

By Senator Bean

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1                                   A bill to be entitled  
2       An act relating to the executive branch; providing  
3       legislative purpose; providing for a type two transfer  
4       of the Administration Commission to the Division of  
5       Administrative Hearings, the Florida Commission on  
6       Human Relations, and the Department of Economic  
7       Opportunity; providing for the continuation of certain  
8       contracts and interagency agreements; providing for a  
9       type two transfer of the Florida Land and Water  
10      Adjudicatory Commission to the Department of  
11      Environmental Protection, the Department of Economic  
12      Opportunity, and the Division of Administrative  
13      Hearings; providing for a type two transfer of the  
14      State of Florida Correctional Medical Authority to the  
15      Department of Health; providing for the continuation  
16      of certain contracts and interagency agreements;  
17      authorizing the Governor to transfer funds and  
18      positions between agencies upon approval by the  
19      Legislative Budget Commission; requiring that the  
20      Governor submit specified information in a timely  
21      manner to certain entities; authorizing the Governor  
22      to obtain waivers as required by federal law;  
23      providing for the transfer of certain records, funds,  
24      and property to a successor organization; providing a  
25      directive to the Division of Law Revision to assist  
26      substantive committees in the preparation of  
27      conforming legislation; repealing s. 14.202, F.S.,  
28      relating to the Administration Commission; amending s.  
29      20.24, F.S.; requiring the head of the Department of

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30 Highway Safety and Motor Vehicles to be a secretary  
 31 appointed by, and serving at the pleasure of, the  
 32 Governor and confirmed by the Senate; amending s.  
 33 20.255, F.S.; removing provisions requiring  
 34 concurrence of Cabinet members for the appointment of  
 35 the Secretary of Environmental Protection; amending  
 36 ss. 30.49, 110.112, 110.161, 110.201, 110.2035,  
 37 110.205, 110.21, 110.219, 110.227, 110.403, 112.175,  
 38 120.533, 120.54, 120.542, 120.63, 120.65, 120.80,  
 39 161.55, 163.3164, 163.3177, 163.3184, 163.3187,  
 40 163.3213, 163.3245, 186.008, 186.515, 190.005,  
 41 190.046, 195.087, 206.27, 207.021, 212.055, 215.619,  
 42 215.95, 216.182, 216.192, 259.045, 282.709, 288.975,  
 43 316.545, 320.275, 322.125, 331.353, 336.025, 337.243,  
 44 369.305, 373.114, 373.139, 373.217, 373.2295,  
 45 373.4275, 373.703, 377.2425, 380.031, 380.032,  
 46 380.045, 380.05, 380.055, 380.0552, 380.0555, 380.06,  
 47 380.07, 380.115, 381.0065, 388.4111, 397.333, 403.061,  
 48 581.217, 624.509, 943.0313, 943.06, 945.602, 945.6035,  
 49 945.6036, 1002.33, 1002.36, and 1013.25, F.S.;  
 50 conforming provisions and cross-references to changes  
 51 made by the act; providing an effective date.  
 52

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

54  
 55 Section 1. Legislative purpose.—It is the intent of the  
 56 Legislature to pursue a state executive structure more aligned  
 57 with the federal system in order to promote greater  
 58 accountability and efficiency. When America's founding fathers

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59 designed our federal government structure, they intentionally  
60 chose a system in which there was a unitary executive. The  
61 founders very consciously declined to sap the executive's  
62 strength by dividing the executive power and instead vested the  
63 executive power in one elected individual, believing that an  
64 energetic executive is the leading character in the definition  
65 of good government. The changes made herein reflect our intent  
66 to move away from a plural executive structure toward more  
67 unitary executive governance that encourages greater  
68 accountability in the democratic process and efficiencies in  
69 government.

70 Section 2. Type two transfers from the Executive Office of  
71 the Governor.—

72 (1) (a) All powers, duties, functions, records, offices,  
73 personnel, associated administrative support positions,  
74 property, pending issues, existing contracts, administrative  
75 authority, administrative rules, and unexpended balances of  
76 appropriations, allocations, and other funds relating to the  
77 Administration Commission in the Executive Office of the  
78 Governor are transferred by a type two transfer, as defined in  
79 s. 20.06(2), Florida Statutes, to the Division of Administrative  
80 Hearings, the Florida Commission on Human Relations, and the  
81 Department of Economic Opportunity as appropriate.

82 (b) Any binding contract or interagency agreement existing  
83 before October 1, 2020, between the Administration Commission in  
84 the Executive Office of the Governor, or an entity or agent of  
85 the commission, and any other agency, entity, or person shall  
86 continue as a binding contract or agreement for the remainder of  
87 the term of such contract or agreement on the successor entity

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88 responsible for the program, activity, or functions relative to  
89 the contract or agreement.

90 (2) All powers, duties, functions, records, offices,  
91 personnel, associated administrative support positions,  
92 property, pending issues, existing contracts, administrative  
93 authority, administrative rules, and unexpended balances of  
94 appropriations, allocations, and other funds relating to the  
95 Florida Land and Water Adjudicatory Commission are transferred  
96 by a type two transfer, as defined in s. 20.06(2), Florida  
97 Statutes, to the Department of Environmental Protection, the  
98 Department of Economic Opportunity, and the Division of  
99 Administrative Hearings as appropriate.

100 (3) (a) All powers, duties, functions, records, offices,  
101 personnel, associated administrative support positions,  
102 property, pending issues, existing contracts, administrative  
103 authority, administrative rules, and unexpended balances of  
104 appropriations, allocations, and other funds relating to the  
105 State of Florida Correctional Medical Authority in the Executive  
106 Office of the Governor are transferred by a type two transfer,  
107 as defined in s. 20.06(2), Florida Statutes, to the Department  
108 of Health.

109 (b) Any binding contract or interagency agreement existing  
110 before October 1, 2020, between the State of Florida  
111 Correctional Medical Authority in the Executive Office of the  
112 Governor, or an entity or agent of the authority, and any other  
113 agency, entity, or person shall continue as a binding contract  
114 or agreement for the remainder of the term of such contract or  
115 agreement on the successor department, agency, or entity  
116 responsible for the program, activity, or functions relative to

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117 the contract or agreement.

118 Section 3. (1) Notwithstanding ss. 216.292 and 216.351,  
119 Florida Statutes, upon approval by the Legislative Budget  
120 Commission, the Executive Office of the Governor may transfer  
121 funds and positions between agencies to implement this act.

122 (2) The Governor shall submit in a timely manner to the  
123 applicable federal departments or agencies any necessary  
124 amendments or supplemental information concerning plans that the  
125 state is required to submit to the Federal Government in  
126 connection with any federal or state program. The Governor shall  
127 seek any waivers from the requirements of federal law or rules  
128 which may be necessary to administer the provisions of this act.

129 (3) The transfer of any program, activity, duty, or  
130 function under this act includes the transfer of any records and  
131 unexpended balances of appropriations, allocations, or other  
132 funds related to such program, activity, duty, or function.  
133 Unless otherwise provided, the successor organization to any  
134 program, activity, duty, or function transferred under this act  
135 shall become the custodian of any property of the organization  
136 that was responsible for the program, activity, duty, or  
137 function immediately prior to the transfer.

138 Section 4. The Legislature recognizes that there is a need  
139 to conform the Florida Statutes to the policy decisions  
140 reflected in this act and that there is a need to resolve  
141 apparent conflicts between any other legislation that has been  
142 or may be enacted during the 2020 Regular Session of the  
143 Legislature and the transfer of duties made by this act.  
144 Therefore, in the interim between this act becoming law and the  
145 2021 Regular Session of the Legislature or an earlier special

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146 session addressing this issue, the Division of Law Revision is  
147 directed to provide the relevant substantive committees of the  
148 Senate and the House of Representatives with assistance, upon  
149 request, to enable such committees to prepare draft legislation  
150 to conform the Florida Statutes and any legislation enacted  
151 during the 2020 Regular Session of the Legislature to the  
152 provisions of this act.

153 Section 5. Section 14.202, Florida Statutes, is repealed.

154 Section 6. Subsection (1) of section 20.24, Florida  
155 Statutes, is amended to read:

156 20.24 Department of Highway Safety and Motor Vehicles.—  
157 There is created a Department of Highway Safety and Motor  
158 Vehicles.

159 (1) The head of the Department of Highway Safety and Motor  
160 Vehicles shall be a secretary appointed by ~~is~~ the Governor and  
161 confirmed by the Senate. The secretary shall serve at the  
162 pleasure of the Governor ~~Cabinet~~.

163 Section 7. Subsection (1) of section 20.255, Florida  
164 Statutes, is amended to read:

165 20.255 Department of Environmental Protection.—There is  
166 created a Department of Environmental Protection.

167 (1) The head of the Department of Environmental Protection  
168 shall be a secretary, who shall be appointed by the Governor,  
169 ~~with the concurrence of three members of the Cabinet.~~ The  
170 secretary shall be confirmed by the ~~Florida~~ Senate. The  
171 secretary shall serve at the pleasure of the Governor.

172 Section 8. Paragraph (a) of subsection (4) and subsections  
173 (5) and (10) of section 30.49, Florida Statutes, are amended to  
174 read:

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## 175 30.49 Budgets.—

176 (4) The board of county commissioners or the budget  
177 commission, as appropriate, may require the sheriff to correct  
178 mathematical, mechanical, factual, and clerical errors and  
179 errors as to form in the proposed budget. At the hearings held  
180 pursuant to s. 200.065, the board or commission may amend,  
181 modify, increase, or reduce any or all items of expenditure in  
182 the proposed budget, as certified by the sheriff pursuant to  
183 paragraphs (2) (a)-(c), and shall approve such budget, as  
184 amended, modified, increased, or reduced. The board or  
185 commission must give written notice of its action to the sheriff  
186 and specify in such notice the specific items amended, modified,  
187 increased, or reduced. The budget must include the salaries and  
188 expenses of the sheriff's office, cost of operation of the  
189 county jail, purchase, maintenance and operation of equipment,  
190 including patrol cars, radio systems, transporting prisoners,  
191 court duties, and all other salaries, expenses, equipment, and  
192 investigation expenditures of the entire sheriff's office for  
193 the previous year.

194 (a) The sheriff, within 30 days after receiving written  
195 notice of such action by the board or commission, in person or  
196 in his or her office, may file an appeal by petition to the  
197 Division of Administrative Hearings within the Department of  
198 Management Services Administration Commission. The petition must  
199 set forth the budget proposed by the sheriff, in the form and  
200 manner prescribed by the Division of Administrative Hearings  
201 ~~Executive Office of the Governor and approved by the~~  
202 ~~Administration Commission~~, and the budget as approved by the  
203 board of county commissioners or the budget commission and shall

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204 contain the reasons or grounds for the appeal. Such petition  
205 shall be filed with the Division of Administrative Hearings  
206 ~~Executive Office of the Governor~~, and a copy served upon the  
207 board or commission from the decision of which appeal is taken  
208 by delivering the same to the chair or president thereof or to  
209 the clerk of the circuit court.

210 (5) Upon receipt of the petition, the Division of  
211 Administrative Hearings ~~Executive Office of the Governor~~ shall  
212 provide for a budget hearing at which the matters presented in  
213 the petition and the reply shall be considered. ~~A report of the~~  
214 ~~findings and recommendations of the Executive Office of the~~  
215 ~~Governor thereon shall be promptly submitted to the~~  
216 ~~Administration Commission, which,~~ Within 30 days after the  
217 hearing, the administrative law judge of the Division of  
218 Administrative Hearings shall issue a final order to, ~~shall~~  
219 either approve the action of the board or commission as to each  
220 separate item, or approve the budget as proposed by the sheriff  
221 as to each separate item, or amend or modify the budget as to  
222 each separate item within the limits of the proposed board of  
223 expenditures and the expenditures as approved by the board of  
224 county commissioners or the budget commission, as the case may  
225 be. The budget as approved, amended, or modified by the Division  
226 of Administrative Hearings ~~Administration Commission~~ shall be  
227 final.

228 (10) If in the judgment of the sheriff an emergency should  
229 arise by reason of which the sheriff would be unable to perform  
230 his or her duties without the expenditure of larger amounts than  
231 those provided in the budget, he or she may apply to the board  
232 of county commissioners for the appropriation of additional



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233 amounts. If the board of county commissioners approves the  
234 sheriff's request, no further action is required on either  
235 party. If the board of county commissioners disapproves a  
236 portion or all of the sheriff's request, the sheriff may apply  
237 to the Division of Administrative Hearings ~~Administration~~  
238 ~~Commission~~ for the appropriation of additional amounts. The  
239 sheriff shall at the same time deliver a copy of the application  
240 to ~~the Administration Commission~~, the board of county  
241 commissioners, and the budget commission, if there is a budget  
242 commission within the county. The Division of Administrative  
243 Hearings may conduct ~~Administration Commission may require~~ a  
244 budget hearing on the application, after due notice to the  
245 sheriff and to the boards, and may grant or deny an increase or  
246 increases in the appropriations for the sheriff's offices. If  
247 any increase is granted, the board of county commissioners, and  
248 the budget commission, if there is a budget commission in the  
249 county, shall amend accordingly the budget of the appropriate  
250 county fund or funds. Such budget shall be brought into balance,  
251 if possible, by application of excess receipts in such county  
252 fund or funds. If such excess receipts are not available in  
253 sufficient amount, the county fund budget or budgets shall be  
254 brought into balance by adding an item of "Vouchers unpaid" in  
255 the appropriate amount to the receipts side of the budget, and  
256 provision for paying such vouchers shall be made in the budget  
257 of the county fund for the next fiscal year.

258 Section 9. Paragraph (a) of subsection (2) of section  
259 110.112, Florida Statutes, is amended to read:

260 110.112 Affirmative action; equal employment opportunity.-

261 (2) (a) The head of each executive agency shall develop and

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262 implement an affirmative action plan in accordance with rules  
263 adopted by the department and approved by a majority vote of the  
264 Florida Commission on Human Relations ~~Administration Commission~~  
265 before their adoption.

266 Section 10. Subsection (5) and paragraph (c) of subsection  
267 (6) of section 110.161, Florida Statutes, are amended to read:  
268 110.161 State employees; pretax benefits program.—

269 (5) The Department of Management Services shall develop  
270 rules for the pretax benefits program, which shall specify the  
271 benefits to be offered under the program, the continuing tax-  
272 exempt status of the program, and any other matters deemed  
273 necessary by the department to implement this section. ~~The rules~~  
274 ~~must be approved by a majority vote of the Administration~~  
275 ~~Commission.~~

276 (6) The Department of Management Services is authorized to  
277 administer the pretax benefits program established for all  
278 employees so that employees may receive benefits that are not  
279 includable in gross income under the Internal Revenue Code of  
280 1986. The pretax benefits program:

281 (c) May provide for the payment of such premiums through a  
282 pretax payroll procedure. ~~The Administration Commission and the~~  
283 Department of Management Services ~~is are~~ directed to take all  
284 actions necessary to preserve the tax-exempt status of the  
285 program.

286 Section 11. Paragraphs (a), (b), and (c) of subsection (1)  
287 and subsection (4) of section 110.201, Florida Statutes, are  
288 amended to read:

289 110.201 Personnel rules, records, and reports.—

290 (1) (a) The department, in consultation with agencies that

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291 must comply with these rules, shall develop uniform personnel  
292 rules, guidelines, records, and reports relating to employees  
293 and positions in the career service. Agencies must comply with  
294 the uniform rules, except as provided in this section. The  
295 department may adopt rules that provide alternative  
296 requirements. Upon filing with the Department of State, the  
297 appropriate uniform rules will constitute the personnel rules  
298 for each agency subject to this act unless the department  
299 ~~Administration Commission~~ grants an exception to a specific rule  
300 to an agency upon the agency's request or unless the agency must  
301 comply with a statutory provision that conflicts with the  
302 uniform rules. If an agency must comply with a statutory  
303 provision that conflicts with the uniform rules, the agency must  
304 notify the department ~~Administration Commission~~, the  
305 Administrative Procedures Committee, and the appropriate  
306 standing committees of the Legislature and advise the standing  
307 committees whether the agency recommends revision of the statute  
308 to conform it to the uniform rules. Agencies are encouraged to  
309 propose methods of conforming statutory provisions to the  
310 uniform personnel rules.

311 (b) An agency may request an exception to the uniform  
312 personnel rules by filing a petition with the department  
313 ~~Administration Commission~~. The department ~~Administration~~  
314 ~~Commission~~ shall approve an exception when the exception is  
315 necessary to conform to any requirement imposed as a condition  
316 precedent to receipt of federal funds or to permit persons in  
317 this state to receive tax benefits under federal law, or as  
318 required for the most efficient operation of the agency as  
319 determined by the department ~~Administration Commission~~. The

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320 reasons for the exception must be published in the Florida  
321 Administrative Register.

322 (c) Agency rules that provide exceptions to the uniform  
323 personnel rules may not be filed with the Department of State  
324 unless the department ~~Administration Commission~~ has approved the  
325 exceptions. Each agency that adopts rules that provide  
326 exceptions to the uniform rules or that must comply with  
327 statutory requirements that conflict with the uniform rules must  
328 have a separate chapter published in the Florida Administrative  
329 Code which clearly delineates the provisions of the agency's  
330 rules which provide exceptions or are based upon a conflicting  
331 statutory requirement. Each alternative chosen from those  
332 authorized by the uniform rules must be specified. Each chapter  
333 must be organized in the same manner as the uniform rules.

