolution pursuant to s. 163.355 should be adopted, has not
 1064 adopted a finding of necessity resolution pursuant to s. 163.355

HB 1381

2010

1065 | by March 31, 2007, has not adopted a community redevelopment
 1066 | plan by June 7, 2007, and was not authorized to exercise
 1067 | community redevelopment powers pursuant to a delegation of
 1068 | authority under s. 163.410 by a county that has adopted a home
 1069 | rule charter, the amount of tax increment to be contributed by
 1070 | any taxing authority shall be limited as follows:

1071 | a. If a taxing authority imposes a millage rate that
 1072 | exceeds the millage rate imposed by the governing body that
 1073 | created the trust fund, the amount of tax increment to be
 1074 | contributed by the taxing authority imposing the higher millage
 1075 | rate shall be calculated using the millage rate imposed by the
 1076 | governing body that created the trust fund. Nothing shall
 1077 | prohibit any taxing authority from voluntarily contributing a
 1078 | tax increment at a higher rate for a period of time as specified
 1079 | by interlocal agreement between the taxing authority and the
 1080 | community redevelopment agency.

1081 | b. At any time more than 24 years after the fiscal year in
 1082 | which a taxing authority made its first contribution to a
 1083 | redevelopment trust fund, by resolution effective no sooner than
 1084 | the next fiscal year and adopted by majority vote of the taxing
 1085 | authority's governing body at a public hearing held not less
 1086 | than 30 or more than 45 days after written notice by registered
 1087 | mail to the community redevelopment agency and published on a
 1088 | publicly accessible website maintained by the entity responsible
 1089 | for publication or in a newspaper of general circulation in the
 1090 | redevelopment area, the taxing authority may limit the amount of
 1091 | increment contributed by the taxing authority to the
 1092 | redevelopment trust fund to the amount of increment the taxing

HB 1381

2010

1093 authority was obligated to contribute to the redevelopment trust
1094 fund in the fiscal year immediately preceding the adoption of
1095 such resolution, plus any increase in the increment after the
1096 adoption of the resolution computed using the taxable values of
1097 any area which is subject to an area reinvestment agreement. As
1098 used in this subparagraph, the term "area reinvestment
1099 agreement" means an agreement between the community
1100 redevelopment agency and a private party, with or without
1101 additional parties, which provides that the increment computed
1102 for a specific area shall be reinvested in services or public or
1103 private projects, or both, including debt service, supporting
1104 one or more projects consistent with the community redevelopment
1105 plan that is identified in the agreement to be constructed
1106 within that area. Any such reinvestment agreement must specify
1107 the estimated total amount of public investment necessary to
1108 provide the projects or services, or both, including any
1109 applicable debt service. The contribution to the redevelopment
1110 trust fund of the increase in the increment of any area that is
1111 subject to an area reinvestment agreement following the passage
1112 of a resolution as provided in this sub-subparagraph shall cease
1113 when the amount specified in the area reinvestment agreement as
1114 necessary to provide the projects or services, or both,
1115 including any applicable debt service, has been invested.

1116 2. For any community redevelopment agency that was not
1117 created pursuant to a delegation of authority under s. 163.410
1118 by a county that has adopted a home rule charter and that
1119 modifies its adopted community redevelopment plan after October
1120 1, 2006, in a manner that expands the boundaries of the

HB 1381

2010

1121 redevelopment area, the amount of increment to be contributed by
 1122 any taxing authority with respect to the expanded area shall be
 1123 limited as set forth in sub-subparagraphs 1.a. and b.

1124 (2)

1125 (d)1. A local governing body that creates a community
 1126 redevelopment agency under s. 163.356 may exempt from paragraph
 1127 (a) a special district that levies ad valorem taxes within that
 1128 community redevelopment area. The local governing body may grant
 1129 the exemption either in its sole discretion or in response to
 1130 the request of the special district. The local governing body
 1131 must establish procedures by which a special district may submit
 1132 a written request to be exempted from paragraph (a).

1133 2. In deciding whether to deny or grant a special
 1134 district's request for exemption from paragraph (a), the local
 1135 governing body must consider:

1136 a. Any additional revenue sources of the community
 1137 redevelopment agency which could be used in lieu of the special
 1138 district's tax increment.

1139 b. The fiscal and operational impact on the community
 1140 redevelopment agency.

1141 c. The fiscal and operational impact on the special
 1142 district.

1143 d. The benefit to the specific purpose for which the
 1144 special district was created. The benefit to the special
 1145 district must be based on specific projects contained in the
 1146 approved community redevelopment plan for the designated
 1147 community redevelopment area.

1148 e. The impact of the exemption on incurred debt and

HB 1381

2010

1149 | whether such exemption will impair any outstanding bonds that
1150 | have pledged tax increment revenues to the repayment of the
1151 | bonds.

1152 | f. The benefit of the activities of the special district
1153 | to the approved community redevelopment plan.

1154 | g. The benefit of the activities of the special district
1155 | to the area of operation of the local governing body that
1156 | created the community redevelopment agency.

1157 | 3. The local governing body must hold a public hearing on
1158 | a special district's request for exemption after public notice
1159 | of the hearing is published on a publicly accessible website
1160 | maintained by the local governing body or in a newspaper having
1161 | a general circulation in the county or municipality that created
1162 | the community redevelopment area. The notice must describe the
1163 | time, date, place, and purpose of the hearing and must identify
1164 | generally the community redevelopment area covered by the plan
1165 | and the impact of the plan on the special district that
1166 | requested the exemption.

1167 | 4. If a local governing body grants an exemption to a
1168 | special district under this paragraph, the local governing body
1169 | and the special district must enter into an interlocal agreement
1170 | that establishes the conditions of the exemption, including, but
1171 | not limited to, the period of time for which the exemption is
1172 | granted.

1173 | 5. If a local governing body denies a request for
1174 | exemption by a special district, the local governing body shall
1175 | provide the special district with a written analysis specifying
1176 | the rationale for such denial. This written analysis must

HB 1381

2010

1177 include, but is not limited to, the following information:

1178 a. A separate, detailed examination of each consideration
1179 listed in subparagraph 2.

1180 b. Specific examples of how the approved community
1181 redevelopment plan will benefit, and has already benefited, the
1182 purpose for which the special district was created.

1183 6. The decision to either deny or grant an exemption must
1184 be made by the local governing body within 120 days after the
1185 date the written request was submitted to the local governing
1186 body pursuant to the procedures established by such local
1187 governing body.

1188 Section 28. Paragraph (c) of subsection (3) and paragraph
1189 (c) of subsection (4) of section 163.511, Florida Statutes, are
1190 amended to read:

1191 163.511 Special neighborhood improvement districts;
1192 creation; referendum; board of directors; duration; extension.-

1193 (3)

1194 (c) Within 45 days from compilation of the voter
1195 registration list pursuant to paragraph (b), the city clerk or
1196 the supervisor of elections shall notify each such elector of
1197 the general provisions of this section, including the taxing
1198 authority and the date of the upcoming referendum. Notification
1199 shall be by United States mail and, in addition thereto, by
1200 publication one time in a newspaper of general circulation in
1201 the county or municipality in which the district is located or
1202 on a publicly accessible website maintained by the entity
1203 responsible for such publication.

1204 (4)

HB 1381

2010

1205 (c) Within 45 days from compilation of the freeholders'
 1206 registration list pursuant to paragraph (b), the city clerk or
 1207 the supervisor of elections shall notify each such freeholder of
 1208 the general provisions of this section, including the taxing
 1209 authority and the date of the upcoming referendum, and the
 1210 method provided for submitting corrections to the registration
 1211 list should the status of the freeholder have changed since the
 1212 compilation of the tax rolls. Notification shall be by United
 1213 States mail and, in addition thereto, by publication one time in
 1214 a newspaper of general circulation in the county or municipality
 1215 in which the district is located or on a publicly accessible
 1216 website maintained by the entity responsible for such
 1217 publication.

1218 Section 29. Paragraph (b) of subsection (16) of section
 1219 163.514, Florida Statutes, is amended to read:

1220 163.514 Powers of neighborhood improvement districts.—
 1221 Unless prohibited by ordinance, the board of any district shall
 1222 be empowered to:

1223 (16)

1224 (b) In order to implement this subsection, the city clerk
 1225 or the supervisor of elections, whichever is appropriate, shall
 1226 compile a list of the names and last known addresses of the
 1227 electors in the neighborhood improvement district from the list
 1228 of registered voters of the county as of the last day of the
 1229 preceding month. The same shall constitute the registration list
 1230 for the purposes of a referendum. Within 45 days after
 1231 compilation of the voter registration list, the city clerk or
 1232 the supervisor of elections shall notify each elector of the

HB 1381

2010

1233 general provisions of this section, including the taxing
 1234 authority and the date of the upcoming referendum. Notification
 1235 shall be by United States mail and, in addition thereto, by
 1236 publication one time in a newspaper of general circulation in
 1237 the county or municipality in which the district is located or
 1238 on a publicly accessible website maintained by the county or
 1239 municipality responsible for such publication.

1240 Section 30. Subsections (5) and (7) of section 163.516,
 1241 Florida Statutes, are amended to read:

1242 163.516 Safe neighborhood improvement plans.—

1243 (5) Before ~~Prior to~~ adoption of the safe neighborhood
 1244 improvement plan, the board shall hold a public hearing on the
 1245 plan after public notice thereof by publication in a newspaper
 1246 of general circulation in the county or municipality in which
 1247 the district is located or on a publicly accessible website
 1248 maintained by the entity responsible for such publication. The
 1249 notice shall describe the time, date, place, and purpose of the
 1250 hearing; identify the boundaries of the district; and outline
 1251 the general scope of the plan.

1252 (7) If, at any time after approval of the safe
 1253 neighborhood improvement plan, it becomes desirable to amend or
 1254 modify the plan, the board may do so. Before ~~Prior to~~ any such
 1255 amendment or modification, the board shall obtain written
 1256 approval of the local governing body concerning conformity to
 1257 the local government comprehensive plan and hold a public
 1258 hearing on the proposed amendment or modification after public
 1259 notice thereof by publication in a newspaper of general
 1260 circulation in the county or municipality in which the district

HB 1381

2010

1261 is located or on a publicly accessible website maintained by the
 1262 entity responsible for such publication. The notice shall
 1263 describe the time, place, and purpose of the hearing and
 1264 generally describe the proposed amendment or modification.

1265 Section 31. Subsections (10) and (11) of section 163.524,
 1266 Florida Statutes, are amended to read:

1267 163.524 Neighborhood Preservation and Enhancement Program;
 1268 participation; creation of Neighborhood Preservation and
 1269 Enhancement Districts; creation of Neighborhood Councils and
 1270 Neighborhood Enhancement Plans.—

1271 (10) Before ~~Prior to~~ the adoption of the Neighborhood
 1272 Enhancement Plan, the local government planning agency and
 1273 Neighborhood Council shall hold a joint public hearing on the
 1274 plan after public notice by the local government by publication
 1275 in a newspaper of general circulation in the county or
 1276 municipality in which the district is located or on a publicly
 1277 accessible website maintained by the entity responsible for such
 1278 publication. The notice shall describe the time, date, place,
 1279 and purpose of the hearing; identify the boundaries of the
 1280 district; and outline the general scope of the plan as required
 1281 by law.

1282 (11) If at any time after approval of the Neighborhood
 1283 Enhancement Plan, it becomes desirable to amend or modify the
 1284 plan, the local governing body may do so. Before ~~Prior to~~ any
 1285 such amendment or modification, the local government planning
 1286 agency and the Neighborhood Council shall hold a joint public
 1287 hearing on the proposed amendment or modification after public
 1288 notice by the local government by publication in a newspaper of

HB 1381

2010

1289 | general circulation in the county or municipality in which the
 1290 | district is located or on a publicly accessible website
 1291 | maintained by the entity responsible for such publication. The
 1292 | notice shall describe the time, place, and purpose of the
 1293 | hearing and shall generally describe the proposed amendment or
 1294 | modification.

1295 | Section 32. Paragraph (c) of subsection (2) of section
 1296 | 165.041, Florida Statutes, is amended to read:

1297 | 165.041 Incorporation; merger.—

1298 | (2)

1299 | (c) Notice of the election shall be published at least
 1300 | once each week for 2 consecutive weeks immediately preceding
 1301 | ~~prior to~~ the election, in a newspaper of general circulation in
 1302 | the area to be affected or published daily during the 2
 1303 | consecutive weeks immediately preceding the election on a
 1304 | publicly accessible website maintained by the local government
 1305 | responsible for publication. Such notice shall give the time and
 1306 | places for the election and a general description of the area to
 1307 | be included in the municipality, which shall be in the form of a
 1308 | map to show clearly the area to be covered by the municipality.

1309 | Section 33. Subsection (2) of section 165.051, Florida
 1310 | Statutes, is amended to read:

1311 | 165.051 Dissolution procedures.—

1312 | (2) If a vote of the qualified voters is required, the
 1313 | governing body of the municipality or, if the municipal
 1314 | governing body does not act within 30 days, the governing body
 1315 | of the county or counties in which the municipality is located,
 1316 | shall set the date of the election, which shall be the next

HB 1381

2010

1317 regularly scheduled election or a special election held before
1318 ~~prior to~~ such election, if approved by a majority of the members
1319 of the governing body of each governmental unit affected, but no
1320 sooner than 30 days after passage of the ordinance. Notice of
1321 the election shall be published at least once each week for 2
1322 consecutive weeks preceding ~~prior to~~ the election in a newspaper
1323 of general circulation in the municipality or published daily
1324 during the 2 consecutive weeks immediately preceding the
1325 election on a publicly accessible website maintained by the
1326 local government responsible for publication.

1327 Section 34. Paragraphs (a) and (c) of subsection (3) of
1328 section 166.041, Florida Statutes, are amended to read:

1329 166.041 Procedures for adoption of ordinances and
1330 resolutions.—

1331 (3) (a) Except as provided in paragraph (c), a proposed
1332 ordinance may be read by title, or in full, on at least 2
1333 separate days and shall, at least 10 days before ~~prior to~~
1334 adoption, be noticed once in a newspaper of general circulation
1335 in the municipality or noticed daily during the 10 days
1336 immediately preceding the adoption on a publicly accessible
1337 website maintained by the municipality. The notice of proposed
1338 enactment shall state the date, time, and place of the meeting;
1339 the title or titles of proposed ordinances; and the place or
1340 places within the municipality where such proposed ordinances
1341 may be inspected by the public. The notice shall also advise
1342 that interested parties may appear at the meeting and be heard
1343 with respect to the proposed ordinance.

1344 (c) Ordinances initiated by other than the municipality

HB 1381

2010

1345 that change the actual zoning map designation of a parcel or
1346 parcels of land shall be enacted pursuant to paragraph (a).
1347 Ordinances that change the actual list of permitted,
1348 conditional, or prohibited uses within a zoning category, or
1349 ordinances initiated by the municipality that change the actual
1350 zoning map designation of a parcel or parcels of land shall be
1351 enacted pursuant to the following procedure:

1352 1. In cases in which the proposed ordinance changes the
1353 actual zoning map designation for a parcel or parcels of land
1354 involving less than 10 contiguous acres, the governing body
1355 shall direct the clerk of the governing body to notify by mail
1356 each real property owner whose land the municipality will
1357 redesignate by enactment of the ordinance and whose address is
1358 known by reference to the latest ad valorem tax records. The
1359 notice shall state the substance of the proposed ordinance as it
1360 affects that property owner and shall set a time and place for
1361 one or more public hearings on such ordinance. Such notice shall
1362 be given at least 30 days prior to the date set for the public
1363 hearing, and a copy of the notice shall be kept available for
1364 public inspection during the regular business hours of the
1365 office of the clerk of the governing body. The governing body
1366 shall hold a public hearing on the proposed ordinance and may,
1367 upon the conclusion of the hearing, immediately adopt the
1368 ordinance.

1369 2. In cases in which the proposed ordinance changes the
1370 actual list of permitted, conditional, or prohibited uses within
1371 a zoning category, or changes the actual zoning map designation
1372 of a parcel or parcels of land involving 10 contiguous acres or

HB 1381

2010

1373 | more, the governing body shall provide for public notice and
 1374 | hearings as follows:

1375 | a. The local governing body shall hold two advertised
 1376 | public hearings on the proposed ordinance. At least one hearing
 1377 | shall be held after 5 p.m. on a weekday, unless the local
 1378 | governing body, by a majority plus one vote, elects to conduct
 1379 | that hearing at another time of day. The first public hearing
 1380 | shall be held at least 7 days after the day that the first
 1381 | advertisement is published. The second hearing shall be held at
 1382 | least 10 days after the first hearing and shall be advertised at
 1383 | least 5 days prior to the public hearing.