334 (4) The department shall coordinate with the Governor ~~and~~  
335 ~~consult with the Administration Commission~~ on personnel matters  
336 falling within the scope of collective bargaining and shall  
337 represent the Governor in collective bargaining negotiations and  
338 other collective bargaining matters as may be necessary. All  
339 discussions between the department and the Governor, and between  
340 the department and ~~the Administration Commission~~ or agency  
341 heads, or between any of their respective representatives,  
342 relative to collective bargaining, shall be exempt from the  
343 provisions of s. 286.011, and all work products relative to  
344 collective bargaining developed in conjunction with such  
345 discussions shall be confidential and exempt from the provisions  
346 of s. 119.07(1).

347 Section 12. Paragraph (e) of subsection (1) of section  
348 110.2035, Florida Statutes, is amended to read:

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349 110.2035 Classification and compensation program.—

350 (1) The department ~~of Management Services~~ shall establish  
351 and maintain a classification and compensation program  
352 addressing Career Service, Selected Exempt Service, and Senior  
353 Management Service positions. No action may be taken to fill any  
354 position until it has been classified in accordance with the  
355 classification plan.

356 (e) In cooperation and consultation with the employing  
357 agencies, the department shall adopt rules necessary to govern  
358 the administration of the classification plan. ~~Such rules shall  
359 be approved by the Administration Commission prior to their  
360 adoption by the department.~~

361 Section 13. Paragraph (n) of subsection (2) of section  
362 110.205, Florida Statutes, is amended to read:

363 110.205 Career service; exemptions.—

364 (2) EXEMPT POSITIONS.—The exempt positions that are not  
365 covered by this part include the following:

366 (n)1.a. In addition to those positions exempted by other  
367 paragraphs of this subsection, each department head may  
368 designate a maximum of 20 policymaking or managerial positions,  
369 as defined by the department ~~and approved by the Administration  
370 Commission~~, as being exempt from the Career Service System.  
371 Career service employees who occupy a position designated as a  
372 position in the Selected Exempt Service under this paragraph  
373 shall have the right to remain in the Career Service System by  
374 opting to serve in a position not exempted by the employing  
375 agency. Unless otherwise fixed by law, the department shall set  
376 the salary and benefits of these positions in accordance with  
377 the rules of the Selected Exempt Service; provided, however,

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378 that if the agency head determines that the general counsel,  
379 chief Cabinet aide, public information administrator or  
380 comparable position for a Cabinet officer, inspector general, or  
381 legislative affairs director has both policymaking and  
382 managerial responsibilities and if the department determines  
383 that any such position has both policymaking and managerial  
384 responsibilities, the salary and benefits for each such position  
385 shall be established by the department in accordance with the  
386 rules of the Senior Management Service.

387       b. In addition, each department may designate one  
388 additional position in the Senior Management Service if that  
389 position reports directly to the agency head or to a position in  
390 the Senior Management Service and if any additional costs are  
391 absorbed from the existing budget of that department.

392       2. If otherwise exempt, employees of the Public Employees  
393 Relations Commission, the Commission on Human Relations, and the  
394 Reemployment Assistance Appeals Commission, upon the  
395 certification of their respective commission heads, may be  
396 provided for under this paragraph as members of the Senior  
397 Management Service, if otherwise qualified. However, the deputy  
398 general counsel of the Public Employees Relations Commission  
399 shall be compensated as members of the Selected Exempt Service.

400       Section 14. Subsection (5) of section 110.21, Florida  
401 Statutes, is amended to read:

402       110.21 Shared employment.—In order to promote part-time  
403 career employment opportunities at all levels in the career  
404 service, the department shall establish and maintain a plan for  
405 shared employment applicable to all classes in the career  
406 service and shall be responsible for the overall review,

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407 coordination, and administration of the shared-employment plan.

408 (5) The department shall adopt any rules necessary to  
409 implement the provisions of this section; ~~however, such rules~~  
410 ~~shall be approved by the Administration Commission prior to~~  
411 ~~their adoption by the department.~~

412 Section 15. Subsection (5) of section 110.219, Florida  
413 Statutes, is amended to read:

414 110.219 Attendance and leave; general policies.-

415 (5) Rules shall be adopted by the department in cooperation  
416 and consultation with the agencies to implement the provisions  
417 of this section; ~~however, such rules must be approved by the~~  
418 ~~Administration Commission prior to their adoption.~~ Such rules  
419 must provide for, but need not be limited to:

420 (a) The maximum responsibility and authority resting with  
421 each agency head to administer attendance and leave matters in  
422 the agency within the parameters of the rules adopted by the  
423 department.

424 (b) Creditable service in which 1 month of service credit  
425 is awarded for each calendar month that the employee is on the  
426 payroll of a state agency or during which the employee is on  
427 authorized leave without pay.

428 (c) Holidays as provided in s. 110.117.

429 (d) Overtime provisions.

430 (e) Annual leave provisions.

431 (f) Sick leave provisions.

432 (g) Parental leave provisions.

433 (h) Family medical leave provisions.

434 (i) Disability leave provisions.

435 (j) Compulsory disability leave provisions.

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436 (k) Administrative leave provisions.

437 (l) Military leave provisions.

438 (m) Educational leave with pay provisions.

439 (n) Leave of absence without pay provisions.

440 Section 16. Paragraph (b) of subsection (2) of section  
441 110.227, Florida Statutes, is amended to read:

442 110.227 Suspensions, dismissals, reductions in pay,  
443 demotions, layoffs, transfers, and grievances.—

444 (2)

445 (b) For the implementation of layoffs as defined in s.  
446 110.107, the department shall develop rules requiring retention  
447 of the agency's employees based upon objective measures that  
448 give consideration to comparative merit, demonstrated skills,  
449 the employee's experience, and the employee's length of service.  
450 ~~Such rules shall be approved by the Administration Commission~~  
451 ~~before their adoption by the department.~~

452 Section 17. Subsection (1) of section 110.403, Florida  
453 Statutes, is amended to read:

454 110.403 Powers and duties of the department.—

455 (1) In order to implement the purposes of this part, the  
456 Department of Management Services, ~~after approval by the~~  
457 ~~Administration Commission,~~ shall adopt and amend rules providing  
458 for:

459 (a) A system for employing, promoting, or reassigning  
460 managers that is responsive to organizational or program needs.  
461 In no event shall the number of positions included in the Senior  
462 Management Service exceed 1.0 percent of the total full-time  
463 equivalent positions in the career service. The department shall  
464 deny approval to establish any position within the Senior



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465 Management Service which would exceed the limitation established  
466 in this paragraph. The department shall report that the  
467 limitation has been reached to the Governor, the President of  
468 the Senate, and the Speaker of the House of Representatives, as  
469 soon as practicable after such event occurs. Employees in the  
470 Senior Management Service shall serve at the pleasure of the  
471 agency head and shall be subject to suspension, dismissal,  
472 reduction in pay, demotion, transfer, or other personnel action  
473 at the discretion of the agency head. Such personnel actions are  
474 exempt from the provisions of chapter 120.

475 (b) A performance appraisal system which shall take into  
476 consideration individual and organizational efficiency,  
477 productivity, and effectiveness.

478 (c) A classification plan and a salary and benefit plan  
479 that provides appropriate incentives for the recruitment and  
480 retention of outstanding management personnel and provides for  
481 salary increases based on performance.

482 (d) A system of rating duties and responsibilities for  
483 positions within the Senior Management Service and the  
484 qualifications of candidates for those positions.

485 (e) A system for documenting actions taken on agency  
486 requests for approval of position exemptions and special pay  
487 increases.

488 (f) Requirements regarding recordkeeping by agencies with  
489 respect to Senior Management Service positions. Such records  
490 shall be audited periodically by the department ~~of Management~~  
491 ~~Services~~ to determine agency compliance with the provisions of  
492 this part and the rules of the department ~~of Management~~  
493 ~~Services~~.

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494 (g) Other procedures relating to personnel administration  
495 to carry out the purposes of this part.

496 (h) A program of affirmative and positive action that will  
497 ensure full utilization of women and minorities in Senior  
498 Management Service positions.

499 Section 18. Subsection (2) of section 112.175, Florida  
500 Statutes, is amended to read:

501 112.175 Employee wages; withholding to repay educational  
502 loan.—

503 (2) The Department of Management Services Administration  
504 ~~Commission~~ shall adopt rules to implement this section, which  
505 shall include, but not be limited to, a standard method of  
506 calculating amounts to be withheld from employees who have  
507 failed to establish a repayment schedule within the specified  
508 period of time or failed to meet the terms and conditions of the  
509 agreed to or approved repayment schedule provided for in this  
510 section. Such method shall consider the following factors:

- 511 (a) The amount of the loan which remains outstanding;  
512 (b) The income of the employee who owes such amount; and  
513 (c) Other factors such as the number of dependents  
514 supported by the employee.

515 Section 19. Subsection (7) of section 120.533, Florida  
516 Statutes, is amended to read:

517 120.533 Coordination of the transmittal, indexing, and  
518 listing of agency final orders by Department of State.—The  
519 Department of State shall:

520 (7) Adopt rules as necessary to administer its  
521 responsibilities under this section, which shall be binding on  
522 all agencies including the division acting in the capacity of

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523 official compiler of administrative final orders under s.  
524 120.53, notwithstanding s. 120.65. ~~The Department of State may~~  
525 ~~provide for an alternative official compiler to manage and~~  
526 ~~operate the division's database and related services if the~~  
527 ~~Administration Commission determines that the performance of the~~  
528 ~~division as official compiler is unsatisfactory.~~

529 Section 20. Subsection (5) of section 120.54, Florida  
530 Statutes, is amended to read:

531 120.54 Rulemaking.—

532 (5) UNIFORM RULES.—

533 (a)1. The division ~~By July 1, 1997, the Administration~~  
534 ~~Commission~~ shall adopt one or more sets of uniform rules of  
535 procedure which shall be reviewed by the committee and filed  
536 with the Department of State. Agencies must comply with the  
537 uniform rules ~~by July 1, 1998~~. The uniform rules shall establish  
538 procedures that comply with the requirements of this chapter. On  
539 filing with the department, the uniform rules shall be the rules  
540 of procedure for each agency subject to this chapter unless the  
541 division ~~Administration Commission~~ grants an exception to the  
542 agency under this subsection.

543 2. An agency may seek exceptions to the uniform rules of  
544 procedure by filing a petition with the division. ~~The division~~  
545 ~~Administration Commission. The Administration Commission~~ shall  
546 approve exceptions to the extent necessary to implement other  
547 statutes, to the extent necessary to conform to any requirement  
548 imposed as a condition precedent to receipt of federal funds or  
549 to permit persons in this state to receive tax benefits under  
550 federal law, or as required for the most efficient operation of  
551 the agency as determined by the division ~~Administration~~

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552 ~~Commission~~. The reasons for the exceptions shall be published in  
553 the Florida Administrative Register.

554 3. Agency rules that provide exceptions to the uniform  
555 rules shall not be filed with the department unless the division  
556 ~~Administration Commission~~ has approved the exceptions. Each  
557 agency that adopts rules that provide exceptions to the uniform  
558 rules shall publish a separate chapter in the Florida  
559 Administrative Code that delineates clearly the provisions of  
560 the agency's rules that provide exceptions to the uniform rules  
561 and specifies each alternative chosen from among those  
562 authorized by the uniform rules. Each chapter shall be organized  
563 in the same manner as the uniform rules.

564 (b) The uniform rules of procedure adopted by the division  
565 ~~commission~~ pursuant to this subsection shall include, but are  
566 not limited to:

567 1. Uniform rules for the scheduling of public meetings,  
568 hearings, and workshops.

569 2. Uniform rules for use by each state agency that provide  
570 procedures for conducting public meetings, hearings, and  
571 workshops, and for taking evidence, testimony, and argument at  
572 such public meetings, hearings, and workshops, in person and by  
573 means of communications media technology. The rules shall  
574 provide that all evidence, testimony, and argument presented  
575 shall be afforded equal consideration, regardless of the method  
576 of communication. If a public meeting, hearing, or workshop is  
577 to be conducted by means of communications media technology, or  
578 if attendance may be provided by such means, the notice shall so  
579 state. The notice for public meetings, hearings, and workshops  
580 utilizing communications media technology shall state how

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581 persons interested in attending may do so and shall name  
582 locations, if any, where communications media technology  
583 facilities will be available. Nothing in this paragraph shall be  
584 construed to diminish the right to inspect public records under  
585 chapter 119. Limiting points of access to public meetings,  
586 hearings, and workshops subject to the provisions of s. 286.011  
587 to places not normally open to the public shall be presumed to  
588 violate the right of access of the public, and any official  
589 action taken under such circumstances is void and of no effect.  
590 Other laws relating to public meetings, hearings, and workshops,  
591 including penal and remedial provisions, shall apply to public  
592 meetings, hearings, and workshops conducted by means of  
593 communications media technology, and shall be liberally  
594 construed in their application to such public meetings,  
595 hearings, and workshops. As used in this subparagraph,  
596 "communications media technology" means the electronic  
597 transmission of printed matter, audio, full-motion video,  
598 freeze-frame video, compressed video, and digital video by any  
599 method available.

600 3. Uniform rules of procedure for the filing of notice of  
601 protests and formal written protests. The division  
602 ~~Administration Commission~~ may prescribe the form and substantive  
603 provisions of a required bond.

604 4. Uniform rules of procedure for the filing of petitions  
605 for administrative hearings pursuant to s. 120.569 or s. 120.57.  
606 Such rules shall require the petition to include:

607 a. The identification of the petitioner, including the  
608 petitioner's e-mail address, if any, for the transmittal of  
609 subsequent documents by electronic means.

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610           b. A statement of when and how the petitioner received  
611 notice of the agency's action or proposed action.

612           c. An explanation of how the petitioner's substantial  
613 interests are or will be affected by the action or proposed  
614 action.

615           d. A statement of all material facts disputed by the  
616 petitioner or a statement that there are no disputed facts.

617           e. A statement of the ultimate facts alleged, including a  
618 statement of the specific facts the petitioner contends warrant  
619 reversal or modification of the agency's proposed action.

620           f. A statement of the specific rules or statutes that the  
621 petitioner contends require reversal or modification of the  
622 agency's proposed action, including an explanation of how the  
623 alleged facts relate to the specific rules or statutes.

624           g. A statement of the relief sought by the petitioner,  
625 stating precisely the action petitioner wishes the agency to  
626 take with respect to the proposed action.

627           5. Uniform rules for the filing of request for  
628 administrative hearing by a respondent in agency enforcement and  
629 disciplinary actions. Such rules shall require a request to  
630 include:

631           a. The name, address, e-mail address, and telephone number  
632 of the party making the request and the name, address, and  
633 telephone number of the party's counsel or qualified  
634 representative upon whom service of pleadings and other papers  
635 shall be made;

636           b. A statement that the respondent is requesting an  
637 administrative hearing and disputes the material facts alleged  
638 by the petitioner, in which case the respondent shall identify

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639 those material facts that are in dispute, or that the respondent  
640 is requesting an administrative hearing and does not dispute the  
641 material facts alleged by the petitioner; and

642 c. A reference by file number to the administrative  
643 complaint that the party has received from the agency and the  
644 date on which the agency pleading was received.

645

646 The agency may provide an election-of-rights form for the  
647 respondent's use in requesting a hearing, so long as any form  
648 provided by the agency calls for the information in sub-  
649 subparagraphs a. through c. and does not impose any additional  
650 requirements on a respondent in order to request a hearing,  
651 unless such requirements are specifically authorized by law.

652 6. Uniform rules of procedure for the filing and prompt  
653 disposition of petitions for declaratory statements. The rules  
654 shall also describe the contents of the notices that must be  
655 published in the Florida Administrative Register under s.  
656 120.565, including any applicable time limit for the filing of  
657 petitions to intervene or petitions for administrative hearing  
658 by persons whose substantial interests may be affected.

659 7. Provision of a method by which each agency head shall  
660 provide a description of the agency's organization and general  
661 course of its operations. The rules shall require that the  
662 statement concerning the agency's organization and operations be  
663 published on the agency's website.

664 8. Uniform rules establishing procedures for granting or  
665 denying petitions for variances and waivers pursuant to s.  
666 120.542.

667 Section 21. Subsection (3) of section 120.542, Florida

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668 Statutes, is amended to read:

669 120.542 Variances and waivers.—

670 (3) The division ~~Governor and Cabinet, sitting as the~~  
671 ~~Administration Commission~~, shall adopt uniform rules of  
672 procedure pursuant to the requirements of s. 120.54(5)  
673 establishing procedures for granting or denying petitions for  
674 variances and waivers. The uniform rules shall include  
675 procedures for the granting, denying, or revoking of emergency  
676 and temporary variances and waivers. Such provisions may provide  
677 for expedited timeframes, waiver of or limited public notice,  
678 and limitations on comments on the petition in the case of such  
679 temporary or emergency variances and waivers.

680 Section 22. Section 120.63, Florida Statutes, is amended to  
681 read:

682 120.63 Exemption from act.—

683 (1) Upon application of any agency, the Department of  
684 Management Services ~~Administration Commission~~ may exempt any  
685 process or proceeding governed by this act from one or more  
686 requirements of this act:

687 (a) When the agency head has certified that the requirement  
688 would conflict with any provision of federal law or rules with  
689 which the agency must comply;

690 (b) In order to permit persons in the state to receive tax  
691 benefits or federal funds under any federal law; or

692 (c) When the Department of Management Services ~~commission~~  
693 has found that conformity with the requirements of the part or  
694 parts of this act for which exemption is sought would be so  
695 inconvenient or impractical as to defeat the purpose of the  
696 agency proceeding involved or the purpose of this act and would



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697 not be in the public interest in light of the nature of the  
698 intended action and the enabling act or other laws affecting the  
699 agency.

700 (2) The Department of Management Services ~~commission~~ may  
701 not exempt an agency from any requirement of this act pursuant  
702 to this section until it establishes alternative procedures to  
703 achieve the agency's purpose which shall be consistent, insofar  
704 as possible, with the intent and purpose of the act.

705 (a) Prior to the granting of any exemption authorized by  
706 this section, the Department of Management Services ~~commission~~  
707 shall hold a public hearing after notice given as provided in s.  
708 120.525. Upon the conclusion of the hearing, the Department of  
709 Management Services ~~commission, through the Executive Office of~~  
710 ~~the Governor,~~ shall issue an order specifically granting or  
711 denying the exemption and specifying any processes or  
712 proceedings exempted and the extent of the exemption; transmit  
713 to the committee and to the Department of State a copy of the  
714 petition, a certified copy of the order granting or denying the  
715 petition, and a copy of any alternative procedures prescribed;  
716 and give notice of the petition and the Department of Management  
717 Services' ~~commission's~~ response in the Florida Administrative  
718 Register.

719 (b) An exemption and any alternative procedure prescribed  
720 shall terminate 90 days following adjournment sine die of the  
721 then-current or next regular legislative session after issuance  
722 of the exemption order, or upon the effective date of any  
723 subsequent legislation incorporating the exemption or any  
724 partial exemption related thereto, whichever is earlier. The  
725 exemption granted by the Department of Management Services

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726 ~~commission~~ shall be renewable upon the same or similar facts not  
727 more than once. Such renewal shall terminate as would an  
728 original exemption.

729 Section 23. Subsections (1), (2), and (8) of section  
730 120.65, Florida Statutes, are amended to read:

731 120.65 Administrative law judges.—

732 (1) The Division of Administrative Hearings within the  
733 Department of Management Services shall be headed by a director  
734 who shall be appointed by the Governor. The Supreme Court  
735 Judicial Nominating Commission shall recommend to the Governor  
736 three qualified candidates for the director position. The  
737 Governor may reject the nominations and request the submission  
738 of three new nominees. The Governor shall appoint a director  
739 from among the recommendations ~~Administration Commission and~~  
740 ~~confirmed by the Senate.~~ The director, who shall also serve as  
741 the chief administrative law judge, and any deputy chief  
742 administrative law judge must possess the same minimum  
743 qualifications as the administrative law judges employed by the  
744 division. The Deputy Chief Judge of Compensation Claims must  
745 possess the minimum qualifications established in s. 440.45(2)  
746 and shall report to the director. The division shall be a  
747 separate budget entity, and the director shall be its agency  
748 head for all purposes. The Department of Management Services  
749 shall provide administrative support and service to the division  
750 to the extent requested by the director. The division shall not  
751 be subject to control, supervision, or direction by the  
752 Department of Management Services in any manner, including, but  
753 not limited to, personnel, purchasing, transactions involving  
754 real or personal property, and budgetary matters.

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755 (2) The director has the right to appeal actions by the  
756 Executive Office of the Governor that affect amendments to the  
757 division's approved operating budget or any personnel actions  
758 pursuant to chapter 216 to the Governor and Cabinet  
759 ~~Administration Commission, which shall decide such issue by~~  
760 ~~majority vote~~. The appropriations committees may advise the  
761 Governor and Cabinet ~~Administration Commission~~ on the issue. If  
762 the President of the Senate and the Speaker of the House of  
763 Representatives object in writing to the effects of the appeal,  
764 the appeal may be affirmed by the majority vote of the Governor  
765 and Cabinet ~~affirmative vote of two-thirds of the commission~~  
766 ~~members present~~.

767 (8) Not later than February 1 of each year, the division  
768 shall issue a written report to the Administrative Procedures  
769 Committee and the Governor ~~Administration Commission~~, including  
770 at least the following information:

771 (a) A summary of the extent and effect of agencies'  
772 utilization of administrative law judges, court reporters, and  
773 other personnel in proceedings under this chapter.

774 (b) Recommendations for change or improvement in the  
775 Administrative Procedure Act or any agency's practice or policy  
776 with respect thereto.

777 (c) Recommendations as to those types of cases or disputes  
778 which should be conducted under the summary hearing process  
779 described in s. 120.574.

780 (d) A report regarding each agency's compliance with the  
781 filing requirement in s. 120.57(1)(m).

782 Section 24. Paragraph (a) of subsection (1) and subsection  
783 (5) of section 120.80, Florida Statutes, are amended to read:

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784 120.80 Exceptions and special requirements; agencies.—

785 (1) DIVISION OF ADMINISTRATIVE HEARINGS.—

786 (a) *Division as a party.*—Notwithstanding s. 120.57(1)(a), a  
787 hearing in which the division is a party may not be conducted by  
788 an administrative law judge assigned by the division. An  
789 attorney assigned by the Department of Management Services  
790 ~~Administration Commission~~ shall be the hearing officer.

791 (5) LAND USE AND PLANNING ~~FLORIDA LAND AND WATER~~  
792 ~~ADJUDICATORY COMMISSION.~~ Notwithstanding the provisions of s.  
793 ~~120.57(1)(a),~~ When the division ~~Florida Land and Water~~  
794 ~~Adjudicatory Commission~~ receives a notice of appeal pursuant to  
795 s. 380.07, the division ~~the commission~~ shall notify the  
796 Department of Economic Opportunity and the Department of  
797 Environmental Protection ~~division~~ within 60 days after receipt  
798 of the notice of appeal ~~if the commission elects to request the~~  
799 ~~assignment of an administrative law judge.~~

800 Section 25. Subsection (4) of section 161.55, Florida  
801 Statutes, is amended to read:

802 161.55 Requirements for activities or construction within  
803 the coastal building zone.—The following requirements shall  
804 apply beginning March 1, 1986, to construction within the  
805 coastal building zone and shall be minimum standards for  
806 construction in this area:

807 (4) APPLICATION TO COASTAL BARRIER ISLANDS.—All  
808 requirements of this part which are applicable to the coastal  
809 building zone shall also apply to coastal barrier islands. The  
810 coastal building zone on coastal barrier islands shall be the  
811 land area from the seasonal high-water line to a line 5,000 feet  
812 landward from the coastal construction control line established

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813 pursuant to s. 161.053, or the entire island, whichever is less.  
814 For coastal barrier islands on which a coastal construction  
815 control line has not been established pursuant to s. 161.053,  
816 the coastal building zone shall be the land area seaward of the  
817 most landward velocity zone (V-zone) boundary line fronting upon  
818 the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of  
819 Florida. All land area in the Florida Keys located within Monroe  
820 County shall be included in the coastal building zone. The  
821 coastal building zone on any coastal barrier island between  
822 Sebastian Inlet and Fort Pierce Inlet may be reduced in size  
823 upon approval of the department ~~Land and Water Adjudicatory~~  
824 ~~Commission~~, if it determines that the local government with  
825 jurisdiction has provided adequate protection for the barrier  
826 island. In no case, however, shall the coastal building zone be  
827 reduced to an area less than a line 2,500 feet landward of the  
828 coastal construction control line. The department ~~Land and Water~~  
829 ~~Adjudicatory Commission~~ shall withdraw its approval for a  
830 reduced coastal building zone if it determines that 6 months  
831 after a local government comprehensive plan is due for  
832 submission to the state land planning agency pursuant to s.  
833 163.3167 the local government with jurisdiction has not adopted  
834 a coastal management element which is in compliance with s.  
835 163.3178.

836 Section 26. Subsection (2) and present subsection (45) of  
837 section 163.3164, Florida Statutes, are amended to read:

838 163.3164 Community Planning Act; definitions.—As used in  
839 this act:

840 ~~(2) "Administration Commission" means the Governor and the~~  
841 ~~Cabinet, and for purposes of this chapter the commission shall~~

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842 ~~act on a simple majority vote, except that for purposes of~~  
843 ~~imposing the sanctions provided in s. 163.3184(8), affirmative~~  
844 ~~action shall require the approval of the Governor and at least~~  
845 ~~three other members of the commission.~~

846 (44) ~~(45)~~ "Structure" has the same meaning as in s.  
847 380.031(18) ~~s. 380.031(19)~~.

848 Section 27. Paragraph (f) of subsection (1) and paragraph  
849 (a) of subsection (6) of section 163.3177, Florida Statutes, are  
850 amended to read:

851 163.3177 Required and optional elements of comprehensive  
852 plan; studies and surveys.—

853 (1) The comprehensive plan shall provide the principles,  
854 guidelines, standards, and strategies for the orderly and  
855 balanced future economic, social, physical, environmental, and  
856 fiscal development of the area that reflects community  
857 commitments to implement the plan and its elements. These  
858 principles and strategies shall guide future decisions in a  
859 consistent manner and shall contain programs and activities to  
860 ensure comprehensive plans are implemented. The sections of the  
861 comprehensive plan containing the principles and strategies,  
862 generally provided as goals, objectives, and policies, shall  
863 describe how the local government's programs, activities, and  
864 land development regulations will be initiated, modified, or  
865 continued to implement the comprehensive plan in a consistent  
866 manner. It is not the intent of this part to require the  
867 inclusion of implementing regulations in the comprehensive plan  
868 but rather to require identification of those programs,  
869 activities, and land development regulations that will be part  
870 of the strategy for implementing the comprehensive plan and the

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871 principles that describe how the programs, activities, and land  
872 development regulations will be carried out. The plan shall  
873 establish meaningful and predictable standards for the use and  
874 development of land and provide meaningful guidelines for the  
875 content of more detailed land development and use regulations.

876 (f) All mandatory and optional elements of the  
877 comprehensive plan and plan amendments shall be based upon  
878 relevant and appropriate data and an analysis by the local  
879 government that may include, but not be limited to, surveys,  
880 studies, community goals and vision, and other data available at  
881 the time of adoption of the comprehensive plan or plan  
882 amendment. To be based on data means to react to it in an  
883 appropriate way and to the extent necessary indicated by the  
884 data available on that particular subject at the time of  
885 adoption of the plan or plan amendment at issue.

886 1. Surveys, studies, and data utilized in the preparation  
887 of the comprehensive plan may not be deemed a part of the  
888 comprehensive plan unless adopted as a part of it. Copies of  
889 such studies, surveys, data, and supporting documents for  
890 proposed plans and plan amendments shall be made available for  
891 public inspection, and copies of such plans shall be made  
892 available to the public upon payment of reasonable charges for  
893 reproduction. Support data or summaries are not subject to the  
894 compliance review process, but the comprehensive plan must be  
895 clearly based on appropriate data. Support data or summaries may  
896 be used to aid in the determination of compliance and  
897 consistency.

898 2. Data must be taken from professionally accepted sources.  
899 The application of a methodology utilized in data collection or

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900 whether a particular methodology is professionally accepted may  
901 be evaluated. However, the evaluation may not include whether  
902 one accepted methodology is better than another. Original data  
903 collection by local governments is not required. However, local  
904 governments may use original data so long as methodologies are  
905 professionally accepted.

906 3. The comprehensive plan shall be based upon permanent and  
907 seasonal population estimates and projections, which shall  
908 either be those published by the Office of Economic and  
909 Demographic Research or generated by the local government based  
910 upon a professionally acceptable methodology. The plan must be  
911 based on at least the minimum amount of land required to  
912 accommodate the medium projections as published by the Office of  
913 Economic and Demographic Research for at least a 10-year  
914 planning period unless otherwise limited under s. 380.05,  
915 ~~including related rules of the Administration Commission.~~ Absent  
916 physical limitations on population growth, population  
917 projections for each municipality, and the unincorporated area  
918 within a county must, at a minimum, be reflective of each area's  
919 proportional share of the total county population and the total  
920 county population growth.

921 (6) In addition to the requirements of subsections (1)-(5),  
922 the comprehensive plan shall include the following elements:

923 (a) A future land use plan element designating proposed  
924 future general distribution, location, and extent of the uses of  
925 land for residential uses, commercial uses, industry,  
926 agriculture, recreation, conservation, education, public  
927 facilities, and other categories of the public and private uses  
928 of land. The approximate acreage and the general range of



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929 density or intensity of use shall be provided for the gross land  
930 area included in each existing land use category. The element  
931 shall establish the long-term end toward which land use programs  
932 and activities are ultimately directed.

933 1. Each future land use category must be defined in terms  
934 of uses included, and must include standards to be followed in  
935 the control and distribution of population densities and  
936 building and structure intensities. The proposed distribution,  
937 location, and extent of the various categories of land use shall  
938 be shown on a land use map or map series which shall be  
939 supplemented by goals, policies, and measurable objectives.

940 2. The future land use plan and plan amendments shall be  
941 based upon surveys, studies, and data regarding the area, as  
942 applicable, including:

943 a. The amount of land required to accommodate anticipated  
944 growth.

945 b. The projected permanent and seasonal population of the  
946 area.

947 c. The character of undeveloped land.

948 d. The availability of water supplies, public facilities,  
949 and services.

950 e. The need for redevelopment, including the renewal of  
951 blighted areas and the elimination of nonconforming uses which  
952 are inconsistent with the character of the community.

953 f. The compatibility of uses on lands adjacent to or  
954 closely proximate to military installations.

955 g. The compatibility of uses on lands adjacent to an  
956 airport as defined in s. 330.35 and consistent with s. 333.02.

957 h. The discouragement of urban sprawl.

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- 958           i. The need for job creation, capital investment, and  
959 economic development that will strengthen and diversify the  
960 community's economy.
- 961           j. The need to modify land uses and development patterns  
962 within antiquated subdivisions.
- 963           3. The future land use plan element shall include criteria  
964 to be used to:
- 965           a. Achieve the compatibility of lands adjacent or closely  
966 proximate to military installations, considering factors  
967 identified in s. 163.3175(5).
- 968           b. Achieve the compatibility of lands adjacent to an  
969 airport as defined in s. 330.35 and consistent with s. 333.02.
- 970           c. Encourage preservation of recreational and commercial  
971 working waterfronts for water-dependent uses in coastal  
972 communities.
- 973           d. Encourage the location of schools proximate to urban  
974 residential areas to the extent possible.
- 975           e. Coordinate future land uses with the topography and soil  
976 conditions, and the availability of facilities and services.
- 977           f. Ensure the protection of natural and historic resources.
- 978           g. Provide for the compatibility of adjacent land uses.
- 979           h. Provide guidelines for the implementation of mixed-use  
980 development including the types of uses allowed, the percentage  
981 distribution among the mix of uses, or other standards, and the  
982 density and intensity of each use.
- 983           4. The amount of land designated for future planned uses  
984 shall provide a balance of uses that foster vibrant, viable  
985 communities and economic development opportunities and address  
986 outdated development patterns, such as antiquated subdivisions.

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987 The amount of land designated for future land uses should allow  
988 the operation of real estate markets to provide adequate choices  
989 for permanent and seasonal residents and business and may not be  
990 limited solely by the projected population. The element shall  
991 accommodate at least the minimum amount of land required to  
992 accommodate the medium projections as published by the Office of  
993 Economic and Demographic Research for at least a 10-year  
994 planning period unless otherwise limited under s. 380.05~~7~~  
995 ~~including related rules of the Administration Commission.~~

996 5. The future land use plan of a county may designate areas  
997 for possible future municipal incorporation.

998 6. The land use maps or map series shall generally identify  
999 and depict historic district boundaries and shall designate  
1000 historically significant properties meriting protection.

1001 7. The future land use element must clearly identify the  
1002 land use categories in which public schools are an allowable  
1003 use. When delineating the land use categories in which public  
1004 schools are an allowable use, a local government shall include  
1005 in the categories sufficient land proximate to residential  
1006 development to meet the projected needs for schools in  
1007 coordination with public school boards and may establish  
1008 differing criteria for schools of different type or size. Each  
1009 local government shall include lands contiguous to existing  
1010 school sites, to the maximum extent possible, within the land  
1011 use categories in which public schools are an allowable use.

1012 8. Future land use map amendments shall be based upon the  
1013 following analyses:

1014 a. An analysis of the availability of facilities and  
1015 services.

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1016           b. An analysis of the suitability of the plan amendment for  
1017 its proposed use considering the character of the undeveloped  
1018 land, soils, topography, natural resources, and historic  
1019 resources on site.

1020           c. An analysis of the minimum amount of land needed to  
1021 achieve the goals and requirements of this section.

1022           9. The future land use element and any amendment to the  
1023 future land use element shall discourage the proliferation of  
1024 urban sprawl.

1025           a. The primary indicators that a plan or plan amendment  
1026 does not discourage the proliferation of urban sprawl are listed  
1027 below. The evaluation of the presence of these indicators shall  
1028 consist of an analysis of the plan or plan amendment within the  
1029 context of features and characteristics unique to each locality  
1030 in order to determine whether the plan or plan amendment:

1031           (I) Promotes, allows, or designates for development  
1032 substantial areas of the jurisdiction to develop as low-  
1033 intensity, low-density, or single-use development or uses.

1034           (II) Promotes, allows, or designates significant amounts of  
1035 urban development to occur in rural areas at substantial  
1036 distances from existing urban areas while not using undeveloped  
1037 lands that are available and suitable for development.

1038           (III) Promotes, allows, or designates urban development in  
1039 radial, strip, isolated, or ribbon patterns generally emanating  
1040 from existing urban developments.