1384 | b. The required newspaper advertisements shall be no less
 1385 | than 2 columns wide by 10 inches long in a standard size or a
 1386 | tabloid size newspaper, and the headline in the advertisement
 1387 | shall be in a type no smaller than 18 point. The newspaper
 1388 | advertisement shall not be placed in that portion of the
 1389 | newspaper where legal notices and classified advertisements
 1390 | appear. The newspaper advertisement shall be placed in a
 1391 | newspaper of general paid circulation in the municipality and of
 1392 | general interest and readership in the municipality, not one of
 1393 | limited subject matter, pursuant to chapter 50. It is the
 1394 | legislative intent that, whenever possible, the newspaper
 1395 | advertisement appear in a newspaper that is published at least 5
 1396 | days a week unless the only newspaper in the municipality is
 1397 | published less than 5 days a week. The newspaper advertisement
 1398 | shall be in substantially the following form:

1399 | NOTICE OF (TYPE OF) CHANGE

1400 |

HB 1381

2010

1401 The ...(name of local governmental unit)... proposes to
 1402 adopt the following ordinance:... (title of the ordinance)....

1403 A public hearing on the ordinance will be held on ...(date
 1404 and time)... at ...(meeting place)....

1405
 1406 Except for amendments which change the actual list of permitted,
 1407 conditional, or prohibited uses within a zoning category, the
 1408 advertisement shall contain a geographic location map which
 1409 clearly indicates the area covered by the proposed ordinance.
 1410 The map shall include major street names as a means of
 1411 identification of the general area.

1412 c. In lieu of publishing the advertisement set out in this
 1413 paragraph, the municipality may mail a notice to each person
 1414 owning real property within the area covered by the ordinance.
 1415 Such notice shall clearly explain the proposed ordinance and
 1416 shall notify the person of the time, place, and location of any
 1417 public hearing on the proposed ordinance.

1418 Section 35. Subsection (2) of section 166.0497, Florida
 1419 Statutes, is amended to read:

1420 166.0497 Alteration, amendment, or expansion of
 1421 established downtown development district; procedures.—

1422 (2) In the resolution of intent, the governing body shall
 1423 set a date for a public hearing on adoption of an ordinance
 1424 altering, amending, or expanding the district and describing the
 1425 new proposed district. Upon the adoption of the resolution, the
 1426 governing body shall cause a notice of the public hearing to be
 1427 published in a newspaper of general circulation published in the
 1428 municipality or on a publicly accessible website maintained by

HB 1381

2010

1429 the municipality. Such, ~~which~~ notice shall be published in the
 1430 newspaper one time not less than 30 days and no ~~not~~ more than 60
 1431 days before ~~prior to~~ the date of the hearing, or published daily
 1432 on the website during the 60 days immediately preceding the date
 1433 of the hearing. The notice shall set forth the date, time, and
 1434 place of the hearing and shall describe the new proposed
 1435 boundaries of the district. Any citizen, taxpayer, or property
 1436 owner shall have the right to be heard in opposition to the
 1437 proposed amendment or expansion of the district. After the
 1438 public hearing, if the governing body intends to proceed with
 1439 the amendment or expansion of the district, it shall, in the
 1440 manner authorized by law, adopt an ordinance defining the new
 1441 district. The governing body shall not incorporate land into the
 1442 district not included in the description contained in the
 1443 resolution and the notice of public hearing, but it may
 1444 eliminate any lands from that description when it adopts the
 1445 ordinance containing the final determination of the boundaries.

1446 Section 36. Section 170.05, Florida Statutes, is amended
 1447 to read:

1448 170.05 Publication of resolution.—Upon the adoption of the
 1449 resolution provided for in s. 170.03, the municipality shall
 1450 cause said resolution to be published on a publicly accessible
 1451 website maintained by the municipality or one time in a
 1452 newspaper of general circulation published in said municipality,
 1453 and if there is ~~be~~ no website or newspaper published in said
 1454 municipality, the governing authority of said municipality shall
 1455 cause said resolution to be published once a week for a period
 1456 of 2 weeks in a newspaper of general circulation published in

HB 1381

2010

1457 | the county in which said municipality is located.

1458 | Section 37. Section 170.07, Florida Statutes, is amended
1459 | to read:

1460 | 170.07 Publication of preliminary assessment roll.—Upon
1461 | the completion of said preliminary assessment roll, the
1462 | governing authority of the municipality shall by resolution fix
1463 | a time and place at which the owners of the property to be
1464 | assessed or any other persons interested therein may appear
1465 | before said governing authority and be heard as to the propriety
1466 | and advisability of making such improvements, as to the cost
1467 | thereof, as to the manner of payment therefor, and as to the
1468 | amount thereof to be assessed against each property so improved.
1469 | Thirty days' notice in writing of such time and place shall be
1470 | given to such property owners. The notice shall include the
1471 | amount of the assessment and shall be served by mailing a copy
1472 | to each of such property owners at his or her last known
1473 | address, the names and addresses of such property owners to be
1474 | obtained from the records of the property appraiser or from such
1475 | other sources as the city or town clerk or engineer deems
1476 | reliable, proof of such mailing to be made by the affidavit of
1477 | the clerk or deputy clerk of said municipality, or by the
1478 | engineer, said proof to be filed with the clerk, provided, that
1479 | failure to mail said notice or notices shall not invalidate any
1480 | of the proceedings hereunder. Notice of the time and place of
1481 | such hearing shall also be given by two publications a week
1482 | apart in a newspaper of general circulation in said municipality
1483 | or by publication daily for 2 weeks on a publicly accessible
1484 | website maintained by the municipality, and if there is ~~be~~ no

HB 1381

2010

1485 website or newspaper published in said municipality, the
 1486 governing authority of said municipality shall cause said notice
 1487 to be published in like manner in a newspaper of general
 1488 circulation published in the county in which said municipality
 1489 is located; provided that the last publication shall be at least
 1490 1 week before ~~prior to~~ the date of the hearing. Said notice
 1491 shall describe the streets or other areas to be improved and
 1492 advise all persons interested that the description of each
 1493 property to be assessed and the amount to be assessed to each
 1494 piece or parcel of property may be ascertained at the office of
 1495 the clerk of the municipality. Such service by publication shall
 1496 be verified by the affidavit of the publisher and filed with the
 1497 clerk of said municipality.

1498 Section 38. Paragraph (b) of subsection (2) of section
 1499 171.0413, Florida Statutes, is amended to read:

1500 171.0413 Annexation procedures.—Any municipality may annex
 1501 contiguous, compact, unincorporated territory in the following
 1502 manner:

1503 (2) Following the final adoption of the ordinance of
 1504 annexation by the governing body of the annexing municipality,
 1505 the ordinance shall be submitted to a vote of the registered
 1506 electors of the area proposed to be annexed. The governing body
 1507 of the annexing municipality may also choose to submit the
 1508 ordinance of annexation to a separate vote of the registered
 1509 electors of the annexing municipality. The referendum on
 1510 annexation shall be called and conducted and the expense thereof
 1511 paid by the governing body of the annexing municipality.

1512 (b) The governing body of the annexing municipality shall

HB 1381

2010

1513 publish notice of the referendum on annexation at least once
1514 each week for 2 consecutive weeks immediately preceding the date
1515 of the referendum in a newspaper of general circulation in the
1516 area in which the referendum is to be held or daily during the 2
1517 weeks immediately preceding the date of the referendum on a
1518 publicly accessible website maintained by the annexing
1519 municipality. The notice shall give the ordinance number, the
1520 time and places for the referendum, and a brief, general
1521 description of the area proposed to be annexed. The description
1522 shall include a map clearly showing the area and a statement
1523 that the complete legal description by metes and bounds and the
1524 ordinance can be obtained from the office of the city clerk.

1525 Section 39. Subsections (3) and (7) of section 171.051,
1526 Florida Statutes, are amended to read:

1527 171.051 Contraction procedures.—Any municipality may
1528 initiate the contraction of municipal boundaries in the
1529 following manner:

1530 (3) After introduction, the contraction ordinance shall be
1531 noticed at least once per week for 2 consecutive weeks in a
1532 newspaper of general circulation in the municipality or
1533 published daily during the 2 consecutive weeks immediately
1534 preceding the date of the meeting on a publicly accessible
1535 website maintained by the municipality, such notice to describe
1536 the area to be excluded. Such description shall include a
1537 statement of findings to show that the area to be excluded fails
1538 to meet the criteria of s. 171.043, set the time and place of
1539 the meeting at which the ordinance will be considered, and
1540 advise that all parties affected may be heard.

HB 1381

2010

1541 (7) The municipal governing body shall establish the date
 1542 of election and publish notice of the referendum election at
 1543 least once a week for the 2 consecutive weeks immediately
 1544 preceding ~~prior to~~ the election in a newspaper of general
 1545 circulation in the area proposed to be excluded or in the
 1546 municipality or daily during the 2 consecutive weeks immediately
 1547 preceding the date of the meeting on a publicly accessible
 1548 website maintained by the municipality. Such notice shall give
 1549 the time and places for the election and a general description
 1550 of the area to be excluded, which shall be in the form of a map
 1551 clearly showing the area proposed to be excluded.

1552 Section 40. Subsection (1) of section 173.09, Florida
 1553 Statutes, is amended to read:

1554 173.09 Judgment for complainant; special magistrate's
 1555 sale; complainant may purchase and later sell.—

1556 (1) Any such decree shall direct the special magistrate
 1557 thereby appointed to sell the several parcels of land separately
 1558 to the highest and best bidder for cash (or, at the option of
 1559 complainant, to the extent of special assessments included in
 1560 such judgment, for bonds or interest coupons issued by
 1561 complainant), at public outcry at the courthouse door of the
 1562 county in which such suit is pending, or at such point or place
 1563 in the complainant municipality as the court in such final
 1564 decree may direct, after having advertised such sale (which
 1565 advertisement may include all lands so ordered sold) once each
 1566 week for 2 consecutive weeks in some newspaper published in the
 1567 city or town in which the complainant is situated or publishing
 1568 notice of the sale daily for 2 consecutive weeks on a publicly

HB 1381

2010

1569 accessible website maintained by the municipality, or if there
 1570 is no such website or newspaper, in a newspaper published in the
 1571 county in which the suit is pending, and if all the lands so
 1572 advertised for sale be not sold on the day specified in such
 1573 advertisement, such sale shall be continued from day to day
 1574 until the sale of all such land is completed.

1575 Section 41. Subsection (4) of section 177.101, Florida
 1576 Statutes, is amended to read:

1577 177.101 Vacation and annulment of plats subdividing land.—

1578 (4) Persons making application for vacations of plats
 1579 either in whole or in part shall give notice of their intention
 1580 to apply to the governing body of the county to vacate said plat
 1581 by publishing legal notice in a newspaper of general circulation
 1582 in the county in which the tract or parcel of land is located,
 1583 in not less than two weekly issues of said paper, or daily for 2
 1584 weeks on a publicly accessible website maintained by the local
 1585 government, and must attach to the petition for vacation the
 1586 proof of such publication, together with certificates showing
 1587 that all state and county taxes have been paid. For the purpose
 1588 of the tax collector's certification that state, county, and
 1589 municipal taxes have been paid, the taxes shall be deemed to
 1590 have been paid if, in addition to any partial payment under s.
 1591 194.171, the owner of the platted lands sought to be vacated
 1592 shall post a cash bond, approved by the tax collector of the
 1593 county where the land is located and by the Department of
 1594 Revenue, conditioned to pay the full amount of any judgment
 1595 entered pursuant to s. 194.192 adverse to the person making
 1596 partial payment, including all costs, interest, and penalties.

HB 1381

2010

1597 The circuit court shall fix the amount of said bond by order,
 1598 after considering the reasonable timeframe for such litigation
 1599 and all other relevant factors; and a certified copy of such
 1600 approval, order, and cash bond shall be attached to the
 1601 application. If such tract or parcel of land is within the
 1602 corporate limits of any incorporated city or town, the governing
 1603 body of the county shall be furnished with a certified copy of a
 1604 resolution of the town council or city commission, as the case
 1605 may be, showing that it has already by suitable resolution
 1606 vacated such plat or subdivision or such part thereof sought to
 1607 be vacated.

1608 Section 42. Section 180.09, Florida Statutes, is amended
 1609 to read:

1610 180.09 Notice of resolution or ordinance authorizing
 1611 issuance of certificates.—Upon the adoption of resolution or
 1612 ordinance by the city council, or other legislative body, by
 1613 whatever name known, authorizing the issuance of mortgage
 1614 revenue certificates or debentures, a notice thereof shall be
 1615 published once a week for 2 consecutive weeks in a newspaper of
 1616 general circulation in the county in which the municipality is
 1617 located or daily for 2 consecutive weeks on a publicly
 1618 accessible website maintained by the municipality, or posted by
 1619 ~~posting a notice~~ in at least three conspicuous places within the
 1620 limits of the municipality, one of which shall be posted at the
 1621 door of the city hall or city offices; provided, that if any of
 1622 the mortgage revenue certificates or debentures are to be
 1623 purchased by the United States of America, or any
 1624 instrumentality or subdivision thereof, it shall not be

HB 1381

2010

1625 necessary to advertise or offer the same for sale by competitive
 1626 bidding.

1627 Section 43. Subsection (1) of section 180.24, Florida
 1628 Statutes, is amended to read:

1629 180.24 Contracts for construction; bond; publication of
 1630 notice; bids.—

1631 (1) Any municipality desiring the accomplishment of any or
 1632 all of the purposes of this chapter may make contracts for the
 1633 construction of any of the utilities mentioned in this chapter,
 1634 or any extension or extensions to any previously constructed
 1635 utility, which said contracts shall be in writing, and the
 1636 contractor shall be required to give bond, which said bond shall
 1637 be executed by a surety company authorized to do business in the
 1638 state; provided, however, construction contracts in excess of
 1639 \$25,000 shall be advertised by the publication of a notice in a
 1640 newspaper of general circulation in the county in which said
 1641 municipality is located at least once each week for 2
 1642 consecutive weeks, by publication daily for 2 weeks on a
 1643 publicly accessible website maintained by the municipality, or
 1644 by posting three notices in three conspicuous places in said
 1645 municipality, one of which shall be on the door of the city
 1646 hall; and that at least 10 days shall elapse between the date of
 1647 the first publication or posting of such notice and the date of
 1648 receiving bids and the execution of such contract documents. For
 1649 municipal construction projects identified in s. 255.0525, the
 1650 notice provision of that section supersedes and replaces the
 1651 notice provisions in this section.

1652 Section 44. Subsection (1) of section 189.4044, Florida

1653 Statutes, is amended to read:

1654 189.4044 Special procedures for inactive districts.—

1655 (1) The department shall declare inactive any special
1656 district in this state by documenting that:

1657 (a) The special district meets one of the following
1658 criteria:

1659 1. The registered agent of the district, the chair of the
1660 governing body of the district, or the governing body of the
1661 appropriate local general-purpose government notifies the
1662 department in writing that the district has taken no action for
1663 2 or more years;

1664 2. Following an inquiry from the department, the
1665 registered agent of the district, the chair of the governing
1666 body of the district, or the governing body of the appropriate
1667 local general-purpose government notifies the department in
1668 writing that the district has not had a governing board or a
1669 sufficient number of governing board members to constitute a
1670 quorum for 2 or more years or the registered agent of the
1671 district, the chair of the governing body of the district, or
1672 the governing body of the appropriate local general-purpose
1673 government fails to respond to the department's inquiry within
1674 21 days; or

1675 3. The department determines, pursuant to s. 189.421, that
1676 the district has failed to file any of the reports listed in s.
1677 189.419.

1678 (b) The department, special district, or local general-
1679 purpose government published a notice of proposed declaration of
1680 inactive status on a publicly accessible website maintained by

1681 the entity responsible for publication or in a newspaper of
 1682 general circulation in the county or municipality in which the
 1683 territory of the special district is located and sent a copy of
 1684 such notice by certified mail to the registered agent or chair
 1685 of the board, if any. Such notice must include the name of the
 1686 special district, the law under which it was organized and
 1687 operating, a general description of the territory included in
 1688 the special district, and a statement that any objections must
 1689 be filed pursuant to chapter 120 within 21 days after the
 1690 publication date; and

1691 (c) Twenty-one days have elapsed from the publication date
 1692 of the notice of proposed declaration of inactive status and no
 1693 administrative appeals were filed.