1041           (IV) Fails to adequately protect and conserve natural  
1042 resources, such as wetlands, floodplains, native vegetation,  
1043 environmentally sensitive areas, natural groundwater aquifer  
1044 recharge areas, lakes, rivers, shorelines, beaches, bays,

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1045 estuarine systems, and other significant natural systems.

1046 (V) Fails to adequately protect adjacent agricultural areas  
1047 and activities, including silviculture, active agricultural and  
1048 silvicultural activities, passive agricultural activities, and  
1049 dormant, unique, and prime farmlands and soils.

1050 (VI) Fails to maximize use of existing public facilities  
1051 and services.

1052 (VII) Fails to maximize use of future public facilities and  
1053 services.

1054 (VIII) Allows for land use patterns or timing which  
1055 disproportionately increase the cost in time, money, and energy  
1056 of providing and maintaining facilities and services, including  
1057 roads, potable water, sanitary sewer, stormwater management, law  
1058 enforcement, education, health care, fire and emergency  
1059 response, and general government.

1060 (IX) Fails to provide a clear separation between rural and  
1061 urban uses.

1062 (X) Discourages or inhibits infill development or the  
1063 redevelopment of existing neighborhoods and communities.

1064 (XI) Fails to encourage a functional mix of uses.

1065 (XII) Results in poor accessibility among linked or related  
1066 land uses.

1067 (XIII) Results in the loss of significant amounts of  
1068 functional open space.

1069 b. The future land use element or plan amendment shall be  
1070 determined to discourage the proliferation of urban sprawl if it  
1071 incorporates a development pattern or urban form that achieves  
1072 four or more of the following:

1073 (I) Directs or locates economic growth and associated land

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1074 development to geographic areas of the community in a manner  
1075 that does not have an adverse impact on and protects natural  
1076 resources and ecosystems.

1077 (II) Promotes the efficient and cost-effective provision or  
1078 extension of public infrastructure and services.

1079 (III) Promotes walkable and connected communities and  
1080 provides for compact development and a mix of uses at densities  
1081 and intensities that will support a range of housing choices and  
1082 a multimodal transportation system, including pedestrian,  
1083 bicycle, and transit, if available.

1084 (IV) Promotes conservation of water and energy.

1085 (V) Preserves agricultural areas and activities, including  
1086 silviculture, and dormant, unique, and prime farmlands and  
1087 soils.

1088 (VI) Preserves open space and natural lands and provides  
1089 for public open space and recreation needs.

1090 (VII) Creates a balance of land uses based upon demands of  
1091 the residential population for the nonresidential needs of an  
1092 area.

1093 (VIII) Provides uses, densities, and intensities of use and  
1094 urban form that would remediate an existing or planned  
1095 development pattern in the vicinity that constitutes sprawl or  
1096 if it provides for an innovative development pattern such as  
1097 transit-oriented developments or new towns as defined in s.  
1098 163.3164.

1099 10. The future land use element shall include a future land  
1100 use map or map series.

1101 a. The proposed distribution, extent, and location of the  
1102 following uses shall be shown on the future land use map or map

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1103 series:

1104 (I) Residential.

1105 (II) Commercial.

1106 (III) Industrial.

1107 (IV) Agricultural.

1108 (V) Recreational.

1109 (VI) Conservation.

1110 (VII) Educational.

1111 (VIII) Public.

1112 b. The following areas shall also be shown on the future

1113 land use map or map series, if applicable:

1114 (I) Historic district boundaries and designated

1115 historically significant properties.

1116 (II) Transportation concurrency management area boundaries

1117 or transportation concurrency exception area boundaries.

1118 (III) Multimodal transportation district boundaries.

1119 (IV) Mixed-use categories.

1120 c. The following natural resources or conditions shall be

1121 shown on the future land use map or map series, if applicable:

1122 (I) Existing and planned public potable waterwells, cones

1123 of influence, and wellhead protection areas.

1124 (II) Beaches and shores, including estuarine systems.

1125 (III) Rivers, bays, lakes, floodplains, and harbors.

1126 (IV) Wetlands.

1127 (V) Minerals and soils.

1128 (VI) Coastal high hazard areas.

1129 Section 28. Paragraph (c) of subsection (3), paragraph (e)

1130 of subsection (4), paragraph (d) of subsection (5), paragraph

1131 (d) of subsection (7), and subsection (8) of section 163.3184,

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1132 Florida Statutes, are amended to read:

1133 163.3184 Process for adoption of comprehensive plan or plan  
1134 amendment.—

1135 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF  
1136 COMPREHENSIVE PLAN AMENDMENTS.—

1137 (c)1. The local government shall hold its second public  
1138 hearing, which shall be a hearing on whether to adopt one or  
1139 more comprehensive plan amendments pursuant to subsection (11).  
1140 If the local government fails, within 180 days after receipt of  
1141 agency comments, to hold the second public hearing, the  
1142 amendments shall be deemed withdrawn unless extended by  
1143 agreement with notice to the state land planning agency and any  
1144 affected person that provided comments on the amendment. The  
1145 180-day limitation does not apply to amendments processed  
1146 pursuant to s. 380.06.

1147 2. All comprehensive plan amendments adopted by the  
1148 governing body, along with the supporting data and analysis,  
1149 shall be transmitted within 10 working days after the second  
1150 public hearing to the state land planning agency and any other  
1151 agency or local government that provided timely comments under  
1152 subparagraph (b)2.

1153 3. The state land planning agency shall notify the local  
1154 government of any deficiencies within 5 working days after  
1155 receipt of an amendment package. For purposes of completeness,  
1156 an amendment shall be deemed complete if it contains a full,  
1157 executed copy of the adoption ordinance or ordinances; in the  
1158 case of a text amendment, a full copy of the amended language in  
1159 legislative format with new words inserted in the text  
1160 underlined, and words deleted stricken with hyphens; in the case



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1161 of a future land use map amendment, a copy of the future land  
1162 use map clearly depicting the parcel, its existing future land  
1163 use designation, and its adopted designation; and a copy of any  
1164 data and analyses the local government deems appropriate.

1165 4. An amendment adopted under this paragraph does not  
1166 become effective until 31 days after the state land planning  
1167 agency notifies the local government that the plan amendment  
1168 package is complete. If timely challenged, an amendment does not  
1169 become effective until the state land planning agency ~~or the~~  
1170 ~~Administration Commission~~ enters a final order determining the  
1171 adopted amendment to be in compliance.

1172 (4) STATE COORDINATED REVIEW PROCESS.—

1173 (e) *Local government review of comments; adoption of plan*  
1174 *or amendments and transmittal.*—

1175 1. The local government shall review the report submitted  
1176 to it by the state land planning agency, if any, and written  
1177 comments submitted to it by any other person, agency, or  
1178 government. The local government, upon receipt of the report  
1179 from the state land planning agency, shall hold its second  
1180 public hearing, which shall be a hearing to determine whether to  
1181 adopt the comprehensive plan or one or more comprehensive plan  
1182 amendments pursuant to subsection (11). If the local government  
1183 fails to hold the second hearing within 180 days after receipt  
1184 of the state land planning agency's report, the amendments shall  
1185 be deemed withdrawn unless extended by agreement with notice to  
1186 the state land planning agency and any affected person that  
1187 provided comments on the amendment. The 180-day limitation does  
1188 not apply to amendments processed pursuant to s. 380.06.

1189 2. All comprehensive plan amendments adopted by the

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1190 governing body, along with the supporting data and analysis,  
1191 shall be transmitted within 10 working days after the second  
1192 public hearing to the state land planning agency and any other  
1193 agency or local government that provided timely comments under  
1194 paragraph (c).

1195 3. The state land planning agency shall notify the local  
1196 government of any deficiencies within 5 working days after  
1197 receipt of a plan or plan amendment package. For purposes of  
1198 completeness, a plan or plan amendment shall be deemed complete  
1199 if it contains a full, executed copy of the adoption ordinance  
1200 or ordinances; in the case of a text amendment, a full copy of  
1201 the amended language in legislative format with new words  
1202 inserted in the text underlined, and words deleted stricken with  
1203 hyphens; in the case of a future land use map amendment, a copy  
1204 of the future land use map clearly depicting the parcel, its  
1205 existing future land use designation, and its adopted  
1206 designation; and a copy of any data and analyses the local  
1207 government deems appropriate.

1208 4. After the state land planning agency makes a  
1209 determination of completeness regarding the adopted plan or plan  
1210 amendment, the state land planning agency shall have 45 days to  
1211 determine if the plan or plan amendment is in compliance with  
1212 this act. Unless the plan or plan amendment is substantially  
1213 changed from the one commented on, the state land planning  
1214 agency's compliance determination shall be limited to objections  
1215 raised in the objections, recommendations, and comments report.  
1216 During the period provided for in this subparagraph, the state  
1217 land planning agency shall issue, through a senior administrator  
1218 or the secretary, a notice of intent to find that the plan or

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1219 plan amendment is in compliance or not in compliance. The state  
 1220 land planning agency shall post a copy of the notice of intent  
 1221 on the agency's Internet website. Publication by the state land  
 1222 planning agency of the notice of intent on the state land  
 1223 planning agency's Internet site shall be prima facie evidence of  
 1224 compliance with the publication requirements of this  
 1225 subparagraph.

1226 5. A plan or plan amendment adopted under the state  
 1227 coordinated review process shall go into effect pursuant to the  
 1228 state land planning agency's notice of intent. If timely  
 1229 challenged, an amendment does not become effective until the  
 1230 state land planning agency ~~or the Administration Commission~~  
 1231 enters a final order determining the adopted amendment to be in  
 1232 compliance.

1233 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN  
 1234 AMENDMENTS.—

1235 (d) ~~If the administrative law judge recommends that the~~  
 1236 ~~amendment be found not in compliance,~~ The administrative law  
 1237 judge shall submit the recommended order to the Department of  
 1238 Economic Opportunity Administration Commission for final agency  
 1239 action. The Department of Economic Opportunity Administration  
 1240 ~~Commission~~ shall make every effort to enter a final order  
 1241 expeditiously, but at a minimum within the time period provided  
 1242 by s. 120.569.

1243 (7) MEDIATION AND EXPEDITIOUS RESOLUTION.—

1244 (d) For a case following the procedures under this  
 1245 subsection, absent written consent of the parties or a showing  
 1246 of extraordinary circumstances, if the administrative law judge  
 1247 recommends that the amendment be found not in compliance, the

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1248 Department of Economic Opportunity ~~Administration Commission~~  
1249 shall issue a final order within 45 days after issuance of the  
1250 recommended order. If the administrative law judge recommends  
1251 that the amendment be found in compliance, the state land  
1252 planning agency shall issue a final order within 45 days after  
1253 issuance of the recommended order. If the state land planning  
1254 agency fails to timely issue a final order, the recommended  
1255 order finding the amendment to be in compliance immediately  
1256 becomes the final order.

1257 (8) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~ADMINISTRATION~~  
1258 ~~COMMISSION.~~—

1259 (a) If the Department of Economic Opportunity  
1260 ~~Administration Commission~~, upon a hearing pursuant to subsection  
1261 (5), finds that the comprehensive plan or plan amendment is not  
1262 in compliance with this act, the department ~~commission~~ shall  
1263 specify remedial actions that would bring the comprehensive plan  
1264 or plan amendment into compliance.

1265 (b) The Department of Economic Opportunity ~~commission~~ may  
1266 specify the sanctions provided in subparagraphs 1. and 2. to  
1267 which the local government will be subject if it elects to make  
1268 the amendment effective notwithstanding the determination of  
1269 noncompliance.

1270 1. The department ~~commission~~ may direct state agencies not  
1271 to provide funds to increase the capacity of roads, bridges, or  
1272 water and sewer systems within the boundaries of those local  
1273 governmental entities which have comprehensive plans or plan  
1274 elements that are determined not to be in compliance. The  
1275 department's ~~commission~~ order may also specify that the local  
1276 government is not eligible for grants administered under the

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1277 following programs:

1278 a. The Florida Small Cities Community Development Block  
1279 Grant Program, as authorized by ss. 290.0401-290.048.

1280 b. The Florida Recreation Development Assistance Program,  
1281 as authorized by chapter 375.

1282 c. Revenue sharing pursuant to ss. 206.60, 210.20, and  
1283 218.61 and chapter 212, to the extent not pledged to pay back  
1284 bonds.

1285 2. If the local government is one which is required to  
1286 include a coastal management element in its comprehensive plan  
1287 pursuant to s. 163.3177(6)(g), the department's ~~commission~~ order  
1288 may also specify that the local government is not eligible for  
1289 funding pursuant to s. 161.091. The department's ~~commission~~  
1290 order may also specify that the fact that the coastal management  
1291 element has been determined to be not in compliance shall be a  
1292 consideration when the department considers permits under s.  
1293 161.053 and when the Board of Trustees of the Internal  
1294 Improvement Trust Fund considers whether to sell, convey any  
1295 interest in, or lease any sovereignty lands or submerged lands  
1296 until the element is brought into compliance.

1297 3. The sanctions provided by subparagraphs 1. and 2. do not  
1298 apply to a local government regarding any plan amendment, except  
1299 for plan amendments that amend plans that have not been finally  
1300 determined to be in compliance with this part, and except as  
1301 provided in this paragraph.

1302 Section 29. Paragraph (c) of subsection (1) and paragraphs  
1303 (b) and (c) of subsection (5) of section 163.3187, Florida  
1304 Statutes, are amended to read:

1305 163.3187 Process for adoption of small-scale comprehensive

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1306 plan amendment.—

1307 (1) A small scale development amendment may be adopted  
1308 under the following conditions:

1309 (c) The property that is the subject of the proposed  
1310 amendment is not located within an area of critical state  
1311 concern, unless the project subject to the proposed amendment  
1312 involves the construction of affordable housing units meeting  
1313 the criteria of s. 420.0004(3), and is located within an area of  
1314 critical state concern designated by s. 380.0552 or ~~by the~~  
1315 ~~Administration Commission~~ pursuant to s. 380.05(1).

1316 (5)

1317 ~~(b)1. If the administrative law judge recommends that the~~  
1318 ~~small scale development amendment be found not in compliance,~~  
1319 The administrative law judge shall submit the recommended order  
1320 to the Department of Economic Opportunity Administration  
1321 ~~Commission~~ for final agency action. ~~If the administrative law~~  
1322 ~~judge recommends that the small scale development amendment be~~  
1323 ~~found in compliance, the administrative law judge shall submit~~  
1324 ~~the recommended order to the state land planning agency.~~

1325 ~~2. If the state land planning agency determines that the~~  
1326 ~~plan amendment is not in compliance, the agency shall submit,~~  
1327 ~~within 30 days following its receipt, the recommended order to~~  
1328 ~~the Administration Commission for final agency action. If the~~  
1329 ~~state land planning agency determines that the plan amendment is~~  
1330 ~~in compliance, the agency shall enter a final order within 30~~  
1331 ~~days following its receipt of the recommended order.~~

1332 (c) Small scale development amendments may not become  
1333 effective until 31 days after adoption. If challenged within 30  
1334 days after adoption, small scale development amendments may not

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1335 become effective until the department ~~state land planning agency~~  
1336 ~~or the Administration Commission, respectively,~~ issues a final  
1337 order determining that the adopted small scale development  
1338 amendment is in compliance.

1339 Section 30. Subsection (6) of section 163.3213, Florida  
1340 Statutes, is amended to read:

1341 163.3213 Administrative review of land development  
1342 regulations.—

1343 (6) If the administrative law judge in his or her order  
1344 finds the land development regulation to be inconsistent with  
1345 the local comprehensive plan, the order will be submitted to the  
1346 Department of Economic Opportunity ~~Administration Commission~~. An  
1347 appeal pursuant to s. 120.68 may not be taken until the  
1348 Department of Economic Opportunity makes a final determination  
1349 of the recommended order ~~Administration Commission acts pursuant~~  
1350 ~~to this subsection~~. The Department of Economic Opportunity shall  
1351 make a final determination ~~Administration Commission shall hold~~  
1352 ~~a hearing~~ no earlier than 30 days or later than 60 days after  
1353 the administrative law judge renders his or her final order. The  
1354 sole issue before the Department of Economic Opportunity  
1355 ~~Administration Commission~~ shall be the extent to which any of  
1356 the sanctions described in s. 163.3184(8) (a) or (b)1. or 2.  
1357 shall be applicable to the local government whose land  
1358 development regulation has been found to be inconsistent with  
1359 its comprehensive plan. If a land development regulation is not  
1360 challenged within 12 months, it shall be deemed to be consistent  
1361 with the adopted local plan.

1362 Section 31. Paragraph (e) of subsection (3) of section  
1363 163.3245, Florida Statutes, is amended to read:

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1364 163.3245 Sector plans.—

1365 (3) Sector planning encompasses two levels: adoption  
1366 pursuant to s. 163.3184 of a long-term master plan for the  
1367 entire planning area as part of the comprehensive plan, and  
1368 adoption by local development order of two or more detailed  
1369 specific area plans that implement the long-term master plan and  
1370 within which s. 380.06 is waived.