1694 Section 45. Subsection (1) of section 189.417, Florida
 1695 Statutes, is amended to read:

1696 189.417 Meetings; notice; required reports.—

1697 (1) The governing body of each special district shall file
 1698 quarterly, semiannually, or annually a schedule of its regular
 1699 meetings with the local governing authority or authorities. The
 1700 schedule shall include the date, time, and location of each
 1701 scheduled meeting. The schedule shall be published quarterly,
 1702 semiannually, or annually in a newspaper of general paid
 1703 circulation in the manner required in this subsection. The
 1704 governing body of an independent special district shall
 1705 advertise the day, time, place, and purpose of any meeting other
 1706 than a regular meeting or any recessed and reconvened meeting of
 1707 the governing body, at least 7 days before ~~prior to~~ such
 1708 meeting, in a newspaper of general paid circulation in the

HB 1381

2010

1709 county or counties in which the special district is located, or
1710 daily during the 7 days immediately preceding the meeting on a
1711 publicly accessible website maintained by the district, unless a
1712 bona fide emergency situation exists, in which case a meeting to
1713 deal with the emergency may be held as necessary, with
1714 reasonable notice, so long as it is subsequently ratified by the
1715 board. No approval of the annual budget shall be granted at an
1716 emergency meeting. If the advertisement is published in a
1717 newspaper, the advertisement shall be placed in that portion of
1718 the newspaper where legal notices and classified advertisements
1719 appear and. ~~The advertisement~~ shall appear in a newspaper that
1720 is published at least 5 days a week, unless the only newspaper
1721 in the county is published fewer than 5 days a week. The
1722 newspaper selected must be one of general interest and
1723 readership in the community and not one of limited subject
1724 matter, pursuant to chapter 50. Any other provision of law to
1725 the contrary notwithstanding, and except in the case of
1726 emergency meetings, water management districts may provide
1727 reasonable notice of public meetings held to evaluate responses
1728 to solicitations issued by the water management district, by
1729 publication in a newspaper of general paid circulation in the
1730 county where the principal office of the water management
1731 district is located, or in the county or counties where the
1732 public work will be performed, no less than 7 days before such
1733 meeting or on a publicly accessible website maintained by the
1734 district during the 7 days immediately preceding the meeting.

1735 Section 46. Paragraph (a) of subsection (2) of section
1736 190.006, Florida Statutes, is amended to read:

HB 1381

2010

1737 190.006 Board of supervisors; members and meetings.-
 1738 (2)(a) Within 90 days following the effective date of the
 1739 rule or ordinance establishing the district, there shall be held
 1740 a meeting of the landowners of the district for the purpose of
 1741 electing five supervisors for the district. Notice of the
 1742 landowners' meeting shall be published once a week for 2
 1743 consecutive weeks in a newspaper that ~~which~~ is in general
 1744 circulation in the area of the district, the last day of such
 1745 newspaper publication to be not less ~~fewer~~ than 14 days or more
 1746 than 28 days before the date of the election, or published daily
 1747 during the 28 days immediately preceding the date of the
 1748 election on a publicly accessible website maintained by the
 1749 district. The landowners, when assembled at such meeting, shall
 1750 organize by electing a chair who shall conduct the meeting. The
 1751 chair may be any person present at the meeting. If the chair is
 1752 a landowner or proxy holder of a landowner, he or she may
 1753 nominate candidates and make and second motions.

1754 Section 47. Subsection (1) of section 190.033, Florida
 1755 Statutes, is amended to read:

1756 190.033 Bids required.-

1757 (1) No contract shall be let by the board for any goods,
 1758 supplies, or materials to be purchased when the amount thereof
 1759 to be paid by the district shall exceed the amount provided in
 1760 s. 287.017 for category four, unless notice of bids or other
 1761 competitive solicitation, including requests for proposals or
 1762 qualifications, is advertised once in a newspaper in general
 1763 circulation in the county and in the district or on a publicly
 1764 accessible website maintained by the district. Any board seeking

HB 1381

2010

1765 to construct or improve a public building, structure, or other
 1766 public works shall comply with the bidding procedures of s.
 1767 255.20 and other applicable general law. In each case, the bid
 1768 of the lowest responsive and responsible bidder shall be
 1769 accepted unless all bids are rejected because the bids are too
 1770 high, or the board determines it is in the best interests of the
 1771 district to reject all bids. In each case in which requests for
 1772 proposals, qualifications, or other competitive solicitations
 1773 are used, the district shall determine which response is most
 1774 advantageous for the district and award the contract to that
 1775 proposer. The board may require the bidders or proposers to
 1776 furnish bond with a responsible surety to be approved by the
 1777 board. If the district does not receive a response to its
 1778 competitive solicitation, the district may proceed to purchase
 1779 such goods, supplies, materials, or construction services in the
 1780 manner it deems in the best interests of the district. Nothing
 1781 in this section shall prevent the board from undertaking and
 1782 performing the construction, operation, and maintenance of any
 1783 project or facility authorized by this act by the employment of
 1784 labor, material, and machinery.

1785 Section 48. Subsection (4) of section 191.005, Florida
 1786 Statutes, is amended to read:

1787 191.005 District boards of commissioners; membership,
 1788 officers, meetings.—

1789 (4) Members of the board may each be paid a salary or
 1790 honorarium to be determined by at least a majority plus one vote
 1791 of the board, which salary or honorarium may not exceed \$500 per
 1792 month for each member. Special notice of any meeting at which

HB 1381

2010

1793 | the board will consider a salary change for a board member shall
 1794 | be published at least once, at least 14 days before ~~prior to~~ the
 1795 | meeting, in a newspaper of general circulation in the county in
 1796 | which the district is located or published daily during the 14
 1797 | days immediately preceding the meeting on a publicly accessible
 1798 | website maintained by the district. Separate compensation for
 1799 | the board member serving as treasurer may be authorized by like
 1800 | vote so long as total compensation for the board member does not
 1801 | exceed \$500 per month. Members may be reimbursed for travel and
 1802 | per diem expenses as provided in s. 112.061.

1803 | Section 49. Paragraph (i) of subsection (1) and paragraph
 1804 | (g) of subsection (2) of section 192.0105, Florida Statutes, are
 1805 | amended to read:

1806 | 192.0105 Taxpayer rights.—There is created a Florida
 1807 | Taxpayer's Bill of Rights for property taxes and assessments to
 1808 | guarantee that the rights, privacy, and property of the
 1809 | taxpayers of this state are adequately safeguarded and protected
 1810 | during tax levy, assessment, collection, and enforcement
 1811 | processes administered under the revenue laws of this state. The
 1812 | Taxpayer's Bill of Rights compiles, in one document, brief but
 1813 | comprehensive statements that summarize the rights and
 1814 | obligations of the property appraisers, tax collectors, clerks
 1815 | of the court, local governing boards, the Department of Revenue,
 1816 | and taxpayers. Additional rights afforded to payors of taxes and
 1817 | assessments imposed under the revenue laws of this state are
 1818 | provided in s. 213.015. The rights afforded taxpayers to assure
 1819 | that their privacy and property are safeguarded and protected
 1820 | during tax levy, assessment, and collection are available only

HB 1381

2010

1821 insofar as they are implemented in other parts of the Florida
 1822 Statutes or rules of the Department of Revenue. The rights so
 1823 guaranteed to state taxpayers in the Florida Statutes and the
 1824 departmental rules include:

1825 (1) THE RIGHT TO KNOW.—

1826 (i) The right to an advertisement in a newspaper or on a
 1827 publicly accessible website maintained by the entity responsible
 1828 for publication listing names of taxpayers who are delinquent in
 1829 paying tangible personal property taxes, with amounts due, and
 1830 giving notice that interest is accruing at 18 percent and that,
 1831 unless taxes are paid, warrants will be issued, prior to
 1832 petition made with the circuit court for an order to seize and
 1833 sell property (see s. 197.402(2)).

1834 (2) THE RIGHT TO DUE PROCESS.—

1835 (g) The right to be mailed a timely written decision by
 1836 the value adjustment board containing findings of fact and
 1837 conclusions of law and reasons for upholding or overturning the
 1838 determination of the property appraiser, and the right to
 1839 advertised notice, including notice on a publicly accessible
 1840 website, of all board actions, including appropriate narrative
 1841 and column descriptions, in brief and nontechnical language (see
 1842 ss. 194.034(2) and 194.037(3)).

1843 Section 50. Subsection (1) of section 194.037, Florida
 1844 Statutes, is amended to read:

1845 194.037 Disclosure of tax impact.—

1846 (1) After hearing all petitions, complaints, appeals, and
 1847 disputes, the clerk shall make public notice of the findings and
 1848 results of the board. If advertised in the newspaper, the

1849 advertisement shall be in at least a quarter-page size
 1850 advertisement of a standard size or tabloid size newspaper, and
 1851 the headline shall be in a type no smaller than 18 point. If
 1852 advertised in the newspaper, the advertisement shall not be
 1853 placed in that portion of the newspaper where legal notices and
 1854 classified advertisements appear. The advertisement shall be
 1855 published in a newspaper of general paid circulation in the
 1856 county or on a publicly accessible website maintained by the
 1857 entity responsible for publication. If the advertisement is
 1858 published in a newspaper, the newspaper selected shall be one of
 1859 general interest and readership in the community, and not one of
 1860 limited subject matter, pursuant to chapter 50. The headline
 1861 shall read: TAX IMPACT OF VALUE ADJUSTMENT BOARD. The public
 1862 notice shall list the members of the value adjustment board and
 1863 the taxing authorities to which they are elected. The form shall
 1864 show, in columnar form, for each of the property classes listed
 1865 under subsection (2), the following information, with
 1866 appropriate column totals:

1867 (a) In the first column, the number of parcels for which
 1868 the board granted exemptions that had been denied or that had
 1869 not been acted upon by the property appraiser.

1870 (b) In the second column, the number of parcels for which
 1871 petitions were filed concerning a property tax exemption.

1872 (c) In the third column, the number of parcels for which
 1873 the board considered the petition and reduced the assessment
 1874 from that made by the property appraiser on the initial
 1875 assessment roll.

1876 (d) In the fourth column, the number of parcels for which

HB 1381

2010

1877 petitions were filed but not considered by the board because
 1878 such petitions were withdrawn or settled prior to the board's
 1879 consideration.

1880 (e) In the fifth column, the number of parcels for which
 1881 petitions were filed requesting a change in assessed value,
 1882 including requested changes in assessment classification.

1883 (f) In the sixth column, the net change in taxable value
 1884 from the assessor's initial roll which results from board
 1885 decisions.

1886 (g) In the seventh column, the net shift in taxes to
 1887 parcels not granted relief by the board. The shift shall be
 1888 computed as the amount shown in column 6 multiplied by the
 1889 applicable millage rates adopted by the taxing authorities in
 1890 hearings held pursuant to s. 200.065(2)(d) or adopted by vote of
 1891 the electors pursuant to s. 9(b) or s. 12, Art. VII of the State
 1892 Constitution, but without adjustment as authorized pursuant to
 1893 s. 200.065(6). If for any taxing authority the hearing has not
 1894 been completed at the time the notice required herein is
 1895 prepared, the millage rate used shall be that adopted in the
 1896 hearing held pursuant to s. 200.065(2)(c).

1897 Section 51. Paragraph (a) of subsection (3) of section
 1898 197.3632, Florida Statutes, is amended to read:

1899 197.3632 Uniform method for the levy, collection, and
 1900 enforcement of non-ad valorem assessments.—

1901 (3) (a) Notwithstanding any other provision of law to the
 1902 contrary, a local government which is authorized to impose a
 1903 non-ad valorem assessment and which elects to use the uniform
 1904 method of collecting such assessment for the first time as

HB 1381

2010

1905 | authorized in this section shall adopt a resolution at a public
 1906 | hearing before ~~prior to~~ January 1 or, if the property appraiser,
 1907 | tax collector, and local government agree, March 1. The
 1908 | resolution shall clearly state its intent to use the uniform
 1909 | method of collecting such assessment. The local government shall
 1910 | publish notice of its intent to use the uniform method for
 1911 | collecting such assessment weekly in a newspaper of general
 1912 | circulation within each county contained in the boundaries of
 1913 | the local government for 4 consecutive weeks preceding the
 1914 | hearing or daily during the 4 consecutive weeks immediately
 1915 | preceding the hearing on a publicly accessible website
 1916 | maintained by the local government. The resolution shall state
 1917 | the need for the levy and shall include a legal description of
 1918 | the boundaries of the real property subject to the levy. If the
 1919 | resolution is adopted, the local governing board shall send a
 1920 | copy of it by United States mail to the property appraiser, the
 1921 | tax collector, and the department by January 10 or, if the
 1922 | property appraiser, tax collector, and local government agree,
 1923 | March 10.

1924 | Section 52. Paragraphs (d) and (f) of subsection (2),
 1925 | paragraph (g) of subsection (3), paragraph (b) of subsection
 1926 | (12), and paragraph (a) of subsection (14) of section 200.065,
 1927 | Florida Statutes, are amended to read:

1928 | 200.065 Method of fixing millage.—

1929 | (2) No millage shall be levied until a resolution or
 1930 | ordinance has been approved by the governing board of the taxing
 1931 | authority which resolution or ordinance must be approved by the
 1932 | taxing authority according to the following procedure:

1933 (d) Within 15 days after the meeting adopting the
 1934 tentative budget, the taxing authority shall advertise in a
 1935 newspaper of general circulation in the county as provided in
 1936 subsection (3) ~~7~~ its intent to finally adopt a millage rate and
 1937 budget or advertise on its publicly accessible website its
 1938 intent to finally adopt a millage rate and budget, and shall
 1939 maintain the notice on its website until completion of the
 1940 hearing. If advertised in a newspaper, a public hearing to
 1941 finalize the budget and adopt a millage rate shall be held not
 1942 less than 2 days nor more than 5 days after the day that the
 1943 advertisement is first published. During the hearing, the
 1944 governing body of the taxing authority shall amend the adopted
 1945 tentative budget as it sees fit, adopt a final budget, and adopt
 1946 a resolution or ordinance stating the millage rate to be levied.
 1947 The resolution or ordinance shall state the percent, if any, by
 1948 which the millage rate to be levied exceeds the rolled-back rate
 1949 computed pursuant to subsection (1), which shall be
 1950 characterized as the percentage increase in property taxes
 1951 adopted by the governing body. The adoption of the budget and
 1952 the millage-levy resolution or ordinance shall be by separate
 1953 votes. For each taxing authority levying millage, the name of
 1954 the taxing authority, the rolled-back rate, the percentage
 1955 increase, and the millage rate to be levied shall be publicly
 1956 announced before ~~prior to~~ the adoption of the millage-levy
 1957 resolution or ordinance. ~~In no event may~~ The millage rate
 1958 adopted pursuant to this paragraph may not exceed the millage
 1959 rate tentatively adopted pursuant to paragraph (c). If the rate
 1960 tentatively adopted pursuant to paragraph (c) exceeds the

HB 1381

2010

1961 proposed rate provided to the property appraiser pursuant to
1962 paragraph (b), or as subsequently adjusted pursuant to
1963 subsection (11), each taxpayer within the jurisdiction of the
1964 taxing authority shall be sent notice by first-class mail of his
1965 or her taxes under the tentatively adopted millage rate and his
1966 or her taxes under the previously proposed rate. The notice must
1967 be prepared by the property appraiser, at the expense of the
1968 taxing authority, and must generally conform to the requirements
1969 of s. 200.069. If such additional notice is necessary, its
1970 mailing must precede the hearing held pursuant to this paragraph
1971 by not less than 10 days and not more than 15 days.

1972 (f)1. Notwithstanding any provisions of paragraph (c) to
1973 the contrary, each school district shall advertise its intent to
1974 adopt a tentative budget in a newspaper of general circulation
1975 pursuant to subsection (3) or on the school district's publicly
1976 accessible website within 29 days after ~~of~~ certification of
1977 value pursuant to subsection (1). Not less than 2 days or more
1978 than 5 days thereafter, the district shall hold a public hearing
1979 on the tentative budget pursuant to the applicable provisions of
1980 paragraph (c). The advertisement shall remain on the website or
1981 in the newspaper through the date of the hearing.

1982 2. Notwithstanding any provisions of paragraph (b) to the
1983 contrary, each school district shall advise the property
1984 appraiser of its recomputed proposed millage rate within 35 days
1985 after ~~of~~ certification of value pursuant to subsection (1). The
1986 recomputed proposed millage rate of the school district shall be
1987 considered its proposed millage rate for the purposes of
1988 paragraph (b).

HB 1381

2010

1989 3. Notwithstanding any provisions of paragraph (d) to the
 1990 contrary, each school district shall hold a public hearing to
 1991 finalize the budget and adopt a millage rate within 80 days
 1992 after ~~of~~ certification of value pursuant to subsection (1), but
 1993 not earlier than 65 days after certification. The hearing shall
 1994 be held in accordance with the applicable provisions of
 1995 paragraph (d), except that ~~a newspaper~~ advertisement need not
 1996 precede the hearing.

1997 (3) The advertisement shall be no less than one-quarter
 1998 page in size of a standard size or a tabloid size newspaper, and
 1999 the headline in the advertisement shall be in a type no smaller
 2000 than 18 point. The advertisement shall not be placed in that
 2001 portion of the newspaper where legal notices and classified
 2002 advertisements appear. The advertisement shall be published in a
 2003 newspaper of general paid circulation in the county or in a
 2004 geographically limited insert of such newspaper. The geographic
 2005 boundaries in which such insert is circulated shall include the
 2006 geographic boundaries of the taxing authority. It is the
 2007 legislative intent that, whenever possible, the advertisement
 2008 appear in a newspaper that is published at least 5 days a week
 2009 unless the only newspaper in the county is published less than 5
 2010 days a week, or that the advertisement appear in a
 2011 geographically limited insert of such newspaper which insert is
 2012 published throughout the taxing authority's jurisdiction at
 2013 least twice each week. It is further the legislative intent that
 2014 the newspaper selected be one of general interest and readership
 2015 in the community and not one of limited subject matter, pursuant
 2016 to chapter 50.

HB 1381

2010

2017 (g) ~~If In the event that~~ the mailing of the notice of
 2018 proposed property taxes is delayed beyond September 3 in a
 2019 county, any multicounty taxing authority which levies ad valorem
 2020 taxes within that county shall advertise its intention to adopt
 2021 a tentative budget and millage rate on a publicly accessible
 2022 website maintained by the taxing authority or in a newspaper of
 2023 paid general circulation within that county, as provided in this
 2024 subsection, and shall hold the hearing required pursuant to
 2025 paragraph (2)(c). If advertised in the newspaper, the hearing
 2026 shall be held not less than 2 days or more than 5 days
 2027 thereafter, and not later than September 18. If advertised on
 2028 the website, the hearing shall be held not less than 2 days
 2029 after initial publication of the advertisement on the website
 2030 and not later than September 18, and shall remain on the website
 2031 until the date of the hearing. The advertisement shall be in the
 2032 following form, unless the proposed millage rate is less than or
 2033 equal to the rolled-back rate, computed pursuant to subsection
 2034 (1), in which case the advertisement shall be as provided in
 2035 paragraph (e):

2036 NOTICE OF TAX INCREASE

2037
 2038 The ...(name of the taxing authority)... proposes to
 2039 increase its property tax levy by ...(percentage of increase
 2040 over rolled-back rate)... percent.

2041 All concerned citizens are invited to attend a public
 2042 hearing on the proposed tax increase to be held on ...(date and
 2043 time)... at ...(meeting place)....

2044 (12) The time periods specified in this section shall be

HB 1381

2010

2045 determined by using the date of certification of value pursuant
 2046 to subsection (1) or July 1, whichever date is later, as day 1.
 2047 The time periods shall be considered directory and may be
 2048 shortened, provided:

2049 (b) Any public hearing preceded by a newspaper
 2050 advertisement is held not less than 2 days or more than 5 days
 2051 following publication of such advertisement and any public
 2052 hearing preceded by advertisement on a website advertisement is
 2053 held not less than 2 days after initial publication; and

2054 (14) (a) If the notice of proposed property taxes mailed to
 2055 taxpayers under this section contains an error, the property
 2056 appraiser, in lieu of mailing a corrected notice to all
 2057 taxpayers, may correct the error by mailing a short form of the
 2058 notice to those taxpayers affected by the error and its
 2059 correction. The notice shall be prepared by the property
 2060 appraiser at the expense of the taxing authority which caused
 2061 the error or at the property appraiser's expense if he or she
 2062 caused the error. The form of the notice must be approved by the
 2063 executive director of the Department of Revenue or the executive
 2064 director's designee. If the error involves only the date and
 2065 time of the public hearings required by this section, the
 2066 property appraiser, with the permission of the taxing authority
 2067 affected by the error, may correct the error by advertising the
 2068 corrected information on a publicly accessible website
 2069 maintained by the taxing authority or in a newspaper of general
 2070 circulation in the county as provided in subsection (3).

2071 Section 53. Section 205.032, Florida Statutes, is amended
 2072 to read:

HB 1381

2010

2073 205.032 Levy; counties.—The governing body of a county may
 2074 levy, by appropriate resolution or ordinance, a business tax for
 2075 the privilege of engaging in or managing any business,
 2076 profession, or occupation within its jurisdiction. However, the
 2077 governing body must first give at least 14 days' public notice
 2078 between the first and last reading of the resolution or
 2079 ordinance by publishing a notice in a newspaper of general
 2080 circulation within its jurisdiction as defined by law or by
 2081 publishing the notice daily for at least 14 days during the
 2082 period between the first and last reading of the resolution or
 2083 ordinance on a publicly accessible website maintained by the
 2084 county. The public notice must contain the proposed
 2085 classifications and rates applicable to the business tax.

2086 Section 54. Section 205.042, Florida Statutes, is amended
 2087 to read:

2088 205.042 Levy; municipalities.—The governing body of an
 2089 incorporated municipality may levy, by appropriate resolution or
 2090 ordinance, a business tax for the privilege of engaging in or
 2091 managing any business, profession, or occupation within its
 2092 jurisdiction. However, the governing body must first give at
 2093 least 14 days' public notice between the first and last reading
 2094 of the resolution or ordinance by publishing the notice in a
 2095 newspaper of general circulation within its jurisdiction as
 2096 defined by law or by publishing the notice daily for at least 14
 2097 days during the period between the first and last reading of the
 2098 resolution or ordinance on a publicly accessible website
 2099 maintained by the county. The notice must contain the proposed
 2100 classifications and rates applicable to the business tax. The

HB 1381

2010

2101 business tax may be levied on:

2102 (1) Any person who maintains a permanent business location
 2103 or branch office within the municipality, for the privilege of
 2104 engaging in or managing any business within its jurisdiction.

2105 (2) Any person who maintains a permanent business location
 2106 or branch office within the municipality, for the privilege of
 2107 engaging in or managing any profession or occupation within its
 2108 jurisdiction.

2109 (3) Any person who does not qualify under subsection (1)
 2110 or subsection (2) and who transacts any business or engages in
 2111 any occupation or profession in interstate commerce, if the
 2112 business tax is not prohibited by s. 8, Art. I of the United
 2113 States Constitution.

2114 Section 55. Subsection (2) of section 255.0525, Florida
 2115 Statutes, is amended to read:

2116 255.0525 Advertising for competitive bids or proposals.—

2117 (2) The solicitation of competitive bids or proposals for
 2118 any county, municipality, or other political subdivision
 2119 construction project that is projected to cost more than
 2120 \$200,000 shall be publicly advertised at least once in a
 2121 newspaper of general circulation in the county where the project
 2122 is located at least 21 days before ~~prior to~~ the established bid
 2123 opening and at least 5 days before ~~prior to~~ any scheduled prebid
 2124 conference, or advertised daily during the 21-day period
 2125 immediately preceding the established bid opening date and daily
 2126 during the 5-day period immediately preceding any scheduled
 2127 prebid conference on a publicly accessible website maintained by
 2128 the entity responsible for publication. The solicitation of

HB 1381

2010

2129 competitive bids or proposals for any county, municipality, or
 2130 other political subdivision construction project that is
 2131 projected to cost more than \$500,000 shall be publicly
 2132 advertised at least once in a newspaper of general circulation
 2133 in the county where the project is located at least 30 days
 2134 before ~~prior to~~ the established bid opening and at least 5 days
 2135 before ~~prior to~~ any scheduled prebid conference, or advertised
 2136 daily during the 30-day period immediately preceding the
 2137 established bid opening date and daily during the 5-day period
 2138 immediately preceding any scheduled prebid conference on a
 2139 publicly accessible website maintained by the entity responsible
 2140 for publication. Bids or proposals shall be received and opened
 2141 at the location, date, and time established in the bid or
 2142 proposal advertisement. In cases of emergency, the procedures
 2143 required in this section may be altered by the local
 2144 governmental entity in any manner that is reasonable under the
 2145 emergency circumstances.

2146 Section 56. Section 274.06, Florida Statutes, is amended
 2147 to read:

2148 274.06 Alternative procedure.—Having consideration for the
 2149 best interests of the county or district, a governmental unit's
 2150 property that is obsolete or the continued use of which is
 2151 uneconomical or inefficient, or which serves no useful function,
 2152 which property is not otherwise lawfully disposed of, may be
 2153 disposed of for value to any person, or may be disposed of for
 2154 value without bids to the state, to any governmental unit, or to
 2155 any political subdivision as defined in s. 1.01, or if the
 2156 property is without commercial value it may be donated,

HB 1381

2010

2157 | destroyed, or abandoned. The determination of property to be
 2158 | disposed of by a governmental unit pursuant to this section
 2159 | instead of pursuant to other provisions of law shall be at the
 2160 | election of such governmental unit in the reasonable exercise of
 2161 | its discretion. Property, the value of which the governmental
 2162 | unit estimates to be under \$5,000, may be disposed of in the
 2163 | most efficient and cost-effective means as determined by the
 2164 | governmental unit. Any sale of property the value of which the
 2165 | governmental unit estimates to be \$5,000 or more shall be sold
 2166 | only to the highest responsible bidder, or by public auction,
 2167 | after publication of notice not less than 1 week nor more than 2
 2168 | weeks before such ~~prior to~~ sale in a newspaper having a general
 2169 | circulation in the county or district in which is located the
 2170 | official office of the governmental unit, and in additional
 2171 | newspapers if in the judgment of the governmental unit the best
 2172 | interests of the county or district will better be served by the
 2173 | additional notices, or daily during the 2 weeks immediately
 2174 | preceding such sale on a publicly accessible website maintained
 2175 | by the entity responsible for publication. This section does
 2176 | not; ~~provided that nothing herein contained shall be construed~~
 2177 | ~~to~~ require the sheriff of a county to advertise the sale of
 2178 | miscellaneous contraband of an estimated value of less than
 2179 | \$5,000.

2180 | Section 57. Subsection (3) of section 290.0057, Florida
 2181 | Statutes, is amended to read:

2182 | 290.0057 Enterprise zone development plan.—

2183 | (3) Prior to adopting the strategic plan, the governing
 2184 | body or bodies shall hold a public hearing on the strategic plan

HB 1381

2010

2185 after public notice thereof by publication in a newspaper having
2186 a general circulation in the area of operation of the governing
2187 body or bodies or by publication on a publicly accessible
2188 website maintained by the entity responsible for publication.

2189 The notice shall describe the time, date, place, and purpose of
2190 the hearing, identify the nominated area covered by the plan,
2191 and outline the general scope of the strategic plan under
2192 consideration.

2193 Section 58. Subsections (2) and (6) of section 298.301,
2194 Florida Statutes, are amended to read:

2195 298.301 District water control plan adoption; district
2196 boundary modification; plan amendment; notice forms; objections;
2197 hearings; assessments.—

2198 (2) Before adopting a water control plan or plan
2199 amendment, the board of supervisors must adopt a resolution to
2200 consider adoption of the proposed plan or plan amendment. As
2201 soon as the resolution proposing the adoption or amendment of
2202 the district's water control plan has been filed with the
2203 district secretary, the board of supervisors shall give notice
2204 of a public hearing on the proposed plan or plan amendment by
2205 causing publication to be made once a week for 3 consecutive
2206 weeks in a newspaper of general circulation published in each
2207 county in which lands and other property described in the
2208 resolution are situated or by publication daily for 3
2209 consecutive weeks on a publicly accessible website maintained by
2210 the entity responsible for such publication. The notice must be
2211 in substantially the following form:

2212

Notice of Hearing

To the owners and all persons interested in the lands corporate, and other property in and adjacent to the ...name of district... District.

You are notified that the ...name of district... District has filed in the office of the secretary of the district a resolution to consider approval of a water control plan or an amendment to the current water control plan to provide ...here insert a summary of the proposed water control plan or plan amendment.... On or before its scheduled meeting of ...(date and time)... at the district's offices located at ...(list address of offices)... written objections to the proposed plan or plan amendment may be filed at the district's offices. A public hearing on the proposed plan or plan amendment will be conducted at the scheduled meeting, and written objections will be considered at that time. At the conclusion of the hearing, the board of supervisors may determine to proceed with the process for approval of the proposed plan or plan amendment and direct the district engineer to prepare an engineer's report identifying any property to be taken, determining benefits and damages, and estimating the cost of implementing the improvements associated with the proposed plan or plan amendment. A final hearing on approval of the proposed plan or plan amendment and engineer's report shall be duly noticed and held at a regularly scheduled board of supervisors meeting at least 25 days but no later than 60 days after the last scheduled publication of the notice of filing of the engineer's report

HB 1381

2010

2241 with the secretary of the district.

2242

2243 Date of first publication:, ...(year)...

2244

2245 (Chair or President, Board of Supervisors)

2246 County, Florida

2247 (6) Upon the filing of the engineer's report, the board of

2248 supervisors shall give notice thereof by arranging the

2249 publication of the notice of filing of the engineer's report

2250 together with a geographical depiction of the district once a

2251 week for 2 consecutive weeks in a newspaper of general

2252 circulation in each county in the district or by publishing such

2253 notice daily for 3 consecutive weeks on a publicly accessible

2254 website maintained by the entity responsible for such

2255 publication. A location map or legal description of the land

2256 shall constitute a geographical depiction. The notice must be

2257 substantially as follows:

2258 Notice of Filing Engineer's Report for

2259 District

2260

2261 Notice is given to all persons interested in the following

2262 described land and property in County (or Counties),

2263 Florida, viz.: ...(Here describe land and property)... included

2264 within the district that the engineer hereto

2265 appointed to determine benefits and damages to the property and

2266 lands situated in the district and to determine the estimated

2267 cost of construction required by the water control plan, within

2268 or without the limits of the district, under the proposed water

HB 1381

2010

2269 control plan or plan amendment, filed her or his report in the
 2270 office of the secretary of the district, located at ...(list
 2271 address of district offices)..., on the day of
 2272, ...(year)..., and you may examine the report and
 2273 file written objections with the secretary of the district to
 2274 all, or any part thereof, on or before(enter date 20 days
 2275 after the last scheduled publication of this notice, if
 2276 published in the newspaper, or if published on the website,
 2277 enter date 60 days after the initial publication on the website,
 2278 which date must be before the date of the final hearing).... The
 2279 report recommends ...(describe benefits and damages).... A final
 2280 hearing to consider approval of the report and proposed water
 2281 control plan or plan amendment shall be held ...(time, place,
 2282 and date at least 25 days but no later than 60 days after the
 2283 last scheduled newspaper publication of this notice, or if
 2284 published on the website, no less than 60 days after the initial
 2285 publication on the website)....

2286
 2287 Date of first publication:, ...(year)...
 2288
 2289 (Chair or President, Board of Supervisors)
 2290 County, Florida

2291 Section 59. Subsection (3) of section 348.243, Florida
 2292 Statutes, is amended to read:

2293 348.243 Purposes and powers.—
 2294 (3) Any provision in this part or any other provision of
 2295 law to the contrary notwithstanding, the consent of any
 2296 municipality is not necessary for any project of the authority,

CODING: Words **stricken** are deletions; words **underlined** are additions.

HB 1381

2010

2297 whether or not the project lies in whole or in part within the
 2298 boundaries of the municipality. However, the officials and
 2299 residents of any municipality in which any project of the
 2300 authority is to be located, in whole or in part, shall be given
 2301 ample opportunity to discuss the project and advise the
 2302 authority as to their positions thereon at a duly advertised
 2303 public hearing. Advertisement of the public hearing shall be by
 2304 publication on a publicly accessible website maintained by the
 2305 entity responsible for publication daily during the 2 weeks
 2306 immediately preceding the public hearing, or by way of a
 2307 newspaper published in Broward County and circulated in the
 2308 affected municipality. If published in a newspaper, the legal
 2309 notice and display advertisement shall be published at least 2
 2310 weeks before the public hearing. Advertisement of the public
 2311 hearing ~~and~~ shall contain the time and place of the public
 2312 hearing and a short description of the subject to be discussed.
 2313 The public hearing may be adjourned from time to time and set
 2314 for a time and place certain without the necessity of further
 2315 advertisement. In routing and locating any expressway or its
 2316 interchanges in or through a municipality, the authority shall
 2317 give due regard to the effect of such location on the
 2318 municipality as a whole and shall not unreasonably split,
 2319 divide, or otherwise separate areas of the municipality one from
 2320 the other.