1371 (e) Whenever a local government issues a development order  
1372 approving a detailed specific area plan, a copy of such order  
1373 shall be rendered to the state land planning agency and the  
1374 owner or developer of the property affected by such order, as  
1375 prescribed by rules of the state land planning agency for a  
1376 development order for a development of regional impact. Within  
1377 45 days after the order is rendered, the owner, the developer,  
1378 or the state land planning agency may appeal the order to the  
1379 Division of Administrative Hearings ~~Florida Land and Water~~  
1380 ~~Adjudicatory Commission~~ by filing a petition alleging that the  
1381 detailed specific area plan is not consistent with the  
1382 comprehensive plan or with the long-term master plan adopted  
1383 pursuant to this section. The appellant shall furnish a copy of  
1384 the petition to the opposing party, as the case may be, and to  
1385 the local government that issued the order. The filing of the  
1386 petition stays the effectiveness of the order until after  
1387 completion of the appeal process. However, if a development  
1388 order approving a detailed specific area plan has been  
1389 challenged by an aggrieved or adversely affected party in a  
1390 judicial proceeding pursuant to s. 163.3215, and a party to such  
1391 proceeding serves notice to the state land planning agency, the  
1392 state land planning agency shall dismiss its appeal to the



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1393 division ~~commission~~ and shall have the right to intervene in the  
1394 pending judicial proceeding pursuant to s. 163.3215. Proceedings  
1395 for administrative review of an order approving a detailed  
1396 specific area plan shall be conducted consistent with s.  
1397 380.07(5). The division ~~commission~~ shall issue a decision  
1398 granting or denying permission to develop pursuant to the long-  
1399 term master plan and the standards of this part and may attach  
1400 conditions or restrictions to its decisions.

1401 Section 32. Subsections (1) and (2) of section 186.008,  
1402 Florida Statutes, are amended to read:

1403 186.008 State comprehensive plan; revision;  
1404 implementation.—

1405 (1) On or before October 1 of every odd-numbered year, the  
1406 Executive Office of the Governor shall prepare, and the Governor  
1407 shall recommend to the Department of Economic Opportunity  
1408 ~~Administration Commission~~, any proposed revisions to the state  
1409 comprehensive plan deemed necessary. The Governor shall transmit  
1410 his or her recommendations and explanation as required by s.  
1411 186.007(8). Copies shall also be provided to each state agency,  
1412 to each regional planning agency, to any other unit of  
1413 government that requests a copy, and to any member of the public  
1414 who requests a copy.

1415 (2) On or before December 15 of every odd-numbered year,  
1416 the Department of Economic Opportunity ~~Administration Commission~~  
1417 shall review the proposed revisions to the state comprehensive  
1418 plan prepared by the Governor. The department ~~commission~~ shall  
1419 provide ~~adopt a resolution,~~ after public notice and a reasonable  
1420 opportunity for public comment, and transmit the proposed  
1421 revisions to the state comprehensive plan to the Legislature,

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1422 together with any amendments approved by the department  
1423 ~~commission~~ and any dissenting reports. The department ~~commission~~  
1424 shall identify those portions of the plan that are not based on  
1425 existing law.

1426 Section 33. Section 186.515, Florida Statutes, is amended  
1427 to read:

1428 186.515 Creation of regional planning councils under  
1429 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and this  
1430 section is intended to repeal or limit the provisions of chapter  
1431 163; however, the local general-purpose governments serving as  
1432 voting members of the governing body of a regional planning  
1433 council created pursuant to ss. 186.501-186.507, 186.513, and  
1434 this section are not authorized to create a regional planning  
1435 council pursuant to chapter 163 unless an agency, other than a  
1436 regional planning council created pursuant to ss. 186.501-  
1437 186.507, 186.513, and this section, is designated to exercise  
1438 the powers and duties in any one or more of ss. 163.3164 and  
1439 380.031(14) ~~ss. 163.3164 and 380.031(15)~~; in which case, such a  
1440 regional planning council is also without authority to exercise  
1441 the powers and duties in s. 163.3164 or s. 380.031(14) ~~s.~~  
1442 ~~380.031(15)~~.

1443 Section 34. Subsection (1) and paragraphs (e) and (f) of  
1444 subsection (2) of section 190.005, Florida Statutes, are amended  
1445 to read:

1446 190.005 Establishment of district.—

1447 (1) The exclusive and uniform method for the establishment  
1448 of a community development district with a size of 2,500 acres  
1449 or more shall be pursuant to a rule, adopted under chapter 120  
1450 by the Department of Economic Opportunity ~~Florida Land and Water~~

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1451 ~~Adjudicatory Commission~~, granting a petition for the  
1452 establishment of a community development district.

1453 (a) A petition for the establishment of a community  
1454 development district shall be filed by the petitioner with the  
1455 Department of Economic Opportunity ~~Florida Land and Water~~  
1456 ~~Adjudicatory Commission~~. The petition shall contain:

1457 1. A metes and bounds description of the external  
1458 boundaries of the district. Any real property within the  
1459 external boundaries of the district which is to be excluded from  
1460 the district shall be specifically described, and the last known  
1461 address of all owners of such real property shall be listed. The  
1462 petition shall also address the impact of the proposed district  
1463 on any real property within the external boundaries of the  
1464 district which is to be excluded from the district.

1465 2. The written consent to the establishment of the district  
1466 by all landowners whose real property is to be included in the  
1467 district or documentation demonstrating that the petitioner has  
1468 control by deed, trust agreement, contract, or option of 100  
1469 percent of the real property to be included in the district, and  
1470 when real property to be included in the district is owned by a  
1471 governmental entity and subject to a ground lease as described  
1472 in s. 190.003(14), the written consent by such governmental  
1473 entity.

1474 3. A designation of five persons to be the initial members  
1475 of the board of supervisors, who shall serve in that office  
1476 until replaced by elected members as provided in s. 190.006.

1477 4. The proposed name of the district.

1478 5. A map of the proposed district showing current major  
1479 trunk water mains and sewer interceptors and outfalls if in

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1480 existence.

1481 6. Based upon available data, the proposed timetable for  
1482 construction of the district services and the estimated cost of  
1483 constructing the proposed services. These estimates shall be  
1484 submitted in good faith but are not binding and may be subject  
1485 to change.

1486 7. A designation of the future general distribution,  
1487 location, and extent of public and private uses of land proposed  
1488 for the area within the district by the future land use plan  
1489 element of the effective local government comprehensive plan of  
1490 which all mandatory elements have been adopted by the applicable  
1491 general-purpose local government in compliance with the  
1492 Community Planning Act.

1493 8. A statement of estimated regulatory costs in accordance  
1494 with the requirements of s. 120.541.

1495 (b) Prior to filing the petition, the petitioner shall:

1496 1. Pay a filing fee of \$15,000 to the county, if located  
1497 within an unincorporated area, or to the municipality, if  
1498 located within an incorporated area, and to each municipality  
1499 the boundaries of which are contiguous with, or contain all or a  
1500 portion of the land within, the external boundaries of the  
1501 district.

1502 2. Submit a copy of the petition to the county, if located  
1503 within an unincorporated area, or to the municipality, if  
1504 located within an incorporated area, and to each municipality  
1505 the boundaries of which are contiguous with, or contain all or a  
1506 portion of, the land within the external boundaries of the  
1507 district.

1508 3. If land to be included within a district is located

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1509 partially within the unincorporated area of one or more counties  
1510 and partially within a municipality or within two or more  
1511 municipalities, pay a \$15,000 filing fee to each entity.  
1512 Districts established across county boundaries shall be required  
1513 to maintain records, hold meetings and hearings, and publish  
1514 notices only in the county where the majority of the acreage  
1515 within the district lies.

1516 (c) Such county and each such municipality required by law  
1517 to receive a petition may conduct a public hearing to consider  
1518 the relationship of the petition to the factors specified in  
1519 paragraph (e). The public hearing shall be concluded within 45  
1520 days after the date the petition is filed unless an extension of  
1521 time is requested by the petitioner and granted by the county or  
1522 municipality. The county or municipality holding such public  
1523 hearing may by resolution express its support of, or objection  
1524 to the granting of, the petition by the Department of Economic  
1525 Opportunity ~~Florida Land and Water Adjudicatory Commission~~. A  
1526 resolution must base any objection to the granting of the  
1527 petition upon the factors specified in paragraph (e). Such  
1528 county or municipality may present its resolution of support or  
1529 objection at the Department of Economic Opportunity ~~Florida Land~~  
1530 ~~and Water Adjudicatory Commission~~ hearing and shall be afforded  
1531 an opportunity to present relevant information in support of its  
1532 resolution.

1533 (d) A local public hearing on the petition shall be  
1534 conducted by a hearing officer in conformance with the  
1535 applicable requirements and procedures of the Administrative  
1536 Procedure Act. The hearing shall include oral and written  
1537 comments on the petition pertinent to the factors specified in

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1538 paragraph (e). The hearing shall be held at an accessible  
1539 location in the county in which the community development  
1540 district is to be located. The petitioner shall cause a notice  
1541 of the hearing to be published in a newspaper at least once a  
1542 week for the 4 successive weeks immediately prior to the  
1543 hearing. Such notice shall give the time and place for the  
1544 hearing, a description of the area to be included in the  
1545 district, which description shall include a map showing clearly  
1546 the area to be covered by the district, and any other relevant  
1547 information which the establishing governing bodies may require.  
1548 The advertisement shall not be placed in that portion of the  
1549 newspaper where legal notices and classified advertisements  
1550 appear. The advertisement shall be published in a newspaper of  
1551 general paid circulation in the county and of general interest  
1552 and readership in the community, not one of limited subject  
1553 matter, pursuant to chapter 50. Whenever possible, the  
1554 advertisement shall appear in a newspaper that is published at  
1555 least 5 days a week, unless the only newspaper in the community  
1556 is published fewer than 5 days a week. In addition to being  
1557 published in the newspaper, the map referenced above must be  
1558 part of the online advertisement required pursuant to s.  
1559 50.0211. All affected units of general-purpose local government  
1560 and the general public shall be given an opportunity to appear  
1561 at the hearing and present oral or written comments on the  
1562 petition.

1563 (e) The Department of Economic Opportunity ~~Florida Land and~~  
1564 ~~Water Adjudicatory Commission~~ shall consider the entire record  
1565 of the local hearing, the transcript of the hearing, resolutions  
1566 adopted by local general-purpose governments as provided in

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1567 paragraph (c), and the following factors and make a  
1568 determination to grant or deny a petition for the establishment  
1569 of a community development district:

1570 1. Whether all statements contained within the petition  
1571 have been found to be true and correct.

1572 2. Whether the establishment of the district is  
1573 inconsistent with any applicable element or portion of the state  
1574 comprehensive plan or of the effective local government  
1575 comprehensive plan.

1576 3. Whether the area of land within the proposed district is  
1577 of sufficient size, is sufficiently compact, and is sufficiently  
1578 contiguous to be developable as one functional interrelated  
1579 community.

1580 4. Whether the district is the best alternative available  
1581 for delivering community development services and facilities to  
1582 the area that will be served by the district.

1583 5. Whether the community development services and  
1584 facilities of the district will be incompatible with the  
1585 capacity and uses of existing local and regional community  
1586 development services and facilities.

1587 6. Whether the area that will be served by the district is  
1588 amenable to separate special-district government.

1589 (f) The Department of Economic Opportunity ~~Florida Land and~~  
1590 ~~Water Adjudicatory Commission~~ shall not adopt any rule which  
1591 would expand, modify, or delete any provision of the uniform  
1592 community development district charter as set forth in ss.  
1593 190.006-190.041, except as provided in s. 190.012. A rule  
1594 establishing a community development district shall only contain  
1595 the following:

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1596 1. A metes and bounds description of the external  
1597 boundaries of the district and any real property within the  
1598 external boundaries of the district which is to be excluded.

1599 2. The names of five persons designated to be the initial  
1600 members of the board of supervisors.

1601 3. The name of the district.

1602 (g) The Department of Economic Opportunity ~~Florida Land and~~  
1603 ~~Water Adjudicatory Commission~~ may adopt rules setting forth its  
1604 procedures for considering petitions to establish, expand,  
1605 modify, or delete uniform community development districts or  
1606 portions thereof consistent with the provisions of this section.

1607 (2) The exclusive and uniform method for the establishment  
1608 of a community development district of less than 2,500 acres in  
1609 size or a community development district of up to 7,000 acres in  
1610 size located within a connected-city corridor established  
1611 pursuant to s. 163.3246(13) shall be pursuant to an ordinance  
1612 adopted by the county commission of the county having  
1613 jurisdiction over the majority of land in the area in which the  
1614 district is to be located granting a petition for the  
1615 establishment of a community development district as follows:

1616 (e) If all of the land in the area for the proposed  
1617 district is within the territorial jurisdiction of a municipal  
1618 corporation, then the petition requesting establishment of a  
1619 community development district under this act shall be filed by  
1620 the petitioner with that particular municipal corporation. In  
1621 such event, the duties of the county, hereinabove described, in  
1622 action upon the petition shall be the duties of the municipal  
1623 corporation. If any of the land area of a proposed district is  
1624 within the land area of a municipality, the county commission



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1625 may not create the district without municipal approval. If all  
1626 of the land in the area for the proposed district, even if less  
1627 than 2,500 acres, is within the territorial jurisdiction of two  
1628 or more municipalities or two or more counties, except for  
1629 proposed districts within a connected-city corridor established  
1630 pursuant to s. 163.3246(13), the petition shall be filed with  
1631 the Department of Economic Opportunity ~~Florida Land and Water~~  
1632 ~~Adjudicatory Commission~~ and proceed in accordance with  
1633 subsection (1).

1634 (f) Notwithstanding any other provision of this subsection,  
1635 within 90 days after a petition for the establishment of a  
1636 community development district has been filed pursuant to this  
1637 subsection, the governing body of the county or municipal  
1638 corporation may transfer the petition to the Department of  
1639 Economic Opportunity ~~Florida Land and Water Adjudicatory~~  
1640 ~~Commission~~, which shall make the determination to grant or deny  
1641 the petition as provided in subsection (1). A county or  
1642 municipal corporation shall have no right or power to grant or  
1643 deny a petition that has been transferred to the Department of  
1644 Economic Opportunity ~~Florida Land and Water Adjudicatory~~  
1645 ~~Commission~~.

1646 Section 35. Paragraph (d) of subsection (1) and subsection  
1647 (10) of section 190.046, Florida Statutes, are amended to read:

1648 190.046 Termination, contraction, or expansion of  
1649 district.—

1650 (1) A landowner or the board may petition to contract or  
1651 expand the boundaries of a community development district in the  
1652 following manner:

1653 (d)1. For those districts initially established by

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1654 administrative rule pursuant to s. 190.005(1), the petition  
1655 shall be filed with the Department of Economic Opportunity  
1656 ~~Florida Land and Water Adjudicatory Commission~~.

1657 2. Prior to filing the petition, the petitioner shall pay a  
1658 filing fee of \$1,500, to the county if the district or the land  
1659 to be added or deleted from the district is located within an  
1660 unincorporated area or to the municipality if the district or  
1661 the land to be added or deleted is located within an  
1662 incorporated area, and to each municipality the boundaries of  
1663 which are contiguous with or contain all or a portion of the  
1664 land within or to be added to or deleted from the external  
1665 boundaries of the district. The petitioner shall submit a copy  
1666 of the petition to the same entities entitled to receive the  
1667 filing fee. In addition, if the district is not the petitioner,  
1668 the petitioner shall file the petition with the district board  
1669 of supervisors.

1670 3. Each county and each municipality shall have the option  
1671 of holding a public hearing as provided by s. 190.005(1)(c).  
1672 However, the public hearing shall be limited to consideration of  
1673 the contents of the petition and whether the petition for  
1674 amendment should be supported by the county or municipality.

1675 4. The district board of supervisors shall, in lieu of a  
1676 hearing officer, hold the local public hearing provided for by  
1677 s. 190.005(1)(d). This local public hearing shall be noticed in  
1678 the same manner as provided in s. 190.005(1)(d). Within 45 days  
1679 of the conclusion of the hearing, the district board of  
1680 supervisors shall transmit to the Department of Economic  
1681 Opportunity ~~Florida Land and Water Adjudicatory Commission~~ the  
1682 full record of the local hearing, the transcript of the hearing,

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1683 any resolutions adopted by the local general-purpose  
1684 governments, and its recommendation whether to grant the  
1685 petition for amendment. The department ~~commission~~ shall then  
1686 proceed in accordance with s. 190.005(1)(e).

1687 5. A rule amending a district boundary shall describe the  
1688 land to be added or deleted.

1689 (10) If a district has no outstanding financial obligations  
1690 and no operating or maintenance responsibilities, upon the  
1691 petition of the district, the district may be dissolved by a  
1692 nonemergency ordinance of the general-purpose local governmental  
1693 entity that established the district or, if the district was  
1694 established by rule of the Department of Economic Opportunity  
1695 ~~Florida Land and Water Adjudicatory Commission~~, the district may  
1696 be dissolved by repeal of such rule of the department  
1697 ~~commission~~.

1698 Section 36. Paragraph (b) of subsection (1) of section  
1699 195.087, Florida Statutes, is amended to read:

1700 195.087 Property appraisers and tax collectors to submit  
1701 budgets to Department of Revenue.—

1702 (1)

1703 (b) The Division of Administrative Hearings ~~Governor and~~  
1704 ~~Cabinet, sitting as the Administration Commission~~, may hear  
1705 appeals from the final action of the department upon a written  
1706 request being filed by the property appraiser or the presiding  
1707 officer of the county commission no later than 15 days after the  
1708 conclusion of the hearing held pursuant to s. 200.065(2)(d). The  
1709 filing of an appeal does not relieve the county commission of  
1710 its obligation to fund the department-approved final budget  
1711 during the pendency of the appeal. The Department of Management

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1712 Services Administration Commission may amend the budget if it  
 1713 finds that any aspect of the budget is unreasonable in light of  
 1714 the workload of the office of the property appraiser in the  
 1715 county under review. The budget request as approved by the  
 1716 department and as amended by the Department of Management  
 1717 Services ~~commission~~ shall become the operating budget of the  
 1718 property appraiser for the ensuing fiscal year beginning October  
 1719 1, except that the budget so approved may subsequently be  
 1720 amended under the same procedure. After final approval, the  
 1721 property appraiser shall make no transfer of funds between  
 1722 accounts without the written approval of the department.  
 1723 However, all moneys received by property appraisers in complying  
 1724 with chapter 119 shall be accounted for in the same manner as  
 1725 provided for in s. 218.36, for moneys received as county fees  
 1726 and commissions, and any such moneys may be used and expended in  
 1727 the same manner and to the same extent as funds budgeted for the  
 1728 office and no budget amendment shall be required.