2321 Section 60. Subsection (4) of section 348.83, Florida
 2322 Statutes, is amended to read:

2323 348.83 Purposes and powers.—

2324 (4) Anything in this part or any other provision of the

HB 1381

2010

2325 law to the contrary notwithstanding, the consent of any
 2326 municipality shall not be necessary for any project of the
 2327 authority, whether or not the project lies within the boundaries
 2328 of any municipality either in whole or in part. However, the
 2329 officials and residents of any municipality in which any project
 2330 of the authority is to be located in whole or in part shall be
 2331 given ample opportunity to discuss the project and advise the
 2332 authority as to their position thereon at a duly advertised
 2333 public hearing. Advertisement of said public hearing shall be by
 2334 publication on a publicly accessible website maintained by the
 2335 entity responsible for publication daily during the 2 weeks
 2336 immediately preceding the public hearing or by way of a
 2337 newspaper published in Pasco County and circulated in the
 2338 affected municipalities. If published in a newspaper, the said
 2339 legal advertisement shall be published once at least 2 weeks
 2340 before ~~prior to~~ the public hearing. Advertisement of the public
 2341 hearing ~~and~~ shall contain the time and place of the public
 2342 hearing and a short description of the subject to be discussed.
 2343 The public hearing may be adjourned from time to time and set
 2344 for a time and place certain without necessity of further
 2345 advertisement.

2346 Section 61. Subsection (3) of section 348.943, Florida
 2347 Statutes, is amended to read:

2348 348.943 Purposes and powers.—

2349 (3) Any provision in this part or any other provision of
 2350 law to the contrary notwithstanding, the consent of any
 2351 municipality is not necessary for any project of the authority,
 2352 whether or not the project lies in whole or in part within the

HB 1381

2010

2353 boundaries of the municipality. However, the officials and
2354 residents of any municipality in which any project of the
2355 authority is to be located, in whole or in part, shall be given
2356 ample opportunity to discuss the project and advise the
2357 authority as to their positions thereon at a duly advertised
2358 public hearing. Advertisement of the public hearing shall be by
2359 publication on a publicly accessible website maintained by the
2360 entity responsible for publication daily during the 2 weeks
2361 immediately preceding the public hearing or by way of a
2362 newspaper published in St. Lucie County and circulated in the
2363 affected municipality. If published in a newspaper, the legal
2364 notice and display advertisement shall be published at least 2
2365 weeks before the public hearing. Advertisement of the public
2366 hearing ~~and~~ shall contain the time and place of the public
2367 hearing and a short description of the subject to be discussed.
2368 The public hearing may be adjourned from time to time and set
2369 for a time and place certain without the necessity of further
2370 advertisement. In routing and locating any expressway or its
2371 interchanges in or through a municipality, the authority shall
2372 give due regard to the effect of such location on the
2373 municipality as a whole and shall not unreasonably split,
2374 divide, or otherwise separate areas of the municipality one from
2375 the other.

2376 Section 62. Subsection (4) of section 348.953, Florida
2377 Statutes, is amended to read:

2378 348.953 Purposes and powers.—

2379 (4) Anything in this part or any other provision of the
2380 law to the contrary notwithstanding, the consent of any

HB 1381

2010

2381 municipality shall not be necessary for any project of the
 2382 authority, whether or not the project lies within the boundaries
 2383 of any municipality, either in whole or in part. However, the
 2384 officials and residents of any municipality in which any project
 2385 of the authority is to be located, in whole or in part, shall be
 2386 given ample opportunity to discuss the project and advise the
 2387 authority as to their position thereon at a duly advertised
 2388 public hearing. Advertisement of the public hearing shall be by
 2389 publication on a publicly accessible website maintained by the
 2390 entity responsible for publication daily during the 2 weeks
 2391 immediately preceding the public hearing or by way of a
 2392 newspaper published in Seminole County and circulated in the
 2393 affected municipalities. If published in a newspaper, the legal
 2394 advertisement shall be published once at least 2 weeks before
 2395 ~~prior to~~ the public hearing. Advertisement of the public hearing
 2396 ~~and~~ shall contain the time and place of the public hearing and a
 2397 short description of the subject to be discussed. The public
 2398 hearing may be adjourned from time to time and set for a time
 2399 and place certain without necessity of further advertisement. In
 2400 routing and locating any expressway or its interchanges in or
 2401 through a municipality, the authority shall give due regard to
 2402 the effect of such location on the municipality as a whole and
 2403 shall not unreasonably split, divide, or otherwise separate
 2404 areas of the municipality one from the other.

2405 Section 63. Subsection (3) of section 348.968, Florida
 2406 Statutes, is amended to read:

2407 348.968 Purposes and powers.—

2408 (3) Any provision in this part or any other provision of

HB 1381

2010

2409 law to the contrary notwithstanding, the consent of any
2410 municipality is not necessary for any project of the authority,
2411 whether or not the project lies in whole or in part within the
2412 boundaries of the municipality. However, the officials and
2413 residents of any municipality in which any project of the
2414 authority is to be located, in whole or in part, shall be given
2415 ample opportunity to discuss the project and advise the
2416 authority as to their positions thereon at a duly advertised
2417 public hearing. Advertisement of the public hearing shall be by
2418 publication on a publicly accessible website maintained by the
2419 entity responsible for publication daily during the 2 weeks
2420 immediately preceding the public hearing or by way of a
2421 newspaper published in Santa Rosa County and circulated in the
2422 affected municipality. If published in a newspaper, the legal
2423 notice and display advertisement shall be published at least 2
2424 weeks before the public hearing. Advertisement of the public
2425 hearing ~~and~~ shall contain the time and place of the public
2426 hearing and a short description of the subject to be discussed.
2427 The public hearing may be adjourned from time to time and set
2428 for a time and place certain without the necessity of further
2429 advertisement. In routing and locating any expressway or its
2430 interchanges in or through a municipality, the authority shall
2431 give due regard to the effect of such location on the
2432 municipality as a whole and shall not unreasonably split,
2433 divide, or otherwise separate areas of the municipality one from
2434 the other.

2435 Section 64. Paragraph (a) of subsection (2) of section
2436 350.81, Florida Statutes, is amended to read:

HB 1381

2010

2437 350.81 Communications services offered by governmental
2438 entities.—

2439 (2) (a) A governmental entity that proposes to provide a
2440 communications service shall hold no less than two public
2441 hearings, which shall be held not less than 30 days apart. At
2442 least 30 days before the first of the two public hearings, the
2443 governmental entity must give notice of the hearing by
2444 publication in the predominant newspaper of general circulation
2445 in the area considered for service or by publication daily
2446 during the 30 days immediately preceding the first of the two
2447 public hearings on a publicly accessible website maintained by
2448 the entity responsible for such publication. At least 40 days
2449 before the first public hearing, the governmental entity must
2450 electronically provide notice to the Department of Revenue and
2451 the Public Service Commission, which shall post the notice on
2452 the department's and the commission's website to be available to
2453 the public. The Department of Revenue shall also send the notice
2454 by United States Postal Service to the known addresses for all
2455 dealers of communications services registered with the
2456 department under chapter 202 or provide an electronic
2457 notification, if the means are available, within 10 days after
2458 receiving the notice. The notice must include the time and place
2459 of the hearings and must state that the purpose of the hearings
2460 is to consider whether the governmental entity will provide
2461 communications services. The notice must include, at a minimum,
2462 the geographic areas proposed to be served by the governmental
2463 entity and the services, if any, which the governmental entity
2464 believes are not currently being adequately provided. The notice

HB 1381

2010

2465 must also state that any dealer who wishes to do so may appear
 2466 and be heard at the public hearings.

2467 Section 65. Paragraph (c) of subsection (8) of section
 2468 373.4592, Florida Statutes, is amended to read:

2469 373.4592 Everglades improvement and management.—

2470 (8) SPECIAL ASSESSMENTS.—

2471 (c) The district shall publish notice of the certification
 2472 of the non-ad valorem assessment roll pursuant to chapter 197 in
 2473 a newspaper of general circulation in the counties wherein the
 2474 assessment is being levied, within 1 week after the district
 2475 certifies the non-ad valorem assessment roll to the tax
 2476 collector pursuant to s. 197.3632(5), or on a publicly
 2477 accessible website maintained by the district during the week
 2478 after the district certifies the non-ad valorem assessment roll
 2479 to the tax collector. The assessments levied pursuant to
 2480 paragraph (a) shall be final and conclusive as to each lot or
 2481 parcel unless the owner thereof shall, within 90 days after ~~of~~
 2482 certification of the non-ad valorem assessment roll pursuant to
 2483 s. 197.3632(5), commence an action in circuit court. Absent such
 2484 commencement of an action within such period of time by an owner
 2485 of a lot or parcel, such owner shall thereafter be estopped to
 2486 raise any question related to the special benefit afforded the
 2487 property or the reasonableness of the amount of the assessment.
 2488 Except with respect to an owner who has commenced such an
 2489 action, the non-ad valorem assessment roll as finally adopted
 2490 and certified by the South Florida Water Management District to
 2491 the tax collector pursuant to s. 197.3632(5) shall be competent
 2492 and sufficient evidence that the assessments were duly levied

HB 1381

2010

2493 and that all other proceedings adequate to the adoption of the
 2494 non-ad valorem assessment roll were duly held, taken, and
 2495 performed as required by s. 197.3632. If any assessment is
 2496 abated in whole or in part by the court, the amount by which the
 2497 assessment is so reduced may, by resolution of the governing
 2498 board of the district, be payable from funds of the district
 2499 legally available for that purpose, or at the discretion of the
 2500 governing board of the district, assessments may be increased in
 2501 the manner provided in s. 197.3632.

2502 Section 66. Subsection (2) of section 373.45924, Florida
 2503 Statutes, is amended to read:

2504 373.45924 South Florida Water Management District;
 2505 Everglades truth in borrowing.—

2506 (2) Whenever the South Florida Water Management District
 2507 proposes to borrow or to otherwise finance with debt any fixed
 2508 capital outlay projects or operating capital outlay for purposes
 2509 pursuant to s. 373.4592, it shall develop the following
 2510 documents to explain the issuance of a debt or obligation:

- 2511 (a) A summary of outstanding debt, including borrowing.
- 2512 (b) A statement of proposed financing, which shall include
 2513 the following items:
 - 2514 1. A listing of the purpose of the debt or obligation.
 - 2515 2. The source of repayment of the debt or obligation.
 - 2516 3. The principal amount of the debt or obligation.
 - 2517 4. The interest rate on the debt or obligation.
 - 2518 5. A schedule of annual debt service payments for each
 2519 proposed debt or obligation.
- 2520 (c) A truth-in-borrowing statement, developed from the

HB 1381

2010

2521 information compiled pursuant to this section, in substantially
 2522 the following form:

2523
 2524 The South Florida Water Management District is proposing to
 2525 incur \$...(insert principal)... of debt or obligation through
 2526 borrowing for the purpose of ...(insert purpose).... This debt
 2527 or obligation is expected to be repaid over a period of
 2528 ...(insert term of issue from subparagraph (b)5.)... years from
 2529 the following sources: ...(list sources).... At a forecasted
 2530 interest rate of ...(insert rate of interest from subparagraph
 2531 (b)4.)..., total interest paid over the life of the debt or
 2532 obligation will be \$...(insert sum of interest payments)....

2533
 2534 The truth-in-borrowing statement shall be published as a notice
 2535 in one or more newspapers having a combined general circulation
 2536 in the counties having land in the district or on a publicly
 2537 accessible website maintained by the district. If advertised in
 2538 a newspaper, such notice must be at least 6 inches square in
 2539 size and shall not be placed in that portion of the newspaper
 2540 where legal notices and classified advertisements appear.

2541 Section 67. Paragraphs (a), (b), (c), and (d) of
 2542 subsection (3) of section 373.536, Florida Statutes, are amended
 2543 to read:

2544 373.536 District budget and hearing thereon.—

2545 (3) BUDGET HEARINGS AND WORKSHOPS; NOTICE.—

2546 (a) Unless alternative notice requirements are otherwise
 2547 provided by law, notice of all budget hearings conducted by the
 2548 governing board or district staff must be published in a

2549 newspaper of general paid circulation in each county in which
 2550 the district lies not less than 5 days nor more than 15 days
 2551 before the hearing or published daily during the 15 days before
 2552 the hearing on a publicly accessible website maintained by the
 2553 district.

2554 (b) Budget workshops conducted for the public and not
 2555 governed by s. 200.065 must be advertised in a newspaper of
 2556 general paid circulation in the community or area in which the
 2557 workshop will occur not less than 5 days nor more than 15 days
 2558 before the workshop or published daily during the 15 days before
 2559 the hearing on a publicly accessible website maintained by the
 2560 district.

2561 (c) The tentative budget shall be adopted in accordance
 2562 with the provisions of s. 200.065; however, if the mailing of
 2563 the notice of proposed property taxes is delayed beyond
 2564 September 3 in any county in which the district lies, the
 2565 district shall advertise its intention to adopt a tentative
 2566 budget and millage rate, pursuant to s. 200.065(3)(g), in a
 2567 newspaper of general paid circulation in that county or on a
 2568 publicly accessible website maintained by the district.

2569 (d) As provided in s. 200.065(2)(d), the board shall
 2570 publish one or more notices of its intention to adopt a final
 2571 budget for the district for the ensuing fiscal year. The notice
 2572 shall appear adjacent to an advertisement that sets forth the
 2573 tentative budget in a format meeting the budget summary
 2574 requirements of s. 129.03(3)(b). The district shall not include
 2575 expenditures of federal special revenues and state special
 2576 revenues when preparing the statement required by s.

HB 1381

2010

2577 200.065(3)(1). The notice and advertisement shall be published
 2578 in one or more newspapers having a combined general paid
 2579 circulation in each county in which the district lies or on a
 2580 publicly accessible website maintained by the district.

2581 Districts may include explanatory phrases and examples in budget
 2582 advertisements published under s. 200.065 to clarify or
 2583 illustrate the effect that the district budget may have on ad
 2584 valorem taxes.

2585 Section 68. Paragraphs (a) and (b) of subsection (2) of
 2586 section 376.80, Florida Statutes, are amended to read:

2587 376.80 Brownfield program administration process.—

2588 (2)(a) If a local government proposes to designate a
 2589 brownfield area that is outside community redevelopment areas,
 2590 enterprise zones, empowerment zones, closed military bases, or
 2591 designated brownfield pilot project areas, the local government
 2592 shall adopt the resolution and conduct the public hearings in
 2593 accordance with the requirements of subsection (1), except at
 2594 least one of the required public hearings shall be conducted as
 2595 close as reasonably practicable to the area to be designated to
 2596 provide an opportunity for public input on the size of the area,
 2597 the objectives for rehabilitation, job opportunities and
 2598 economic developments anticipated, neighborhood residents'
 2599 considerations, and other relevant local concerns. Notice of the
 2600 public hearing must be made in a newspaper of general
 2601 circulation in the area or on a publicly accessible website
 2602 maintained by the local government. If published in a newspaper,
 2603 and the notice must be at least 16 square inches in size. Notice
 2604 of the public hearing, must be in ethnic newspapers or local

HB 1381

2010

2605 community bulletins, must be posted in the affected area, and
 2606 must be announced at a scheduled meeting of the local governing
 2607 body before the actual public hearing. In determining the areas
 2608 to be designated, the local government must consider:

- 2609 1. Whether the brownfield area warrants economic
 2610 development and has a reasonable potential for such activities;
- 2611 2. Whether the proposed area to be designated represents a
 2612 reasonably focused approach and is not overly large in
 2613 geographic coverage;
- 2614 3. Whether the area has potential to interest the private
 2615 sector in participating in rehabilitation; and
- 2616 4. Whether the area contains sites or parts of sites
 2617 suitable for limited recreational open space, cultural, or
 2618 historical preservation purposes.