1729 Section 37. Subsection (2) of section 206.27, Florida  
 1730 Statutes, is amended to read:

1731 206.27 Records and files as public records.—

1732 (2) This section does not require ~~Nothing herein shall be~~  
 1733 ~~construed as requiring~~ the department to provide as a public  
 1734 record any information concerning audits in progress or those  
 1735 records and files of the department described in this section  
 1736 which are currently the subject of pending investigation by the  
 1737 Department of Revenue or the ~~Florida~~ Department of Law  
 1738 Enforcement. It is specifically provided that the foregoing  
 1739 information shall be exempt from ~~the provisions of~~ s. 119.07(1)  
 1740 and shall be considered confidential pursuant to s. 213.053;

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1741 however, the department may make available to the secretary  
1742 ~~executive director~~ of the Department of Highway Safety and Motor  
1743 Vehicles or his or her designee, exclusively for official  
1744 purposes in administering chapter 207, any information  
1745 concerning any audit in progress, and the provisions of s.  
1746 213.053(8) requiring a written agreement and maintenance of  
1747 confidentiality by the recipient, and the penalty for breach of  
1748 confidentiality, shall apply if the department makes such  
1749 information available. An ~~Any~~ officer, employee, or former  
1750 officer or employee of the department who divulges any such  
1751 information in any manner except for such official purposes or  
1752 under s. 213.053 commits ~~is guilty of~~ a misdemeanor of the first  
1753 degree, punishable as provided in s. 775.082 or s. 775.083.

1754 Section 38. Paragraph (a) of subsection (2) of section  
1755 207.021, Florida Statutes, is amended to read:

1756 207.021 Informal conferences; settlement or compromise of  
1757 taxes, penalties, or interest.-

1758 (2) (a) The secretary ~~executive director~~ or his or her  
1759 designee may enter into a closing agreement with a taxpayer  
1760 settling or compromising the taxpayer's liability for any tax,  
1761 interest, or penalty assessed under this chapter. Each agreement  
1762 must be in writing, in the form of a closing agreement approved  
1763 by the department, and signed by the secretary ~~executive~~  
1764 ~~director~~ or his or her designee. The agreement is final and  
1765 conclusive, except upon a showing of material fraud or  
1766 misrepresentation of material fact. The department may not make  
1767 an additional assessment against the taxpayer for the tax,  
1768 interest, or penalty specified in the closing agreement for the  
1769 time specified in the closing agreement, and the taxpayer may

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1770 not institute a judicial or administrative proceeding to recover  
1771 any tax, interest, or penalty paid pursuant to the closing  
1772 agreement. The secretary ~~executive director~~ of the department or  
1773 his or her designee may approve the closing agreement.

1774 Section 39. Paragraph (d) of subsection (2) of section  
1775 212.055, Florida Statutes, is amended to read:

1776 212.055 Discretionary sales surtaxes; legislative intent;  
1777 authorization and use of proceeds.—It is the legislative intent  
1778 that any authorization for imposition of a discretionary sales  
1779 surtax shall be published in the Florida Statutes as a  
1780 subsection of this section, irrespective of the duration of the  
1781 levy. Each enactment shall specify the types of counties  
1782 authorized to levy; the rate or rates which may be imposed; the  
1783 maximum length of time the surtax may be imposed, if any; the  
1784 procedure which must be followed to secure voter approval, if  
1785 required; the purpose for which the proceeds may be expended;  
1786 and such other requirements as the Legislature may provide.  
1787 Taxable transactions and administrative procedures shall be as  
1788 provided in s. 212.054.

1789 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

1790 (d) The proceeds of the surtax authorized by this  
1791 subsection and any accrued interest shall be expended by the  
1792 school district, within the county and municipalities within the  
1793 county, or, in the case of a negotiated joint county agreement,  
1794 within another county, to finance, plan, and construct  
1795 infrastructure; to acquire any interest in land for public  
1796 recreation, conservation, or protection of natural resources or  
1797 to prevent or satisfy private property rights claims resulting  
1798 from limitations imposed by the designation of an area of

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1799 critical state concern; to provide loans, grants, or rebates to  
1800 residential or commercial property owners who make energy  
1801 efficiency improvements to their residential or commercial  
1802 property, if a local government ordinance authorizing such use  
1803 is approved by referendum; or to finance the closure of county-  
1804 owned or municipally owned solid waste landfills that have been  
1805 closed or are required to be closed by order of the Department  
1806 of Environmental Protection. Any use of the proceeds or interest  
1807 for purposes of landfill closure before July 1, 1993, is  
1808 ratified. The proceeds and any interest may not be used for the  
1809 operational expenses of infrastructure, except that a county  
1810 that has a population of fewer than 75,000 and that is required  
1811 to close a landfill may use the proceeds or interest for long-  
1812 term maintenance costs associated with landfill closure.  
1813 Counties, as defined in s. 125.011, and charter counties may, in  
1814 addition, use the proceeds or interest to retire or service  
1815 indebtedness incurred for bonds issued before July 1, 1987, for  
1816 infrastructure purposes, and for bonds subsequently issued to  
1817 refund such bonds. Any use of the proceeds or interest for  
1818 purposes of retiring or servicing indebtedness incurred for  
1819 refunding bonds before July 1, 1999, is ratified.

1820 1. For the purposes of this paragraph, the term  
1821 "infrastructure" means:

1822 a. Any fixed capital expenditure or fixed capital outlay  
1823 associated with the construction, reconstruction, or improvement  
1824 of public facilities that have a life expectancy of 5 or more  
1825 years, any related land acquisition, land improvement, design,  
1826 and engineering costs, and all other professional and related  
1827 costs required to bring the public facilities into service. For

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1828 purposes of this sub-subparagraph, the term "public facilities"  
1829 means facilities as defined in s. 163.3164(38) ~~s. 163.3164(39)~~,  
1830 s. 163.3221(13), or s. 189.012(5), and includes facilities that  
1831 are necessary to carry out governmental purposes, including, but  
1832 not limited to, fire stations, general governmental office  
1833 buildings, and animal shelters, regardless of whether the  
1834 facilities are owned by the local taxing authority or another  
1835 governmental entity.

1836 b. A fire department vehicle, an emergency medical service  
1837 vehicle, a sheriff's office vehicle, a police department  
1838 vehicle, or any other vehicle, and the equipment necessary to  
1839 outfit the vehicle for its official use or equipment that has a  
1840 life expectancy of at least 5 years.

1841 c. Any expenditure for the construction, lease, or  
1842 maintenance of, or provision of utilities or security for,  
1843 facilities, as defined in s. 29.008.

1844 d. Any fixed capital expenditure or fixed capital outlay  
1845 associated with the improvement of private facilities that have  
1846 a life expectancy of 5 or more years and that the owner agrees  
1847 to make available for use on a temporary basis as needed by a  
1848 local government as a public emergency shelter or a staging area  
1849 for emergency response equipment during an emergency officially  
1850 declared by the state or by the local government under s.  
1851 252.38. Such improvements are limited to those necessary to  
1852 comply with current standards for public emergency evacuation  
1853 shelters. The owner must enter into a written contract with the  
1854 local government providing the improvement funding to make the  
1855 private facility available to the public for purposes of  
1856 emergency shelter at no cost to the local government for a



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1857 minimum of 10 years after completion of the improvement, with  
1858 the provision that the obligation will transfer to any  
1859 subsequent owner until the end of the minimum period.

1860 e. Any land acquisition expenditure for a residential  
1861 housing project in which at least 30 percent of the units are  
1862 affordable to individuals or families whose total annual  
1863 household income does not exceed 120 percent of the area median  
1864 income adjusted for household size, if the land is owned by a  
1865 local government or by a special district that enters into a  
1866 written agreement with the local government to provide such  
1867 housing. The local government or special district may enter into  
1868 a ground lease with a public or private person or entity for  
1869 nominal or other consideration for the construction of the  
1870 residential housing project on land acquired pursuant to this  
1871 sub-subparagraph.

1872 f. Instructional technology used solely in a school  
1873 district's classrooms. As used in this sub-subparagraph, the  
1874 term "instructional technology" means an interactive device that  
1875 assists a teacher in instructing a class or a group of students  
1876 and includes the necessary hardware and software to operate the  
1877 interactive device. The term also includes support systems in  
1878 which an interactive device may mount and is not required to be  
1879 affixed to the facilities.

1880 2. For the purposes of this paragraph, the term "energy  
1881 efficiency improvement" means any energy conservation and  
1882 efficiency improvement that reduces consumption through  
1883 conservation or a more efficient use of electricity, natural  
1884 gas, propane, or other forms of energy on the property,  
1885 including, but not limited to, air sealing; installation of

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1886 insulation; installation of energy-efficient heating, cooling,  
 1887 or ventilation systems; installation of solar panels; building  
 1888 modifications to increase the use of daylight or shade;  
 1889 replacement of windows; installation of energy controls or  
 1890 energy recovery systems; installation of electric vehicle  
 1891 charging equipment; installation of systems for natural gas fuel  
 1892 as defined in s. 206.9951; and installation of efficient  
 1893 lighting equipment.

1894 3. Notwithstanding any other provision of this subsection,  
 1895 a local government infrastructure surtax imposed or extended  
 1896 after July 1, 1998, may allocate up to 15 percent of the surtax  
 1897 proceeds for deposit into a trust fund within the county's  
 1898 accounts created for the purpose of funding economic development  
 1899 projects having a general public purpose of improving local  
 1900 economies, including the funding of operational costs and  
 1901 incentives related to economic development. The ballot statement  
 1902 must indicate the intention to make an allocation under the  
 1903 authority of this subparagraph.

1904 Section 40. Subsection (1) of section 215.619, Florida  
 1905 Statutes, is amended to read:

1906 215.619 Bonds for Everglades restoration.—

1907 (1) The issuance of Everglades restoration bonds to finance  
 1908 or refinance the cost of the acquisition and improvement of  
 1909 land, water areas, and related property interests and resources  
 1910 for the purpose of implementing the Comprehensive Everglades  
 1911 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed  
 1912 Protection Plan under s. 373.4595, the Caloosahatchee River  
 1913 Watershed Protection Plan under s. 373.4595, the St. Lucie River  
 1914 Watershed Protection Plan under s. 373.4595, the City of Key

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1915 West Area of Critical State Concern as designated ~~by the~~  
1916 ~~Administration Commission~~ under s. 380.05, and the Florida Keys  
1917 Area of Critical State Concern protection program under ss.  
1918 380.05 and 380.0552 in order to restore and conserve natural  
1919 systems through implementation of water management projects,  
1920 including projects that protect, restore, or enhance nearshore  
1921 water quality and fisheries, such as stormwater or canal  
1922 restoration projects, projects to protect water resources  
1923 available to the Florida Keys, including wastewater management  
1924 projects identified in the Keys Wastewater Plan, dated November  
1925 2007, and submitted to the Florida House of Representatives on  
1926 December 4, 2007, is authorized in accordance with s. 11(e),  
1927 Art. VII of the State Constitution.

1928 (a) Everglades restoration bonds, except refunding bonds,  
1929 may be issued only in fiscal years 2002-2003 through 2019-2020  
1930 and may not be issued in an amount exceeding \$100 million per  
1931 fiscal year unless:

1932 1. The Department of Environmental Protection has requested  
1933 additional amounts in order to achieve cost savings or  
1934 accelerate the purchase of land; or

1935 2. The Legislature authorizes an additional amount of bonds  
1936 not to exceed \$200 million, and limited to \$50 million per  
1937 fiscal year, specifically for the purpose of funding the Florida  
1938 Keys Area of Critical State Concern protection program and the  
1939 City of Key West Area of Critical State Concern. Proceeds from  
1940 the bonds shall be managed by the Department of Environmental  
1941 Protection for the purpose of entering into financial assistance  
1942 agreements with local governments located in the Florida Keys  
1943 Area of Critical State Concern or the City of Key West Area of

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1944 Critical State Concern to finance or refinance the cost of  
 1945 constructing sewage collection, treatment, and disposal  
 1946 facilities or building projects that protect, restore, or  
 1947 enhance nearshore water quality and fisheries, such as  
 1948 stormwater or canal restoration projects and projects to protect  
 1949 water resources available to the Florida Keys.

1950 (b) The duration of Everglades restoration bonds may not  
 1951 exceed 20 annual maturities and must mature by December 31,  
 1952 2047. Except for refunding bonds, a series of bonds may not be  
 1953 issued unless an amount equal to the debt service coming due in  
 1954 the year of issuance has been appropriated by the Legislature.  
 1955 Not more than 58.25 percent of documentary stamp taxes collected  
 1956 may be taken into account for the purpose of satisfying an  
 1957 additional bonds test set forth in any authorizing resolution  
 1958 for bonds issued on or after July 1, 2015. Beginning July 1,  
 1959 2010, the Legislature shall analyze the ratio of the state's  
 1960 debt to projected revenues before authorizing the issuance of  
 1961 bonds under this section.

1962 Section 41. Subsection (1) of section 215.95, Florida  
 1963 Statutes, is amended to read:

1964 215.95 Financial Management Information Board.—

1965 (1) There is created, ~~as part of the Administration~~  
 1966 ~~Commission,~~ the Financial Management Information Board. The  
 1967 board shall be composed of the Governor, the Chief Financial  
 1968 Officer, the Commissioner of Agriculture, and the Attorney  
 1969 General. The Governor shall be chair of the board. The Governor  
 1970 or the Chief Financial Officer may call a meeting of the board  
 1971 at any time the need arises.

1972 Section 42. Subsection (2) of section 216.182, Florida

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1973 Statutes, is amended to read:

1974 216.182 Approval of fixed capital outlay program plan.—

1975 (2) Any department under the direct supervision of a member  
 1976 of the Cabinet or of a board consisting of the Governor and  
 1977 members of the Cabinet which contends that the determination of  
 1978 the program plan by the Executive Office of the Governor  
 1979 pursuant to subsection (1) is contrary to the orderly  
 1980 implementation of legislative authorization shall have the right  
 1981 to have the issue reviewed by the Department of Management  
 1982 Services after a substantial interest hearing by the Division of  
 1983 Administrative Hearings ~~Administration Commission, which shall~~  
 1984 ~~decide such issue by majority vote.~~ The appropriations  
 1985 committees of the Legislature may advise the Department of  
 1986 Management Services and the Division of Administrative Hearings  
 1987 ~~Administration Commission~~ on the issue.

1988 Section 43. Subsection (2) of section 216.192, Florida  
 1989 Statutes, is amended to read:

1990 216.192 Release of appropriations; revision of budgets.—

1991 (2) Any department under the direct supervision of a member  
 1992 of the Cabinet or of a board consisting of the Governor and  
 1993 members of the Cabinet which contends that the plan for releases  
 1994 of funds appropriated to it is contrary to the approved  
 1995 operating budget shall have the right to have the issue reviewed  
 1996 by the administrative law judge of the Division of  
 1997 Administrative Hearings which shall issue a final order on the  
 1998 issue ~~Administration Commission which shall decide such issue by~~  
 1999 ~~majority vote.~~

2000 Section 44. Section 259.045, Florida Statutes, is amended  
 2001 to read:

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2002           259.045 Purchase of lands in areas of critical state  
 2003 concern; recommendations by department and land authorities.—  
 2004 Within 45 days after the designation of Administration  
 2005 ~~Commission designates~~ an area as an area of critical state  
 2006 concern under s. 380.05, and annually thereafter, the Department  
 2007 of Environmental Protection shall consider the recommendations  
 2008 of the state land planning agency pursuant to s. 380.05(1)(a)  
 2009 relating to purchase of lands within an area of critical state  
 2010 concern or lands outside an area of critical state concern that  
 2011 directly impact an area of critical state concern, which may  
 2012 include lands used to preserve and protect water supply, and  
 2013 shall make recommendations to the board with respect to the  
 2014 purchase of the fee or any lesser interest in any such lands  
 2015 that are:

- 2016           (1) Environmentally endangered lands;
- 2017           (2) Outdoor recreation lands;
- 2018           (3) Lands that conserve sensitive habitat;
- 2019           (4) Lands that protect, restore, or enhance nearshore water  
 2020 quality and fisheries;
- 2021           (5) Lands used to protect and enhance water supply to the  
 2022 Florida Keys, including alternative water supplies such as  
 2023 reverse osmosis and reclaimed water systems; or
- 2024           (6) Lands used to prevent or satisfy private property  
 2025 rights claims resulting from limitations imposed by the  
 2026 designation of an area of critical state concern if the  
 2027 acquisition of such lands fulfills a public purpose listed in s.  
 2028 259.032(2) or if the parcel is wholly or partially, at the time  
 2029 of acquisition, on one of the board's approved acquisition lists  
 2030 established pursuant to this chapter. For the purposes of this

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2031 subsection, if a parcel is estimated to be worth \$500,000 or  
2032 less and the director of the Division of State Lands finds that  
2033 the cost of an outside appraisal is not justified, a comparable  
2034 sales analysis, an appraisal prepared by the Division of State  
2035 Lands, or other reasonably prudent procedures may be used by the  
2036 Division of State Lands to estimate the value of the parcel,  
2037 provided the public's interest is reasonably protected.  
2038

2039 The department, a local government, a special district, or a  
2040 land authority within an area of critical state concern may make  
2041 recommendations with respect to additional purchases which were  
2042 not included in the state land planning agency recommendations.

2043 Section 45. Paragraph (a) of subsection (2) of section  
2044 282.709, Florida Statutes, is amended to read:

2045 282.709 State agency law enforcement radio system and  
2046 interoperability network.—

2047 (2) The Joint Task Force on State Agency Law Enforcement  
2048 Communications is created adjunct to the department to advise  
2049 the department of member-agency needs relating to the planning,  
2050 designing, and establishment of the statewide communication  
2051 system.

2052 (a) The Joint Task Force on State Agency Law Enforcement  
2053 Communications shall consist of the following members:

2054 1. A representative of the Division of Alcoholic Beverages  
2055 and Tobacco of the Department of Business and Professional  
2056 Regulation who shall be appointed by the secretary of the  
2057 department.

2058 2. A representative of the Division of Florida Highway  
2059 Patrol of the Department of Highway Safety and Motor Vehicles

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2060 who shall be appointed by the secretary ~~executive director~~ of  
2061 the department.

2062 3. A representative of the Department of Law Enforcement  
2063 who shall be appointed by the executive director of the  
2064 department.

2065 4. A representative of the Fish and Wildlife Conservation  
2066 Commission who shall be appointed by the executive director of  
2067 the commission.

2068 5. A representative of the Division of Law Enforcement of  
2069 the Department of Environmental Protection who shall be  
2070 appointed by the secretary of the department.

2071 6. A representative of the Department of Corrections who  
2072 shall be appointed by the secretary of the department.

2073 7. A representative of the Department of Financial Services  
2074 who shall be appointed by the Chief Financial Officer.

2075 8. A representative of the Department of Agriculture and  
2076 Consumer Services who shall be appointed by the Commissioner of  
2077 Agriculture.

2078 9. A representative of the Florida Sheriffs Association who  
2079 shall be appointed by the president of the Florida Sheriffs  
2080 Association.

2081 Section 46. Paragraphs (b) and (d) of subsection (12) of  
2082 section 288.975, Florida Statutes, are amended to read:

2083 288.975 Military base reuse plans.—

2084 (12) Following receipt of a petition, the petitioning party  
2085 or parties and the host local government shall seek resolution  
2086 of the issues in dispute. The issues in dispute shall be  
2087 resolved as follows:

2088 (b) If resolution of the dispute cannot be achieved within



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2089 45 days, the petitioning parties and host local government may  
2090 extend such dispute resolution for up to 45 days. If resolution  
2091 of the dispute cannot be achieved with the above timeframes, the  
2092 issues in dispute shall be submitted to the state land planning  
2093 agency. If the issues stem from multiple petitions, the  
2094 mediation shall be consolidated into a single proceeding. The  
2095 state land planning agency shall have 45 days to hold informal  
2096 hearings, if necessary, identify the issues in dispute, prepare  
2097 a record of the proceedings, and provide recommended solutions  
2098 to the parties. If the parties fail to implement the recommended  
2099 solutions within 45 days, the state land planning agency shall  
2100 submit the matter to the Division of Administrative Hearings  
2101 ~~Administration Commission~~ for final action. The report to the  
2102 Division of Administrative Hearings ~~Administration Commission~~  
2103 shall list each issue in dispute, describe the nature and basis  
2104 for each dispute, identify the recommended solutions provided to  
2105 the parties, and make recommendations for actions the Division  
2106 of Administrative Hearings ~~Administration Commission~~ should take  
2107 to resolve the disputed issues.

2108 (d) Within 45 days after receiving the report from the  
2109 state land planning agency, the Division of Administrative  
2110 Hearings ~~Administration Commission~~ shall take action to resolve  
2111 the issues in dispute. In deciding upon a proper resolution, the  
2112 Division of Administrative Hearings ~~Administration Commission~~  
2113 shall consider the nature of the issues in dispute, any requests  
2114 for a formal administrative hearing pursuant to chapter 120, the  
2115 compliance of the parties with this section, the extent of the  
2116 conflict between the parties, the comparative hardships and the  
2117 public interest involved. If the Division of Administrative

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2118 Hearings ~~Administration Commission~~ incorporates in its final  
2119 order a term or condition that requires any local government to  
2120 amend its local government comprehensive plan, the local  
2121 government shall amend its plan within 60 days after the  
2122 issuance of the order. A public hearing on such amendment or  
2123 amendments pursuant to s. 163.3184(11)(b)1. is not required. The  
2124 final order of the Division of Administrative Hearings  
2125 ~~Administration Commission~~ is subject to appeal pursuant to s.  
2126 120.68. If the order of the Division of Administrative Hearings  
2127 ~~Administration Commission~~ is appealed, the time for the local  
2128 government to amend its plan shall be tolled during the pendency  
2129 of any local, state, or federal administrative or judicial  
2130 proceeding relating to the military base reuse plan.

2131 Section 47. Subsection (7) of section 316.545, Florida  
2132 Statutes, is amended to read:

2133 316.545 Weight and load unlawful; special fuel and motor  
2134 fuel tax enforcement; inspection; penalty; review.—

2135 (7) There is created within the Department of  
2136 Transportation the Commercial Motor Vehicle Review Board,  
2137 consisting of three permanent members who shall be the Secretary  
2138 of Transportation, the Secretary ~~executive director of the~~  
2139 ~~Department~~ of Highway Safety and Motor Vehicles, and the  
2140 Commissioner of Agriculture, or their authorized  
2141 representatives, and four additional members appointed pursuant  
2142 to paragraph (b), which may review any penalty imposed upon any  
2143 vehicle or person under the provisions of this chapter relating  
2144 to weights imposed on the highways by the axles and wheels of  
2145 motor vehicles, to special fuel and motor fuel tax compliance,  
2146 or to violations of safety regulations.

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2147 (a) The Secretary of Transportation or his or her  
2148 authorized representative shall be the chair of the review  
2149 board.

2150 (b) The Governor shall appoint one member from the road  
2151 construction industry, one member from the trucking industry,  
2152 and one member with a general business or legal background. The  
2153 Commissioner of Agriculture shall appoint one member from the  
2154 agriculture industry. Each member appointed under this paragraph  
2155 must be a registered voter and resident of the state and must  
2156 possess business experience in the private sector. Members  
2157 appointed under ~~pursuant to~~ this paragraph shall each serve a 2-  
2158 year term. A vacancy occurring during the term of a member  
2159 appointed under this paragraph shall be filled only for the  
2160 remainder of the unexpired term. Members of the board appointed  
2161 under this paragraph may be removed from office by the Governor  
2162 for misconduct, malfeasance, misfeasance, or nonfeasance in  
2163 office.

2164 (c) Each member, before entering upon his or her official  
2165 duties, shall take and subscribe to an oath before an official  
2166 authorized by law to administer oaths that he or she will  
2167 honestly, faithfully, and impartially perform the duties  
2168 devolving upon him or her in office as a member of the review  
2169 board and that he or she will not neglect any duties imposed  
2170 upon him or her by s. 316.3025, s. 316.550, or this section.

2171 (d) The chair of the review board is responsible for the  
2172 administrative functions of the review board.

2173 (e) Four members of the board constitute a quorum, and the  
2174 vote of four members is ~~shall be~~ necessary for any action taken  
2175 by the board. A vacancy on the board does not impair the right

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2176 of a quorum of the board to exercise all of the rights and  
2177 perform all of the duties of the board.

2178 (f) The review board may hold sessions and conduct  
2179 proceedings at any place within the state. As an alternative to  
2180 physical appearance, and in addition to any other method of  
2181 appearance authorized by rule, the Department of Transportation  
2182 shall provide space and video conference capability at each  
2183 district office to enable a person requesting a hearing to  
2184 appear remotely before the board, regardless of the physical  
2185 location of the board proceeding.

2186 Section 48. Paragraph (a) of subsection (2) of section  
2187 320.275, Florida Statutes, is amended to read:

2188 320.275 Automobile Dealers Industry Advisory Board.—

2189 (2) MEMBERSHIP, TERMS, MEETINGS.—

2190 (a) The board shall be composed of 12 members. The  
2191 secretary ~~executive director~~ of the Department of Highway Safety  
2192 and Motor Vehicles shall appoint the members from names  
2193 submitted by the entities for the designated categories the  
2194 member will represent. The secretary ~~executive director~~ shall  
2195 appoint one representative of the Department of Highway Safety  
2196 and Motor Vehicles; two representatives of the independent motor  
2197 vehicle industry as recommended by the Florida Independent  
2198 Automobile Dealers Association; two representatives of the  
2199 franchise motor vehicle industry as recommended by the Florida  
2200 Automobile Dealers Association; one representative of the  
2201 auction motor vehicle industry who is from an auction chain and  
2202 is recommended by a group affiliated with the National Auto  
2203 Auction Association; one representative of the auction motor  
2204 vehicle industry who is from an independent auction and is

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2205 recommended by a group affiliated with the National Auto Auction  
2206 Association; one representative from the Department of Revenue;  
2207 a Florida tax collector representative recommended by the  
2208 Florida Tax Collectors Association; one representative from the  
2209 Better Business Bureau; one representative from the Department  
2210 of Agriculture and Consumer Services, who must represent the  
2211 Division of Consumer Services; and one representative of the  
2212 insurance industry who writes motor vehicle dealer surety bonds.

2213 Section 49. Subsection (1) of section 322.125, Florida  
2214 Statutes, is amended to read:

2215 322.125 Medical Advisory Board.—

2216 (1) There shall be a Medical Advisory Board composed of not  
2217 fewer than 12 or more than 25 members, at least one of whom must  
2218 be 60 years of age or older and all but one of whose medical and  
2219 other specialties must relate to driving abilities, which number  
2220 must include a doctor of medicine who is employed by the  
2221 Department of Highway Safety and Motor Vehicles in Tallahassee,  
2222 who shall serve as administrative officer for the board. The  
2223 secretary ~~executive director~~ of the Department of Highway Safety  
2224 and Motor Vehicles shall recommend persons to serve as board  
2225 members. Every member but two must be a doctor of medicine  
2226 licensed to practice medicine in this or any other state. One  
2227 member must be an optometrist licensed to practice optometry in  
2228 this state. One member must be a chiropractic physician licensed  
2229 to practice chiropractic medicine in this state. Members shall  
2230 be approved by the Cabinet and shall serve 4-year staggered  
2231 terms. The board membership must, to the maximum extent  
2232 possible, consist of equal representation of the disciplines of  
2233 the medical community treating the mental or physical

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2234 disabilities that could affect the safe operation of motor  
 2235 vehicles.

2236 Section 50. Section 331.353, Florida Statutes, is amended  
 2237 to read:

2238 331.353 Rulemaking authority. ~~The Administration Commission~~  
 2239 ~~and~~ State agencies shall have authority to adopt rules  
 2240 containing procedures for review of spaceport plans and  
 2241 amendments and development orders for projects applied for or  
 2242 issued under this act.

2243 Section 51. Paragraph (b) of subsection (5) of section  
 2244 336.025, Florida Statutes, is amended to read:

2245 336.025 County transportation system; levy of local option  
 2246 fuel tax on motor fuel and diesel fuel.—

2247 (5)

2248 (b) Any dispute as to the determination by the county of  
 2249 distribution proportions shall be resolved through an appeal to  
 2250 the Division of Administrative Hearings ~~Administration~~  
 2251 ~~Commission~~ in accordance with procedures developed by the  
 2252 Division of Administrative Hearings ~~commission~~. Pending final  
 2253 disposition of such proceeding, the tax shall be collected  
 2254 pursuant to this section, and such funds shall be held in escrow  
 2255 by the clerk of the circuit court of the county until final  
 2256 disposition.

2257 Section 52. Subsection (1) of section 337.243, Florida  
 2258 Statutes, is amended to read:

2259 337.243 Notification of land use changes in designated  
 2260 transportation corridors.—

2261 (1) If a local government designates a transportation  
 2262 corridor that includes a facility on the State Highway System in

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2263 its local government comprehensive plan and has adopted a  
 2264 transportation corridor management ordinance, the local  
 2265 governmental entity shall give reasonable notice by certified  
 2266 mail to the department prior to approving any substantial zoning  
 2267 change or subdivision plat changes or granting of a building  
 2268 permit or development permit, as defined in s. 380.031(3) ~~s.~~  
 2269 ~~380.031(4)~~, for land use or the erection, alteration, or moving  
 2270 of a building for property within the designated transportation  
 2271 corridor which would substantially impair the viability of the  
 2272 corridor for future transportation uses. This notification  
 2273 requirement shall not apply to any routine maintenance or  
 2274 emergency repairs to existing structures. Upon notification, the  
 2275 department shall determine whether to purchase the property  
 2276 affected or to initiate eminent domain proceedings. The  
 2277 department's determination shall not affect the granting or  
 2278 denial of the permit by the local government. The local  
 2279 government shall not be liable to the department for failure to  
 2280 make notification to the department pursuant to this section.

2281 Section 53. Subsections (3) and (4) of section 369.305,  
 2282 Florida Statutes, are amended to read:

2283 369.305 Review of local comprehensive plans, land  
 2284 development regulations, Wekiva River development permits, and  
 2285 amendments.—

2286 (3) If the department determines that the local  
 2287 comprehensive plan and land development regulations as amended  
 2288 or supplemented comply with the provisions of subsection (1),  
 2289 the department shall petition the Department of Economic  
 2290 Opportunity Governor and Cabinet to confirm its determination.  
 2291 If the department determines that the amendments and any new

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2292 land development regulations that a county has adopted do not  
 2293 meet the criteria established in subsection (1), or the  
 2294 department receives no amendments or new land development  
 2295 regulations and determines that the county's existing local  
 2296 comprehensive plan and land development regulations do not  
 2297 comply with the provisions of subsection (1), the department  
 2298 shall petition the Department of Economic Opportunity ~~Governor~~  
 2299 ~~and Cabinet~~ to order the county to adopt such amendments to its  
 2300 local comprehensive plan or land development regulations or such  
 2301 new land development regulations as it deems necessary to meet  
 2302 the criteria in subsection (1). A determination or petition made  
 2303 by the department pursuant to this subsection shall not be final  
 2304 agency action.

2305 (4) The Department of Economic Opportunity ~~Governor and~~  
 2306 ~~Cabinet, sitting as the Land and Water Adjudicatory Commission,~~  
 2307 shall render an order on the petition. Any local government  
 2308 comprehensive plan amendments directly related to the  
 2309 requirements of this subsection and subsections (1), (2), and  
 2310 (3) may be initiated by a local planning agency and considered  
 2311 by the local governing body without regard to statutory or local  
 2312 ordinance limitations on the frequency of consideration of  
 2313 amendments to local comprehensive plans.

2314 Section 54. Section 373.114, Florida Statutes, is amended  
 2315 to read:

2316 373.114 ~~Land and Water Adjudicatory Commission;~~ Review of  
 2317 district rules and orders; department review of district rules.-

2318 (1) Except as provided in subsection (2), the department  
 2319 has ~~Governor and Cabinet, sitting as the Land and Water~~  
 2320 ~~Adjudicatory Commission,~~ have the exclusive authority to review



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2321 any order or rule of a water management district, other than a  
2322 rule relating to an internal procedure of the district or a  
2323 final order resulting from an evidentiary hearing held under s.  
2324 120.569 or s. 120.57 or a rule that has been adopted after  
2325 issuance of a final order resulting from an evidentiary hearing  
2326 held under s. 120.56, to ensure consistency with the provisions  
2327 and purposes of this chapter. Subsequent to the legislative  
2328 ratification of the delineation methodology pursuant to s.  
2329 373.421(1), this subsection also shall apply to an order of ~~the~~  
2330 ~~department, or~~ a local government exercising delegated  
2331 authority, pursuant to ss. 373.403-373.443, except an order  
2332 pertaining to activities or operations subject to conceptual  
2333 plan approval pursuant to chapter 378 or a final order resulting  
2334 from an evidentiary hearing held under s. 120.569 or s. 120.57.

2335 (a) Such review may be initiated by the department or by a  
2336 party to the proceeding below by filing a request for review  
2337 with the department ~~Land and Water Adjudicatory Commission~~ and  
2338 serving a copy ~~on the department and~~ on any person named in the  
2339 rule or order within 20 days after adoption of the rule or the  
2340 rendering of the order. For the purposes of this section, the  
2341 term "party" means any affected person who submitted oral or  
2342 written testimony, sworn or unsworn, of a substantive nature  
2343 which stated with particularity objections to or support for the  
2344 rule or order that are cognizable within the scope of the  
2345 provisions and purposes of this chapter. In order for the  
2346 department ~~commission~~ to accept a request for review initiated  
2347 by a party below, with regard to a specific order, the  
2348 department ~~three members of the commission~~ must determine on the  
2349 basis of the record below that the activity authorized by the

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2350 order would substantially affect natural resources of statewide  
2351 or regional significance. Review of an order may also be  
2352 accepted if the department determines ~~three members of the~~  
2353 ~~commission determine~~ that the order raises issues of policy,  
2354 statutory interpretation, or rule interpretation that have  
2355 regional or statewide significance from the standpoint of agency  
2356 precedent. The party requesting the department ~~commission~~ to  
2357 review an order must allege with particularity, and the  
2358 department ~~commission~~ must find, that:

- 2359 1. The order is in conflict with statutory requirements; or  
2360 2. The order is in conflict with the requirements of a duly  
2361 adopted rule.