2619 (b) A local government shall designate a brownfield area
 2620 under the provisions of this act provided that:

- 2621 1. A person who owns or controls a potential brownfield
 2622 site is requesting the designation and has agreed to
 2623 rehabilitate and redevelop the brownfield site;
- 2624 2. The rehabilitation and redevelopment of the proposed
 2625 brownfield site will result in economic productivity of the
 2626 area, along with the creation of at least 5 new permanent jobs
 2627 at the brownfield site that are full-time equivalent positions
 2628 not associated with the implementation of the brownfield site
 2629 rehabilitation agreement and that are not associated with
 2630 redevelopment project demolition or construction activities
 2631 pursuant to the redevelopment of the proposed brownfield site or
 2632 area. However, the job creation requirement shall not apply to

HB 1381

2010

2633 the rehabilitation and redevelopment of a brownfield site that
 2634 will provide affordable housing as defined in s. 420.0004 or the
 2635 creation of recreational areas, conservation areas, or parks;

2636 3. The redevelopment of the proposed brownfield site is
 2637 consistent with the local comprehensive plan and is a
 2638 permittable use under the applicable local land development
 2639 regulations;

2640 4. Notice of the proposed rehabilitation of the brownfield
 2641 area has been provided to neighbors and nearby residents of the
 2642 proposed area to be designated, and the person proposing the
 2643 area for designation has afforded to those receiving notice the
 2644 opportunity for comments and suggestions about rehabilitation.
 2645 Notice pursuant to this subparagraph must be made on a publicly
 2646 accessible website maintained by the entity responsible for
 2647 publication or in a newspaper of general circulation in the
 2648 area. The notice must be at least 16 square inches in size, and
 2649 ~~the notice must~~ be posted in the affected area; and

2650 5. The person proposing the area for designation has
 2651 provided reasonable assurance that he or she has sufficient
 2652 financial resources to implement and complete the rehabilitation
 2653 agreement and redevelopment of the brownfield site.

2654 Section 69. Subsection (3) of section 379.2425, Florida
 2655 Statutes, is amended to read:

2656 379.2425 Spearfishing; definition; limitations; penalty.—

2657 (3) The Fish and Wildlife Conservation Commission shall
 2658 have the power to establish restricted areas when it is
 2659 determined that safety hazards exist or when needs are
 2660 determined by biological findings. Restricted areas shall be

HB 1381

2010

2661 established only after an investigation has been conducted and
 2662 upon application by the governing body of the county or
 2663 municipality in which the restricted areas are to be located and
 2664 one publication in a local newspaper of general circulation in
 2665 said county or municipality or on a publicly accessible website
 2666 maintained by the entity responsible for publication, in
 2667 addition to any other notice required by law. Before ~~Prior to~~
 2668 promulgation of regulations, the local governing body of the
 2669 area affected shall agree to post and maintain notices in the
 2670 area affected.

2671 Section 70. Paragraph (e) of subsection (25) of section
 2672 380.06, Florida Statutes, is amended to read:

2673 380.06 Developments of regional impact.—

2674 (25) AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—

2675 (e) The local government shall schedule a public hearing
 2676 within 60 days after receipt of the petition. The public hearing
 2677 shall be advertised at least 30 days before ~~prior to~~ the
 2678 hearing. In addition to the public hearing notice by the local
 2679 government, the petitioner, except when the petitioner is a
 2680 local government, shall provide actual notice to each person
 2681 owning land within the proposed areawide development plan at
 2682 least 30 days before ~~prior to~~ the hearing. If the petitioner is
 2683 a local government, or local governments pursuant to an
 2684 interlocal agreement, notice of the public hearing shall be
 2685 provided by the publication of an advertisement on a publicly
 2686 accessible website maintained by the entity responsible for
 2687 publication or in a newspaper of general circulation that meets
 2688 the requirements of this paragraph. The newspaper advertisement

HB 1381

2010

2689 must be no less than one-quarter page in a standard size or
2690 tabloid size newspaper, and the headline in the newspaper
2691 advertisement must be in type no smaller than 18 point. The
2692 newspaper advertisement may ~~shall~~ not be published in that
2693 portion of the newspaper where legal notices and classified
2694 advertisements appear. The advertisement must be published on a
2695 publicly accessible website maintained by the entity responsible
2696 for publication or in a newspaper of general paid circulation in
2697 the county and of general interest and readership in the
2698 community, not one of limited subject matter, pursuant to
2699 chapter 50. Whenever possible, the newspaper advertisement must
2700 appear in a newspaper that is published at least 5 days a week,
2701 unless the only newspaper in the community is published less
2702 than 5 days a week. The advertisement must be in substantially
2703 the form used to advertise amendments to comprehensive plans
2704 pursuant to s. 163.3184. The local government shall specifically
2705 notify in writing the regional planning agency and the state
2706 land planning agency at least 30 days before ~~prior to~~ the public
2707 hearing. At the public hearing, all interested parties may
2708 testify and submit evidence regarding the petitioner's
2709 qualifications, the need for and benefits of an areawide
2710 development of regional impact, and such other issues relevant
2711 to a full consideration of the petition. If more than one local
2712 government has jurisdiction over the defined planning area in an
2713 areawide development plan, the local governments shall hold a
2714 joint public hearing. Such hearing shall address, at a minimum,
2715 the need to resolve conflicting ordinances or comprehensive
2716 plans, if any. The local government holding the joint hearing

HB 1381

2010

2717 shall comply with the following additional requirements:

2718 1. The notice of the hearing shall be published at least
 2719 60 days in advance of the hearing and shall specify where the
 2720 petition may be reviewed.

2721 2. The notice shall be given to the state land planning
 2722 agency, to the applicable regional planning agency, and to such
 2723 other persons as may have been designated by the state land
 2724 planning agency as entitled to receive such notices.

2725 3. A public hearing date shall be set by the appropriate
 2726 local government at the next scheduled meeting.

2727 Section 71. Paragraph (a) of subsection (2) of section
 2728 403.973, Florida Statutes, is amended to read:

2729 403.973 Expedited permitting; comprehensive plan
 2730 amendments.—

2731 (2) As used in this section, the term:

2732 (a) "Duly noticed" means publication on a publicly
 2733 accessible website maintained by the municipality or county
 2734 having jurisdiction or in a newspaper of general circulation in
 2735 the municipality or county having ~~with~~ jurisdiction. If
 2736 published in a newspaper, the notice shall appear on at least 2
 2737 separate days, one of which shall be at least 7 days before the
 2738 meeting. If published on a publicly accessible website, the
 2739 notice shall appear daily during the 7 days immediately
 2740 preceding the meeting. The notice shall state the date, time,
 2741 and place of the meeting scheduled to discuss or enact the
 2742 memorandum of agreement, and the places within the municipality
 2743 or county where such proposed memorandum of agreement may be
 2744 inspected by the public. The newspaper notice must be one-eighth

HB 1381

2010

2745 of a page in size and must be published in a portion of the
 2746 paper other than the legal notices section. The notice shall
 2747 also advise that interested parties may appear at the meeting
 2748 and be heard with respect to the memorandum of agreement.

2749 Section 72. Paragraph (b) of subsection (4) of section
 2750 420.9075, Florida Statutes, is amended to read:

2751 420.9075 Local housing assistance plans; partnerships.—

2752 (4) Each local housing assistance plan is governed by the
 2753 following criteria and administrative procedures:

2754 (b) The county or eligible municipality or its
 2755 administrative representative shall advertise the notice of
 2756 funding availability in a newspaper of general circulation and
 2757 periodicals serving ethnic and diverse neighborhoods, at least
 2758 30 days before the beginning of the application period or daily
 2759 during the 30 days immediately preceding the application period
 2760 on a publicly accessible website maintained by the county or
 2761 eligible municipality. If no funding is available due to a
 2762 waiting list, no notice of funding availability is required.

2763 Section 73. Paragraph (b) of subsection (4) of section
 2764 553.73, Florida Statutes, is amended to read:

2765 553.73 Florida Building Code.—

2766 (4)

2767 (b) Local governments may, subject to the limitations of
 2768 this section, adopt amendments to the technical provisions of
 2769 the Florida Building Code which apply solely within the
 2770 jurisdiction of such government and which provide for more
 2771 stringent requirements than those specified in the Florida
 2772 Building Code, not more than once every 6 months. A local

HB 1381

2010

2773 government may adopt technical amendments that address local
 2774 needs if:

2775 1. The local governing body determines, following a public
 2776 hearing which has been advertised in a newspaper of general
 2777 circulation at least 10 days before the hearing or daily during
 2778 the 10 days immediately preceding the hearing on a publicly
 2779 accessible website maintained by the local government, that
 2780 there is a need to strengthen the requirements of the Florida
 2781 Building Code. The determination must be based upon a review of
 2782 local conditions by the local governing body, which review
 2783 demonstrates by evidence or data that the geographical
 2784 jurisdiction governed by the local governing body exhibits a
 2785 local need to strengthen the Florida Building Code beyond the
 2786 needs or regional variation addressed by the Florida Building
 2787 Code, that the local need is addressed by the proposed local
 2788 amendment, and that the amendment is no more stringent than
 2789 necessary to address the local need.

2790 2. Such additional requirements are not discriminatory
 2791 against materials, products, or construction techniques of
 2792 demonstrated capabilities.

2793 3. Such additional requirements may not introduce a new
 2794 subject not addressed in the Florida Building Code.

2795 4. The enforcing agency shall make readily available, in a
 2796 usable format, all amendments adopted pursuant to this section.

2797 5. Any amendment to the Florida Building Code shall be
 2798 transmitted within 30 days by the adopting local government to
 2799 the commission. The commission shall maintain copies of all such
 2800 amendments in a format that is usable and obtainable by the

HB 1381

2010

2801 public. Local technical amendments shall not become effective
2802 until 30 days after the amendment has been received and
2803 published by the commission.

2804 6. Any amendment to the Florida Building Code adopted by a
2805 local government pursuant to this paragraph shall be effective
2806 only until the adoption by the commission of the new edition of
2807 the Florida Building Code every third year. At such time, the
2808 commission shall review such amendment for consistency with the
2809 criteria in paragraph (8) (a) and adopt such amendment as part of
2810 the Florida Building Code or rescind the amendment. The
2811 commission shall immediately notify the respective local
2812 government of the rescission of any amendment. After receiving
2813 such notice, the respective local government may readopt the
2814 rescinded amendment pursuant to the provisions of this
2815 paragraph.

2816 7. Each county and municipality desiring to make local
2817 technical amendments to the Florida Building Code shall by
2818 interlocal agreement establish a countywide compliance review
2819 board to review any amendment to the Florida Building Code,
2820 adopted by a local government within the county pursuant to this
2821 paragraph, that is challenged by any substantially affected
2822 party for purposes of determining the amendment's compliance
2823 with this paragraph. If challenged, the local technical
2824 amendments shall not become effective until time for filing an
2825 appeal pursuant to subparagraph 8. has expired or, if there is
2826 an appeal, until the commission issues its final order
2827 determining the adopted amendment is in compliance with this
2828 subsection.

HB 1381

2010

2829 8. If the compliance review board determines such
 2830 amendment is not in compliance with this paragraph, the
 2831 compliance review board shall notify such local government of
 2832 the noncompliance and that the amendment is invalid and
 2833 unenforceable until the local government corrects the amendment
 2834 to bring it into compliance. The local government may appeal the
 2835 decision of the compliance review board to the commission. If
 2836 the compliance review board determines such amendment to be in
 2837 compliance with this paragraph, any substantially affected party
 2838 may appeal such determination to the commission. Any such appeal
 2839 shall be filed with the commission within 14 days of the board's
 2840 written determination. The commission shall promptly refer the
 2841 appeal to the Division of Administrative Hearings for the
 2842 assignment of an administrative law judge. The administrative
 2843 law judge shall conduct the required hearing within 30 days, and
 2844 shall enter a recommended order within 30 days of the conclusion
 2845 of such hearing. The commission shall enter a final order within
 2846 30 days thereafter. The provisions of chapter 120 and the
 2847 uniform rules of procedure shall apply to such proceedings. The
 2848 local government adopting the amendment that is subject to
 2849 challenge has the burden of proving that the amendment complies
 2850 with this paragraph in proceedings before the compliance review
 2851 board and the commission, as applicable. Actions of the
 2852 commission are subject to judicial review pursuant to s. 120.68.
 2853 The compliance review board shall determine whether its
 2854 decisions apply to a respective local jurisdiction or apply
 2855 countywide.

2856 9. An amendment adopted under this paragraph shall include

HB 1381

2010

2857 a fiscal impact statement which documents the costs and benefits
 2858 of the proposed amendment. Criteria for the fiscal impact
 2859 statement shall include the impact to local government relative
 2860 to enforcement, the impact to property and building owners, as
 2861 well as to industry, relative to the cost of compliance. The
 2862 fiscal impact statement may not be used as a basis for
 2863 challenging the amendment for compliance.

2864 10. In addition to subparagraphs 7. and 9., the commission
 2865 may review any amendments adopted pursuant to this subsection
 2866 and make nonbinding recommendations related to compliance of
 2867 such amendments with this subsection.

2868 Section 74. Paragraph (a) of subsection (4) of section
 2869 633.025, Florida Statutes, is amended to read:

2870 633.025 Minimum firesafety standards.—

2871 (4) Such codes shall be minimum codes and a municipality,
 2872 county, or special district with firesafety responsibilities may
 2873 adopt more stringent firesafety standards, subject to the
 2874 requirements of this subsection. Such county, municipality, or
 2875 special district may establish alternative requirements to those
 2876 requirements which are required under the minimum firesafety
 2877 standards on a case-by-case basis, in order to meet special
 2878 situations arising from historic, geographic, or unusual
 2879 conditions, if the alternative requirements result in a level of
 2880 protection to life, safety, or property equal to or greater than
 2881 the applicable minimum firesafety standards. For the purpose of
 2882 this subsection, the term "historic" means that the building or
 2883 structure is listed on the National Register of Historic Places
 2884 of the United States Department of the Interior.

HB 1381

2010

2885 (a) The local governing body shall determine, following a
 2886 public hearing that ~~which~~ has been advertised in a newspaper of
 2887 general circulation at least 10 days before the hearing or daily
 2888 on a publicly accessible website maintained by the local
 2889 government during the 10 days immediately preceding the hearing,
 2890 if there is a need to strengthen the requirements of the minimum
 2891 firesafety code adopted by such governing body. The
 2892 determination must be based upon a review of local conditions by
 2893 the local governing body, which review demonstrates that local
 2894 conditions justify more stringent requirements than those
 2895 specified in the minimum firesafety code for the protection of
 2896 life and property or justify requirements that meet special
 2897 situations arising from historic, geographic, or unusual
 2898 conditions.

2899
 2900 This subsection gives local government the authority to
 2901 establish firesafety codes that exceed the minimum firesafety
 2902 codes and standards adopted by the State Fire Marshal. The
 2903 Legislature intends that local government give proper public
 2904 notice and hold public hearings before adopting more stringent
 2905 firesafety codes and standards. A substantially affected person
 2906 may appeal, to the department, the local government's resolution
 2907 of the challenge, and the department shall determine if the
 2908 amendment complies with this section. Actions of the department
 2909 are subject to judicial review pursuant to s. 120.68. The
 2910 department shall consider reports of the Florida Building
 2911 Commission, pursuant to part IV of chapter 553, when evaluating
 2912 building code enforcement.

HB 1381

2010

2913 Section 75. Paragraph (b) of subsection (2) of section
 2914 705.103, Florida Statutes, is amended to read:

2915 705.103 Procedure for abandoned or lost property.—

2916 (2) Whenever a law enforcement officer ascertains that an
 2917 article of lost or abandoned property is present on public
 2918 property and is of such nature that it cannot be easily removed,
 2919 the officer shall cause a notice to be placed upon such article
 2920 in substantially the following form:

2921
 2922 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 2923 PROPERTY. This property, to wit: ...(setting forth brief
 2924 description)... is unlawfully upon public property known as
 2925 ...(setting forth brief description of location)... and must be
 2926 removed within 5 days; otherwise, it will be removed and
 2927 disposed of pursuant to chapter 705, Florida Statutes. The owner
 2928 will be liable for the costs of removal, storage, and
 2929 publication of notice. Dated this: ...(setting forth the date of
 2930 posting of notice)..., signed: ...(setting forth name, title,
 2931 address, and telephone number of law enforcement officer)....

2932
 2933 Such notice shall be not less than 8 inches by 10 inches and
 2934 shall be sufficiently weatherproof to withstand normal exposure
 2935 to the elements. In addition to posting, the law enforcement
 2936 officer shall make a reasonable effort to ascertain the name and
 2937 address of the owner. If such is reasonably available to the
 2938 officer, she or he shall mail a copy of such notice to the owner
 2939 on or before the date of posting. If the property is a motor
 2940 vehicle as defined in s. 320.01(1) or a vessel as defined in s.

HB 1381

2010

2941 327.02, the law enforcement agency shall contact the Department
2942 of Highway Safety and Motor Vehicles in order to determine the
2943 name and address of the owner and any person who has filed a
2944 lien on the vehicle or vessel as provided in s. 319.27(2) or (3)
2945 or s. 328.15(1). On receipt of this information, the law
2946 enforcement agency shall mail a copy of the notice by certified
2947 mail, return receipt requested, to the owner and to the
2948 lienholder, if any. If, at the end of 5 days after posting the
2949 notice and mailing such notice, if required, the owner or any
2950 person interested in the lost or abandoned article or articles
2951 described has not removed the article or articles from public
2952 property or shown reasonable cause for failure to do so, the
2953 following shall apply:

2954 (b) For lost property, the officer shall take custody and
2955 the agency shall retain custody of the property for 90 days. The
2956 agency shall publish notice of the intended disposition of the
2957 property, as provided in this section, during the first 45 days
2958 of this time period.

2959 1. If the agency elects to retain the property for use by
2960 the unit of government, donate the property to a charitable
2961 organization, surrender such property to the finder, sell the
2962 property, or trade the property to another unit of local
2963 government or state agency, notice of such election shall be
2964 given by an advertisement published daily for 2 consecutive
2965 weeks on a publicly accessible website maintained by the entity
2966 responsible for publication or once a week for 2 consecutive
2967 weeks in a newspaper of general circulation in the county where
2968 the property was found if the value of the property is more than

HB 1381

2010

2969 \$100. If the value of the property is \$100 or less, notice shall
 2970 be given by posting a description of the property at the law
 2971 enforcement agency where the property was turned in. The notice
 2972 must be posted for not less than 2 consecutive weeks in a public
 2973 place designated by the law enforcement agency. The notice must
 2974 describe the property in a manner reasonably adequate to permit
 2975 the rightful owner of the property to claim it.

2976 2. If the agency elects to sell the property, it must do
 2977 so at public sale by competitive bidding. Notice of the time and
 2978 place of the sale shall be given by an advertisement of the sale
 2979 published daily for the 4 consecutive weeks immediately
 2980 preceding the sale on a publicly accessible website maintained
 2981 by the entity responsible for publication or once a week for 2
 2982 consecutive weeks in a newspaper of general circulation in the
 2983 county where the sale is to be held. The notice shall include a
 2984 statement that the sale shall be subject to any and all liens.
 2985 The sale must be held at the nearest suitable place to that
 2986 where the lost or abandoned property is held or stored. The
 2987 advertisement must include a description of the goods and the
 2988 time and place of the sale. If advertised in the newspaper, the
 2989 sale may take place no earlier than 10 days after the final
 2990 publication. If there is no publicly accessible website
 2991 maintained by the entity responsible for publication or
 2992 newspaper of general circulation in the county where the sale is
 2993 to be held, the advertisement shall be posted at the door of the
 2994 courthouse and at three other public places in the county at
 2995 least 10 days before the ~~prior to~~ sale. Notice of the agency's
 2996 intended disposition shall describe the property in a manner

HB 1381

2010

2997 reasonably adequate to permit the rightful owner of the property
 2998 to identify it.

2999 Section 76. Subsection (2) of section 715.109, Florida
 3000 Statutes, is amended to read:

3001 715.109 Sale or disposition of abandoned property.—

3002 (2) Notice of the time and place of the public sale shall
 3003 be given by an advertisement of the sale published once a week
 3004 for 2 ~~two~~ consecutive weeks in a newspaper of general
 3005 circulation where the sale is to be held or publication daily
 3006 during the 4 weeks immediately preceding the sale on a publicly
 3007 accessible website maintained by the entity responsible for
 3008 publication. The sale must be held at the nearest suitable place
 3009 to that where the personal property is held or stored. The
 3010 advertisement must include a description of the goods, the name
 3011 of the former tenant, and the time and place of the sale. If
 3012 advertised in a newspaper, the sale must take place at least 10
 3013 days after the first publication. If there is no newspaper of
 3014 general circulation where the sale is to be held or no publicly
 3015 accessible website maintained by the governing body responsible
 3016 for publication, the advertisement must be posted at least 10
 3017 days before the sale in not less than six conspicuous places in
 3018 the neighborhood of the proposed sale. The last publication
 3019 shall be at least 5 days before the sale is to be held. Notice
 3020 of sale may be published before the last of the dates specified
 3021 for taking possession of the property in any notice given
 3022 pursuant to s. 715.104.

3023 Section 77. For the purpose of incorporating the amendment
 3024 made by this act to section 125.66, Florida Statutes, in a

3025 reference thereto, subsection (1) of section 125.56, Florida
 3026 Statutes, is reenacted to read:

3027 125.56 Enforcement and amendment of the Florida Building
 3028 Code and the Florida Fire Prevention Code; inspection fees;
 3029 inspectors; etc.—

3030 (1) The board of county commissioners of each of the
 3031 several counties of the state is authorized to enforce the
 3032 Florida Building Code and the Florida Fire Prevention Code, as
 3033 provided in ss. 553.80, 633.022, and 633.025, and, at its
 3034 discretion, to adopt local technical amendments to the Florida
 3035 Building Code, pursuant to s. 553.73(4)(b) and (c) and local
 3036 technical amendments to the Florida Fire Prevention Code,
 3037 pursuant to s. 633.0215, to provide for the safe construction,
 3038 erection, alteration, repair, securing, and demolition of any
 3039 building within its territory outside the corporate limits of
 3040 any municipality. Upon a determination to consider amending the
 3041 Florida Building Code or the Florida Fire Prevention Code by a
 3042 majority of the members of the board of county commissioners of
 3043 such county, the board shall call a public hearing and comply
 3044 with the public notice requirements of s. 125.66(2). The board
 3045 shall hear all interested parties at the public hearing and may
 3046 then amend the building code or the fire code consistent with
 3047 the terms and purposes of this act. Upon adoption, an amendment
 3048 to the code shall be in full force and effect throughout the
 3049 unincorporated area of such county until otherwise notified by
 3050 the Florida Building Commission pursuant to s. 553.73 or the
 3051 State Fire Marshal pursuant to s. 633.0215. Nothing herein
 3052 contained shall be construed to prevent the board of county

HB 1381

2010

3053 commissioners from repealing such amendment to the building code
 3054 or the fire code at any regular meeting of such board.

3055 Section 78. For the purpose of incorporating the amendment
 3056 made by this act to section 125.66, Florida Statutes, in a
 3057 reference thereto, subsection (6) of section 212.054, Florida
 3058 Statutes, is reenacted to read:

3059 212.054 Discretionary sales surtax; limitations,
 3060 administration, and collection.—

3061 (6) The governing body of any county levying a
 3062 discretionary sales surtax shall enact an ordinance levying the
 3063 surtax in accordance with the procedures described in s.
 3064 125.66(2).

3065 Section 79. For the purpose of incorporating the
 3066 amendments made by this act to sections 125.66 and 166.041,
 3067 Florida Statutes, in references thereto, subsection (18) of
 3068 section 163.3164, Florida Statutes, is reenacted to read:

3069 163.3164 Local Government Comprehensive Planning and Land
 3070 Development Regulation Act; definitions.—As used in this act:

3071 (18) "Public notice" means notice as required by s.
 3072 125.66(2) for a county or by s. 166.041(3)(a) for a
 3073 municipality. The public notice procedures required in this part
 3074 are established as minimum public notice procedures.

3075 Section 80. For the purpose of incorporating the
 3076 amendments made by this act to sections 125.66 and 166.041,
 3077 Florida Statutes, in references thereto, section 163.346,
 3078 Florida Statutes, is reenacted to read:

3079 163.346 Notice to taxing authorities.—Before the governing
 3080 body adopts any resolution or enacts any ordinance required

HB 1381

2010

3081 under s. 163.355, s. 163.356, s. 163.357, or s. 163.387; creates
 3082 a community redevelopment agency; approves, adopts, or amends a
 3083 community redevelopment plan; or issues redevelopment revenue
 3084 bonds under s. 163.385, the governing body must provide public
 3085 notice of such proposed action pursuant to s. 125.66(2) or s.
 3086 166.041(3) (a) and, at least 15 days before such proposed action,
 3087 mail by registered mail a notice to each taxing authority which
 3088 levies ad valorem taxes on taxable real property contained
 3089 within the geographic boundaries of the redevelopment area.

3090 Section 81. For the purpose of incorporating the
 3091 amendments made by this act to sections 125.66 and 166.041,
 3092 Florida Statutes, in references thereto, subsection (1) of
 3093 section 376.80, Florida Statutes, is reenacted to read:

3094 376.80 Brownfield program administration process.—

3095 (1) A local government with jurisdiction over the
 3096 brownfield area must notify the department of its decision to
 3097 designate a brownfield area for rehabilitation for the purposes
 3098 of ss. 376.77-376.86. The notification must include a
 3099 resolution, by the local government body, to which is attached a
 3100 map adequate to clearly delineate exactly which parcels are to
 3101 be included in the brownfield area or alternatively a less-
 3102 detailed map accompanied by a detailed legal description of the
 3103 brownfield area. If a property owner within the area proposed
 3104 for designation by the local government requests in writing to
 3105 have his or her property removed from the proposed designation,
 3106 the local government shall grant the request. For
 3107 municipalities, the governing body shall adopt the resolution in
 3108 accordance with the procedures outlined in s. 166.041, except

HB 1381

2010

3109 that the notice for the public hearings on the proposed
 3110 resolution must be in the form established in s. 166.041(3)(c)2.
 3111 For counties, the governing body shall adopt the resolution in
 3112 accordance with the procedures outlined in s. 125.66, except
 3113 that the notice for the public hearings on the proposed
 3114 resolution shall be in the form established in s. 125.66(4)(b)2.

3115 Section 82. For the purpose of incorporating the
 3116 amendments made by this act to section 129.06, Florida Statutes,
 3117 in a reference thereto, subsection (4) of section 30.50, Florida
 3118 Statutes, is reenacted to read:

3119 30.50 Payment of salaries and expenses.—

3120 (4) The sheriff shall keep necessary budget accounts and
 3121 records, and shall charge all paid bills and payrolls to the
 3122 proper budget accounts. The reserve for contingencies, or any
 3123 part thereof, may be transferred to any of the budget
 3124 appropriations, in the discretion of the sheriff. With the
 3125 approval of the board of county commissioners, or of the budget
 3126 commission if there is a budget commission in the county, the
 3127 budget may be amended as provided for county budgets in s.
 3128 129.06(2).

3129 Section 83. For the purpose of incorporating the amendment
 3130 made by this act to section 129.03, Florida Statutes, in a
 3131 reference thereto, paragraph (1) of subsection (3) of section
 3132 200.065, Florida Statutes, is reenacted to read:

3133 200.065 Method of fixing millage.—

3134 (3) The advertisement shall be no less than one-quarter
 3135 page in size of a standard size or a tabloid size newspaper, and
 3136 the headline in the advertisement shall be in a type no smaller

HB 1381

2010

3137 | than 18 point. The advertisement shall not be placed in that
 3138 | portion of the newspaper where legal notices and classified
 3139 | advertisements appear. The advertisement shall be published in a
 3140 | newspaper of general paid circulation in the county or in a
 3141 | geographically limited insert of such newspaper. The geographic
 3142 | boundaries in which such insert is circulated shall include the
 3143 | geographic boundaries of the taxing authority. It is the
 3144 | legislative intent that, whenever possible, the advertisement
 3145 | appear in a newspaper that is published at least 5 days a week
 3146 | unless the only newspaper in the county is published less than 5
 3147 | days a week, or that the advertisement appear in a
 3148 | geographically limited insert of such newspaper which insert is
 3149 | published throughout the taxing authority's jurisdiction at
 3150 | least twice each week. It is further the legislative intent that
 3151 | the newspaper selected be one of general interest and readership
 3152 | in the community and not one of limited subject matter, pursuant
 3153 | to chapter 50.

3154 | (1) Any advertisement required pursuant to this section
 3155 | shall be accompanied by an adjacent notice meeting the budget
 3156 | summary requirements of s. 129.03(3)(b). Except for those taxing
 3157 | authorities proposing to levy ad valorem taxes for the first
 3158 | time, the following statement shall appear in the budget summary
 3159 | in boldfaced type immediately following the heading, if the
 3160 | applicable percentage is greater than zero:

3161 |
 3162 | THE PROPOSED OPERATING BUDGET EXPENDITURES OF ... (name of
 3163 | taxing authority)... ARE ... (percent rounded to one decimal
 3164 | place)... MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

3165
 3166 For purposes of this paragraph, "proposed operating budget
 3167 expenditures" or "operating expenditures" means all moneys of
 3168 the local government, including dependent special districts,
 3169 that:

3170 1. Were or could be expended during the applicable fiscal
 3171 year, or

3172 2. Were or could be retained as a balance for future
 3173 spending in the fiscal year.

3174
 3175 Provided, however, those moneys held in or used in trust,
 3176 agency, or internal service funds, and expenditures of bond
 3177 proceeds for capital outlay or for advanced refunded debt
 3178 principal, shall be excluded.

3179 Section 84. For the purpose of incorporating the
 3180 amendments made by this act to section 163.3184, Florida
 3181 Statutes, in a reference thereto, paragraph (a) of subsection
 3182 (9) of section 163.3246, Florida Statutes, is reenacted to read:

3183 163.3246 Local government comprehensive planning
 3184 certification program.—

3185 (9) (a) Upon certification all comprehensive plan
 3186 amendments associated with the area certified must be adopted
 3187 and reviewed in the manner described in ss. 163.3184(1), (2),
 3188 (7), (14), (15), and (16) and 163.3187, such that state and
 3189 regional agency review is eliminated. The department may not
 3190 issue any objections, recommendations, and comments report on
 3191 proposed plan amendments or a notice of intent on adopted plan
 3192 amendments; however, affected persons, as defined by s.

HB 1381

2010

3193 163.3184(1)(a), may file a petition for administrative review
 3194 pursuant to the requirements of s. 163.3187(3)(a) to challenge
 3195 the compliance of an adopted plan amendment.

3196 Section 85. For the purpose of incorporating the
 3197 amendments made by this act to section 163.3184, Florida
 3198 Statutes, in a reference thereto, paragraph (h) of subsection
 3199 (6) of section 163.32465, Florida Statutes, is reenacted to
 3200 read:

3201 163.32465 State review of local comprehensive plans in
 3202 urban areas.—

3203 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT
 3204 PROGRAM.—

3205 (h) Parties to a proceeding under this section may enter
 3206 into compliance agreements using the process in s. 163.3184(16).
 3207 Any remedial amendment adopted pursuant to a settlement
 3208 agreement shall be provided to the agencies and governments
 3209 listed in paragraph (4)(a).

3210 Section 86. For the purpose of incorporating the
 3211 amendments made by this act to section 163.3184, Florida
 3212 Statutes, in a reference thereto, subsection (10) and paragraph
 3213 (d) of subsection (12) of section 288.975, Florida Statutes, are
 3214 reenacted to read:

3215 288.975 Military base reuse plans.—

3216 (10) Within 60 days after receipt of a proposed military
 3217 base reuse plan, these entities shall review and provide
 3218 comments to the host local government. The commencement of this
 3219 review period shall be advertised in newspapers of general
 3220 circulation within the host local government and any affected

HB 1381

2010

3221 local government to allow for public comment. No later than 180
 3222 days after receipt and consideration of all comments, and the
 3223 holding of at least two public hearings, the host local
 3224 government shall adopt the military base reuse plan. The host
 3225 local government shall comply with the notice requirements set
 3226 forth in s. 163.3184(15) to ensure full public participation in
 3227 this planning process.

3228 (12) Following receipt of a petition, the petitioning
 3229 party or parties and the host local government shall seek
 3230 resolution of the issues in dispute. The issues in dispute shall
 3231 be resolved as follows:

3232 (d) Within 45 days after receiving the report from the
 3233 state land planning agency, the Administration Commission shall
 3234 take action to resolve the issues in dispute. In deciding upon a
 3235 proper resolution, the Administration Commission shall consider
 3236 the nature of the issues in dispute, any requests for a formal
 3237 administrative hearing pursuant to chapter 120, the compliance
 3238 of the parties with this section, the extent of the conflict
 3239 between the parties, the comparative hardships and the public
 3240 interest involved. If the Administration Commission incorporates
 3241 in its final order a term or condition that requires any local
 3242 government to amend its local government comprehensive plan, the
 3243 local government shall amend its plan within 60 days after the
 3244 issuance of the order. Such amendment or amendments shall be
 3245 exempt from the limitation of the frequency of plan amendments
 3246 contained in s. 163.3187(1), and a public hearing on such
 3247 amendment or amendments pursuant to s. 163.3184(15)(b)1. shall
 3248 not be required. The final order of the Administration

HB 1381

2010

3249 Commission is subject to appeal pursuant to s. 120.68. If the
 3250 order of the Administration Commission is appealed, the time for
 3251 the local government to amend its plan shall be tolled during
 3252 the pendency of any local, state, or federal administrative or
 3253 judicial proceeding relating to the military base reuse plan.

3254 Section 87. For the purpose of incorporating the
 3255 amendments made by this act to section 163.3184, Florida
 3256 Statutes, in a reference thereto, subsection (9) of section
 3257 420.5095, Florida Statutes, is reenacted to read:

3258 420.5095 Community Workforce Housing Innovation Pilot
 3259 Program.—

3260 (9) Notwithstanding s. 163.3184(3)-(6), any local
 3261 government comprehensive plan amendment to implement a Community
 3262 Workforce Housing Innovation Pilot Program project found
 3263 consistent with the provisions of this section shall be
 3264 expedited as provided in this subsection. At least 30 days prior
 3265 to adopting a plan amendment under this subsection, the local
 3266 government shall notify the state land planning agency of its
 3267 intent to adopt such an amendment, and the notice shall include
 3268 its evaluation related to site suitability and availability of
 3269 facilities and services. The public notice of the hearing
 3270 required by s. 163.3184(15)(b)2. shall include a statement that
 3271 the local government intends to use the expedited adoption
 3272 process authorized by this subsection. Such amendments shall
 3273 require only a single public hearing before the governing board,
 3274 which shall be an adoption hearing as described in s.
 3275 163.3184(7). The state land planning agency shall issue its
 3276 notice of intent pursuant to s. 163.3184(8) within 30 days after

HB 1381

2010

3277 determining that the amendment package is complete. Any further
 3278 proceedings shall be governed by ss. 163.3184(9)-(16).
 3279 Amendments proposed under this section are not subject to s.
 3280 163.3187(1), which limits the adoption of a comprehensive plan
 3281 amendment to no more than two times during any calendar year.

3282 Section 88. For the purpose of incorporating the
 3283 amendments made by this act to section 163.3184, Florida
 3284 Statutes, in a reference thereto, subsection (6) of section
 3285 1013.30, Florida Statutes, is reenacted to read:

3286 1013.30 University campus master plans and campus
 3287 development agreements.—

3288 (6) Before a campus master plan is adopted, a copy of the
 3289 draft master plan must be sent for review or made available
 3290 electronically to the host and any affected local governments,
 3291 the state land planning agency, the Department of Environmental
 3292 Protection, the Department of Transportation, the Department of
 3293 State, the Fish and Wildlife Conservation Commission, and the
 3294 applicable water management district and regional planning
 3295 council. At the request of a governmental entity, a hard copy of
 3296 the draft master plan shall be submitted within 7 business days
 3297 of an electronic copy being made available. These agencies must
 3298 be given 90 days after receipt of the campus master plans in
 3299 which to conduct their review and provide comments to the
 3300 university board of trustees. The commencement of this review
 3301 period must be advertised in newspapers of general circulation
 3302 within the host local government and any affected local
 3303 government to allow for public comment. Following receipt and
 3304 consideration of all comments and the holding of an informal

HB 1381

2010

3305 information session and at least two public hearings within the
3306 host jurisdiction, the university board of trustees shall adopt
3307 the campus master plan. It is the intent of the Legislature that
3308 the university board of trustees comply with the notice
3309 requirements set forth in s. 163.3184(15) to ensure full public
3310 participation in this planning process. The informal public
3311 information session must be held before the first public
3312 hearing. The first public hearing shall be held before the draft
3313 master plan is sent to the agencies specified in this
3314 subsection. The second public hearing shall be held in
3315 conjunction with the adoption of the draft master plan by the
3316 university board of trustees. Campus master plans developed
3317 under this section are not rules and are not subject to chapter
3318 120 except as otherwise provided in this section.

3319 Section 89. For the purpose of incorporating the
3320 amendments made by this act to section 166.041, Florida
3321 Statutes, in a reference thereto, paragraph (c) of subsection
3322 (1) of section 163.3187, Florida Statutes, is reenacted to read:

3323 163.3187 Amendment of adopted comprehensive plan.—

3324 (1) Amendments to comprehensive plans adopted pursuant to
3325 this part may be made not more than two times during any
3326 calendar year, except:

3327 (c) Any local government comprehensive plan amendments
3328 directly related to proposed small scale development activities
3329 may be approved without regard to statutory limits on the
3330 frequency of consideration of amendments to the local
3331 comprehensive plan. A small scale development amendment may be
3332 adopted only under the following conditions:

HB 1381

2010

3333 1. The proposed amendment involves a use of 10 acres or
 3334 fewer and:

3335 a. The cumulative annual effect of the acreage for all
 3336 small scale development amendments adopted by the local
 3337 government shall not exceed:

3338 (I) A maximum of 120 acres in a local government that
 3339 contains areas specifically designated in the local
 3340 comprehensive plan for urban infill, urban redevelopment, or
 3341 downtown revitalization as defined in s. 163.3164, urban infill
 3342 and redevelopment areas designated under s. 163.2517,
 3343 transportation concurrency exception areas approved pursuant to
 3344 s. 163.3180(5), or regional activity centers and urban central
 3345 business districts approved pursuant to s. 380.06(2)(e);
 3346 however, amendments under this paragraph may be applied to no
 3347 more than 60 acres annually of property outside the designated
 3348 areas listed in this sub-sub-subparagraph. Amendments adopted
 3349 pursuant to paragraph (k) shall not be counted toward the
 3350 acreage limitations for small scale amendments under this
 3351 paragraph.

3352 (II) A maximum of 80 acres in a local government that does
 3353 not contain any of the designated areas set forth in sub-sub-
 3354 subparagraph (I).

3355 (III) A maximum of 120 acres in a county established
 3356 pursuant to s. 9, Art. VIII of the State Constitution.

3357 b. The proposed amendment does not involve the same
 3358 property granted a change within the prior 12 months.

3359 c. The proposed amendment does not involve the same
 3360 owner's property within 200 feet of property granted a change

HB 1381

2010

3361 within the prior 12 months.

3362 d. The proposed amendment does not involve a text change
3363 to the goals, policies, and objectives of the local government's
3364 comprehensive plan, but only proposes a land use change to the
3365 future land use map for a site-specific small scale development
3366 activity.

3367 e. The property that is the subject of the proposed
3368 amendment is not located within an area of critical state
3369 concern, unless the project subject to the proposed amendment
3370 involves the construction of affordable housing units meeting
3371 the criteria of s. 420.0004(3), and is located within an area of
3372 critical state concern designated by s. 380.0552 or by the
3373 Administration Commission pursuant to s. 380.05(1). Such
3374 amendment is not subject to the density limitations of sub-
3375 subparagraph f., and shall be reviewed by the state land
3376 planning agency for consistency with the principles for guiding
3377 development applicable to the area of critical state concern
3378 where the amendment is located and shall not become effective
3379 until a final order is issued under s. 380.05(6).

3380 f. If the proposed amendment involves a residential land
3381 use, the residential land use has a density of 10 units or less
3382 per acre or the proposed future land use category allows a
3383 maximum residential density of the same or less than the maximum
3384 residential density allowable under the existing future land use
3385 category, except that this limitation does not apply to small
3386 scale amendments involving the construction of affordable
3387 housing units meeting the criteria of s. 420.0004(3) on property
3388 which will be the subject of a land use restriction agreement,

3389 or small scale amendments described in sub-sub-subparagraph
 3390 a.(I) that are designated in the local comprehensive plan for
 3391 urban infill, urban redevelopment, or downtown revitalization as
 3392 defined in s. 163.3164, urban infill and redevelopment areas
 3393 designated under s. 163.2517, transportation concurrency
 3394 exception areas approved pursuant to s. 163.3180(5), or regional
 3395 activity centers and urban central business districts approved
 3396 pursuant to s. 380.06(2)(e).

3397 2.a. A local government that proposes to consider a plan
 3398 amendment pursuant to this paragraph is not required to comply
 3399 with the procedures and public notice requirements of s.
 3400 163.3184(15)(c) for such plan amendments if the local government
 3401 complies with the provisions in s. 125.66(4)(a) for a county or
 3402 in s. 166.041(3)(c) for a municipality. If a request for a plan
 3403 amendment under this paragraph is initiated by other than the
 3404 local government, public notice is required.

3405 b. The local government shall send copies of the notice
 3406 and amendment to the state land planning agency, the regional
 3407 planning council, and any other person or entity requesting a
 3408 copy. This information shall also include a statement
 3409 identifying any property subject to the amendment that is
 3410 located within a coastal high-hazard area as identified in the
 3411 local comprehensive plan.

3412 3. Small scale development amendments adopted pursuant to
 3413 this paragraph require only one public hearing before the
 3414 governing board, which shall be an adoption hearing as described
 3415 in s. 163.3184(7), and are not subject to the requirements of s.
 3416 163.3184(3)-(6) unless the local government elects to have them

HB 1381

2010

3417 subject to those requirements.

3418 4. If the small scale development amendment involves a
3419 site within an area that is designated by the Governor as a
3420 rural area of critical economic concern under s. 288.0656(7) for
3421 the duration of such designation, the 10-acre limit listed in
3422 subparagraph 1. shall be increased by 100 percent to 20 acres.
3423 The local government approving the small scale plan amendment
3424 shall certify to the Office of Tourism, Trade, and Economic
3425 Development that the plan amendment furthers the economic
3426 objectives set forth in the executive order issued under s.
3427 288.0656(7), and the property subject to the plan amendment
3428 shall undergo public review to ensure that all concurrency
3429 requirements and federal, state, and local environmental permit
3430 requirements are met.

3431 Section 90. For the purpose of incorporating the
3432 amendments made by this act to section 200.065, Florida
3433 Statutes, in references thereto, paragraphs (b) and (c) of
3434 subsection (1) of section 192.0105, Florida Statutes, are
3435 reenacted to read:

3436 192.0105 Taxpayer rights.—There is created a Florida
3437 Taxpayer's Bill of Rights for property taxes and assessments to
3438 guarantee that the rights, privacy, and property of the
3439 taxpayers of this state are adequately safeguarded and protected
3440 during tax levy, assessment, collection, and enforcement
3441 processes administered under the revenue laws of this state. The
3442 Taxpayer's Bill of Rights compiles, in one document, brief but
3443 comprehensive statements that summarize the rights and
3444 obligations of the property appraisers, tax collectors, clerks

3445 of the court, local governing boards, the Department of Revenue,
 3446 and taxpayers. Additional rights afforded to payors of taxes and
 3447 assessments imposed under the revenue laws of this state are
 3448 provided in s. 213.015. The rights afforded taxpayers to assure
 3449 that their privacy and property are safeguarded and protected
 3450 during tax levy, assessment, and collection are available only
 3451 insofar as they are implemented in other parts of the Florida
 3452 Statutes or rules of the Department of Revenue. The rights so
 3453 guaranteed to state taxpayers in the Florida Statutes and the
 3454 departmental rules include:

3455 (1) THE RIGHT TO KNOW.—

3456 (b) The right to notification of a public hearing on each
 3457 taxing authority's tentative budget and proposed millage rate
 3458 and advertisement of a public hearing to finalize the budget and
 3459 adopt a millage rate (see s. 200.065(2)(c) and (d)).

3460 (c) The right to advertised notice of the amount by which
 3461 the tentatively adopted millage rate results in taxes that
 3462 exceed the previous year's taxes (see s. 200.065(2)(d) and (3)).
 3463 The right to notification by first-class mail of a comparison of
 3464 the amount of the taxes to be levied from the proposed millage
 3465 rate under the tentative budget change, compared to the previous
 3466 year's taxes, and also compared to the taxes that would be
 3467 levied if no budget change is made (see ss. 200.065(2)(b) and
 3468 200.069(2), (3), (4), and (8)).

3469 Section 91. For the purpose of incorporating the
 3470 amendments made by this act to section 200.065, Florida
 3471 Statutes, in a reference thereto, section 200.068, Florida
 3472 Statutes, is reenacted to read:

HB 1381

2010

3473 200.068 Certification of compliance with this chapter.—Not
 3474 later than 30 days following adoption of an ordinance or
 3475 resolution establishing a property tax levy, each taxing
 3476 authority shall certify compliance with the provisions of this
 3477 chapter to the Department of Revenue. In addition to a statement
 3478 of compliance, such certification shall include a copy of the
 3479 ordinance or resolution so adopted; a copy of the certification
 3480 of value showing rolled-back millage and proposed millage rates,
 3481 as provided to the property appraiser pursuant to s. 200.065(1)
 3482 and (2) (b); maximum millage rates calculated pursuant to s.
 3483 200.065(5), s. 200.185, or s. 200.186, together with values and
 3484 calculations upon which the maximum millage rates are based; and
 3485 a certified copy of the advertisement, as published pursuant to
 3486 s. 200.065(3). In certifying compliance, the governing body of
 3487 the county shall also include a certified copy of the notice
 3488 required under s. 194.037. However, if the value adjustment
 3489 board completes its hearings after the deadline for
 3490 certification under this section, the county shall submit such
 3491 copy to the department not later than 30 days following
 3492 completion of such hearings.

3493 Section 92. For the purpose of incorporating the
 3494 amendments made by this act to section 200.065, Florida
 3495 Statutes, in a reference thereto, section 286.0105, Florida
 3496 Statutes, is reenacted to read:

3497 286.0105 Notices of meetings and hearings must advise that
 3498 a record is required to appeal.—Each board, commission, or
 3499 agency of this state or of any political subdivision thereof
 3500 shall include in the notice of any meeting or hearing, if notice

3501 of the meeting or hearing is required, of such board,
 3502 commission, or agency, conspicuously on such notice, the advice
 3503 that, if a person decides to appeal any decision made by the
 3504 board, agency, or commission with respect to any matter
 3505 considered at such meeting or hearing, he or she will need a
 3506 record of the proceedings, and that, for such purpose, he or she
 3507 may need to ensure that a verbatim record of the proceedings is
 3508 made, which record includes the testimony and evidence upon
 3509 which the appeal is to be based. The requirements of this
 3510 section do not apply to the notice provided in s. 200.065(3).

3511 Section 93. For the purpose of incorporating the
 3512 amendments made by this act to section 705.103, Florida
 3513 Statutes, in a reference thereto, subsection (1) of section
 3514 705.104, Florida Statutes, is reenacted to read:

3515 705.104 Title to lost or abandoned property.—

3516 (1) Title to lost or abandoned property is hereby vested
 3517 in the finder upon the expiration of the 90-day custodial time
 3518 period specified in s. 705.103(2)(b), provided the notice
 3519 requirements of s. 705.103 have been met, unless the rightful
 3520 owner or a lienholder claims the property within that time.

3521 Section 94. For the purpose of incorporating the
 3522 amendments made by this act to section 705.103, Florida
 3523 Statutes, in references thereto, paragraph (b) of subsection (5)
 3524 of section 717.119, Florida Statutes, is reenacted to read:

3525 717.119 Payment or delivery of unclaimed property.—

3526 (5) All intangible and tangible property held in a safe-
 3527 deposit box or any other safekeeping repository reported under
 3528 s. 717.117 shall not be delivered to the department until 120

HB 1381

2010

3529 | days after the report due date. The delivery of the property,
3530 | through the United States mail or any other carrier, shall be
3531 | insured by the holder at an amount equal to the estimated value
3532 | of the property. Each package shall be clearly marked on the
3533 | outside "Deliver Unopened." A holder's safe-deposit box contents
3534 | shall be delivered to the department in a single shipment. In
3535 | lieu of a single shipment, holders may provide the department
3536 | with a single detailed shipping schedule that includes package
3537 | tracking information for all packages being sent pursuant to
3538 | this section.

3539 | (b) Any firearm or ammunition found in an unclaimed safe-
3540 | deposit box or any other safekeeping repository shall be
3541 | delivered by the holder to a law enforcement agency for disposal
3542 | pursuant to s. 705.103(2)(b) with the balance of the proceeds
3543 | deposited into the State School Fund if the firearm is sold.
3544 | However, the department is authorized to make a reasonable
3545 | attempt to ascertain the historical value to collectors of any
3546 | firearm that has been delivered to the department. Any firearm
3547 | appearing to have historical value to collectors may be sold by
3548 | the department pursuant to s. 717.122 to a person having a
3549 | federal firearms license. Any firearm which is not sold pursuant
3550 | to s. 717.122 shall be delivered by the department to a law
3551 | enforcement agency in this state for disposal pursuant to s.
3552 | 705.103(2)(b) with the balance of the proceeds deposited into
3553 | the State School Fund if the firearm is sold. The department
3554 | shall not be administratively, civilly, or criminally liable for
3555 | any firearm delivered by the department to a law enforcement
3556 | agency in this state for disposal.

HB 1381

2010

3557

Section 95. This act shall take effect October 1, 2010.