2362 (b) Review by the department ~~Land and Water Adjudicatory~~  
2363 ~~Commission~~ is appellate in nature and shall be based solely on  
2364 the record below unless the department ~~commission~~ determines  
2365 that a remand for a formal evidentiary proceeding is necessary  
2366 to develop additional findings of fact. If there is no  
2367 evidentiary administrative proceeding resulting from a remand or  
2368 referral for findings of fact by the department ~~commission~~, then  
2369 the facts contained in the proposed agency action or proposed  
2370 water management district action, including any technical staff  
2371 report, shall be deemed undisputed. The matter shall be heard by  
2372 the department ~~commission~~ not more than 60 days after receipt of  
2373 the request for review, unless waived by the parties; provided,  
2374 however, such time limit shall be tolled by a referral or remand  
2375 pursuant to this paragraph. The department ~~commission~~ may refer  
2376 a request for review to the Division of Administrative Hearings  
2377 for the production of findings of fact, limited to those needed  
2378 to render the decision requested, to supplement the record, if

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2379 the department ~~a majority of the commission~~ determines that  
2380 supplementary findings of fact are essential to determine the  
2381 consistency of a rule or order with the provisions and purposes  
2382 of this chapter. Alternatively, the department ~~commission~~ may  
2383 remand the matter to the agency below for additional findings of  
2384 fact, limited to those needed to render the decision requested,  
2385 to supplement the record, if the department ~~a majority of the~~  
2386 ~~commission~~ determines that supplementary findings of fact are  
2387 essential to determine the consistency of a rule or order with  
2388 the provisions and purposes of this chapter. Such proceedings  
2389 must be conducted and the findings transmitted to the department  
2390 ~~commission~~ within 90 days of the remand or referral.

2391 (c) If the department ~~Land and Water Adjudicatory~~  
2392 ~~Commission~~ determines that a rule of a water management district  
2393 is not consistent with the provisions and purposes of this  
2394 chapter, it may require the water management district to  
2395 initiate rulemaking proceedings to amend or repeal the rule. If  
2396 the department ~~commission~~ determines that an order is not  
2397 consistent with the provisions and purposes of this chapter, the  
2398 department ~~commission~~ may rescind or modify the order or remand  
2399 the proceeding for further action consistent with the order of  
2400 the department ~~Land and Water Adjudicatory Commission~~ only if  
2401 the department ~~commission~~ determines that the activity  
2402 authorized by the order would substantially affect natural  
2403 resources of statewide or regional significance. In the case of  
2404 an order which does not itself substantially affect natural  
2405 resources of statewide or regional significance, but which  
2406 raises issues of policy that have regional or statewide  
2407 significance from the standpoint of agency precedent, the

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2408 department ~~commission~~ may direct the district to initiate  
2409 rulemaking to amend its rules to assure that future actions are  
2410 consistent with the provisions and purposes of this chapter  
2411 without modifying the order.

2412 (d) In a review under this section of a construction permit  
2413 issued pursuant to a conceptual permit under part IV, which  
2414 conceptual permit is issued after July 1, 1993, a party to the  
2415 review may not raise an issue which was or could have been  
2416 raised in a review of the conceptual permit under this section.

2417 (e) A request for review under this section shall not be a  
2418 precondition to the seeking of judicial review pursuant to s.  
2419 120.68 or the seeking of an administrative determination of rule  
2420 validity pursuant to s. 120.56.

2421 (f) The department ~~Florida Land and Water Adjudicatory~~  
2422 ~~Commission~~ may adopt rules to set forth its procedures for  
2423 reviewing an order or rule of a water management district  
2424 consistent with the provisions of this section.

2425 (g) For the purpose of this section, it shall be presumed  
2426 that activity authorized by an order will not affect resources  
2427 of statewide or regional significance if the proposed activity:

- 2428 1. Occupies an area less than 10 acres in size, and
  - 2429 2. Does not create impervious surfaces greater than 2 acres  
2430 in size, and
  - 2431 3. Is not located within 550 feet of the shoreline of a  
2432 named body of water designated as Outstanding Florida Waters,  
2433 and
  - 2434 4. Does not adversely affect threatened or endangered  
2435 species.
- 2436

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2437 This paragraph shall not operate to hold that any activity that  
2438 exceeds these limits is presumed to affect resources of  
2439 statewide or regional significance. The determination of whether  
2440 an activity will substantially affect resources of statewide or  
2441 regional significance shall be made on a case-by-case basis,  
2442 based upon facts contained in the record below.

2443 (2) The department shall have the exclusive authority to  
2444 review rules of the water management districts, other than rules  
2445 relating to internal management of the districts, to ensure  
2446 consistency with the water resource implementation rule as set  
2447 forth in the rules of the department. Within 30 days after  
2448 adoption or revision of any water management district rule, the  
2449 department shall initiate a review of such rule pursuant to this  
2450 section.

2451 (a) Within 30 days after adoption of a rule, any affected  
2452 person may request that a hearing be held before the secretary  
2453 of the department, at which hearing evidence and argument may be  
2454 presented relating to the consistency of the rule with the water  
2455 resource implementation rule, by filing a request for hearing  
2456 with the department and serving a copy on the water management  
2457 district.

2458 (b) If the department determines that the rule is  
2459 inconsistent with the water resource implementation rule, it may  
2460 order the water management district to initiate rulemaking  
2461 proceedings to amend or repeal the rule.

2462 (c) An order of the department requiring amendment or  
2463 repeal of a rule may be appealed pursuant to s. 120.68 ~~to the~~  
2464 ~~Land and Water Adjudicatory Commission~~ by the water management  
2465 district or any other party to the proceeding before the

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2466 secretary.

2467 Section 55. Paragraph (c) of subsection (3) of section  
2468 373.139, Florida Statutes, is amended to read:

2469 373.139 Acquisition of real property.—

2470 (3) The initial 5-year work plan and any subsequent  
2471 modifications or additions thereto shall be adopted by each  
2472 water management district after a public hearing. Each water  
2473 management district shall provide at least 14 days' advance  
2474 notice of the hearing date and shall separately notify each  
2475 county commission within which a proposed work plan project or  
2476 project modification or addition is located of the hearing date.

2477 (c) The Secretary of Environmental Protection shall release  
2478 acquisition moneys from the appropriate account or trust fund to  
2479 a district following receipt of a resolution adopted by the  
2480 governing board identifying the lands being acquired and  
2481 certifying that such acquisition is consistent with the 5-year  
2482 work plan of acquisition and other provisions of this section.  
2483 The governing board also shall provide to the Secretary of  
2484 Environmental Protection a copy of all certified appraisals used  
2485 to determine the value of the land to be purchased. Each parcel  
2486 to be acquired must have at least one appraisal. Two appraisals  
2487 are required when the estimated value of the parcel exceeds \$1  
2488 million. However, when both appraisals exceed \$1 million and  
2489 differ significantly, a third appraisal may be obtained. If the  
2490 purchase price is greater than the appraisal price, the  
2491 governing board shall submit written justification for the  
2492 increased price. The Secretary of Environmental Protection may  
2493 withhold moneys for any purchase that is not consistent with the  
2494 5-year plan or the intent of this section or that is in excess

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2495 of appraised value. The governing board may appeal any denial to  
 2496 the Division of Administrative Hearings ~~Land and Water~~  
 2497 ~~Adjudicatory Commission pursuant to s. 373.114.~~

2498 Section 56. Subsection (1) of section 373.217, Florida  
 2499 Statutes, is amended to read:

2500 373.217 Superseded laws and regulations.—

2501 (1) It is the intent of the Legislature to provide a means  
 2502 whereby reasonable programs for the issuance of permits  
 2503 authorizing the consumptive use of particular quantities of  
 2504 water may be authorized by the Department of Environmental  
 2505 Protection, subject to judicial review and also subject to  
 2506 review ~~by the Governor and Cabinet, sitting as the Land and~~  
 2507 ~~Water Adjudicatory Commission~~ as provided in s. 373.114.

2508 Section 57. Subsections (11) and (13) of section 373.2295,  
 2509 Florida Statutes, are amended to read:

2510 373.2295 Interdistrict transfers of groundwater.—

2511 (11) If, after the final order of the department or final  
 2512 agency action under this section, the proposed use of the site  
 2513 designated in the application for groundwater production,  
 2514 treatment, or transmission facilities does not conform with the  
 2515 existing zoning ordinances, a rezoning application may be  
 2516 submitted. If local authorities deny the application for  
 2517 rezoning, the applicant may appeal this decision to the  
 2518 Department of Economic Opportunity ~~Land and Water Adjudicatory~~  
 2519 ~~Commission~~, which shall authorize a variance or nonconforming  
 2520 use to the existing comprehensive plan and zoning ordinances,  
 2521 unless the Department of Economic Opportunity ~~commission~~  
 2522 determines after notice and hearing that such variance or  
 2523 nonconforming use is contrary to the public interest.

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2524 (13) When a consumptive use permit under this section is  
2525 granted for water use beyond the boundaries of a local  
2526 government from which or through which the groundwater is  
2527 withdrawn or transferred and a local government denies a permit  
2528 required under chapter 125 or chapter 153 for a facility or any  
2529 infrastructure which produces, treats, transmits, or distributes  
2530 such groundwater, the person or unit of government applying for  
2531 the permit under chapter 125 or chapter 153 may appeal the  
2532 denial to the Department of Economic Opportunity ~~Land and Water~~  
2533 ~~Adjudicatory Commission~~. The Department of Economic Opportunity  
2534 ~~commission~~ shall review the local government action for  
2535 consistency with this chapter and the interdistrict groundwater  
2536 transfer permit and may reverse, modify, or approve the local  
2537 government's action.

2538 Section 58. Paragraph (b) of subsection (1) of section  
2539 373.4275, Florida Statutes, is amended to read:

2540 373.4275 Review of consolidated orders.—

2541 (1) Beginning on the effective date of the rules adopted  
2542 under s. 373.427(1), review of any consolidated order rendered  
2543 pursuant to s. 373.427(1) shall be governed by the provisions of  
2544 s. 373.114(1). However, the term "party" shall mean any person  
2545 who participated as a party in a proceeding under ss. 120.569  
2546 and 120.57 on the concurrently reviewed authorizations, permits,  
2547 waivers, variances, or approvals, or any affected person who  
2548 submitted to the department, water management district, or board  
2549 of trustees oral or written testimony, sworn or unsworn, of a  
2550 substantive nature which stated with particularity objections to  
2551 or support for the authorization, permit, waiver, variance, or  
2552 approval, provided that such testimony was cognizable within the



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2553 scope of this chapter or the applicable provisions of chapter  
2554 161, chapter 253, or chapter 258 when the consolidated notice of  
2555 intent includes an authorization, permit, waiver, variance, or  
2556 approval under those chapters. In such cases, the standard of  
2557 review shall also ensure consistency with the applicable  
2558 provisions and purposes of chapter 161, chapter 253, or chapter  
2559 258 when the consolidated order includes an authorization,  
2560 permit, waiver, variance, or approval under those chapters. If  
2561 the consolidated order subject to review includes approval or  
2562 denial of proprietary authorization to use submerged lands on  
2563 which the board of trustees has previously acted, as described  
2564 in s. 373.427(2), the scope of review under this section shall  
2565 not encompass such proprietary decision, but the standard of  
2566 review shall also ensure consistency with the applicable  
2567 provisions and purposes of chapter 161 when the consolidated  
2568 order includes a permit, waiver, or approval under that chapter.

2569 (b) If a consolidated order includes proprietary  
2570 authorization under chapter 253 or chapter 258 to use submerged  
2571 lands owned by the Board of Trustees of the Internal Improvement  
2572 Trust Fund for an activity for which the authority has been  
2573 delegated to take final agency action without action of the  
2574 board of trustees, the following additional provisions and  
2575 exceptions to s. 373.114(1) apply:

2576 1. The Governor and Cabinet shall sit ~~concurrently~~ as the  
2577 ~~Land and Water Adjudicatory Commission~~ and the Board of Trustees  
2578 of the Internal Improvement Trust Fund in exercising the  
2579 exclusive authority to review the order;

2580 2. The review may also be initiated by the Governor or any  
2581 member of the Cabinet within 20 days after the rendering of the

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2582 order in which case the other provisions of s. 373.114(1)(a)  
 2583 regarding acceptance of a request for review do not apply; and

2584 3. If the Governor and Cabinet find that an authorization  
 2585 to use submerged lands is not consistent with chapter 253 or  
 2586 chapter 258, any authorization, permit, waiver, or approval  
 2587 authorized or granted by the consolidated order must be  
 2588 rescinded or modified or the proceeding must be remanded for  
 2589 further action consistent with the order issued under this  
 2590 section.

2591 Section 59. Subsection (6) of section 373.703, Florida  
 2592 Statutes, is amended to read:

2593 373.703 Water production; general powers and duties.—In the  
 2594 performance of, and in conjunction with, its other powers and  
 2595 duties, the governing board of a water management district  
 2596 existing pursuant to this chapter:

2597 (6) May provide water and financial assistance to regional  
 2598 water supply authorities, but may not provide water to counties  
 2599 and municipalities which are located within the area of such  
 2600 authority without the specific approval of the authority or, in  
 2601 the event of the authority's disapproval, the approval of the  
 2602 Governor and Cabinet ~~sitting as the Land and Water Adjudicatory~~  
 2603 ~~Commission~~. The district may supply water at rates and upon  
 2604 terms mutually agreed to by the parties or, if they do not  
 2605 agree, as set by the governing board and specifically approved  
 2606 by the department ~~Governor and Cabinet sitting as the Land and~~  
 2607 ~~Water Adjudicatory Commission~~.

2608 Section 60. Paragraph (c) of subsection (1) of section  
 2609 377.2425, Florida Statutes, is amended to read:

2610 377.2425 Manner of providing security for geophysical

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2611 exploration, drilling, and production.—

2612 (1) Prior to granting a permit to conduct geophysical  
2613 operations; drilling of exploratory, injection, or production  
2614 wells; producing oil and gas from a wellhead; or transporting  
2615 oil and gas through a field-gathering system, the department  
2616 shall require the applicant or operator to provide surety that  
2617 these operations will be conducted in a safe and environmentally  
2618 compatible manner.

2619 (c) An applicant for a drilling or operating permit for  
2620 operations planned in coastal waters that by their nature  
2621 warrant greater surety shall provide surety only in accordance  
2622 with paragraph (a), or similar proof of financial responsibility  
2623 other than as provided in paragraph (b). For all such  
2624 applications, including applications pending at the effective  
2625 date of this act and notwithstanding the provisions of paragraph  
2626 (b), ~~the Governor and Cabinet in their capacity as the~~  
2627 ~~Administration Commission, at the recommendation of the~~  
2628 Department of Environmental Protection, shall set a reasonable  
2629 amount of surety required under this subsection. The surety  
2630 amount shall be based on the projected cleanup costs and natural  
2631 resources damages resulting from a maximum oil spill and adverse  
2632 hydrographic and atmospheric conditions that would tend to  
2633 transport the oil into environmentally sensitive areas, as  
2634 determined by the Department of Environmental Protection.

2635 Section 61. Subsection (1) of section 380.031, Florida  
2636 Statutes, is amended to read:

2637 380.031 Definitions.—As used in this chapter:

2638 ~~(1) "Administration commission" or "commission" means the~~  
2639 ~~Governor and the Cabinet; and for purposes of this chapter the~~

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2640 ~~commission shall act on a simple majority.~~

2641 Section 62. Paragraph (b) of subsection (2) of section  
2642 380.032, Florida Statutes, is amended to read:

2643 380.032 State land planning agency; powers and duties.—The  
2644 state land planning agency shall have the power and the duty to:

2645 (2)

2646 (b) Within 20 days following adoption, any substantially  
2647 affected party may initiate review of any rule adopted by the  
2648 state land planning agency interpreting the guidelines and  
2649 standards by filing a request for review with the Division of  
2650 Administrative Hearings ~~Administration Commission~~ and serving a  
2651 copy on the state land planning agency. Filing a request for  
2652 review shall stay the effectiveness of the rule pending a  
2653 decision by the Division of Administrative Hearings  
2654 ~~Administration Commission~~. Within 45 days following receipt of a  
2655 request for review, the Division of Administrative Hearings  
2656 ~~commission~~ shall either reject the rule or approve the rule,  
2657 with or without modification.

2658 Section 63. Subsections (3), (4), and (5) of section  
2659 380.045, Florida Statutes, are amended to read:

2660 380.045 Resource planning and management committees;  
2661 objectives; procedures.—

2662 (3) Not later than 12 months after its appointment by the  
2663 Governor, the committee shall either adopt a proposed voluntary  
2664 resource planning and management program for the area under  
2665 study or recommend that a voluntary resource planning and  
2666 management program not be adopted. The proposed voluntary  
2667 resource planning and management program shall contain the  
2668 committee findings with respect to problems that endanger those

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2669 resources, facilities, and areas described in s. 380.05(2) and  
2670 shall contain detailed recommendations for state, regional, and  
2671 local governmental actions necessary to resolve current and  
2672 prevent future problems identified by the committee. A major  
2673 objective of the proposed voluntary resource planning and  
2674 management program shall be the effective coordination of state,  
2675 regional, and local planning; program implementation; and  
2676 regulatory activities for comprehensive resource management. The  
2677 committee shall submit the proposed voluntary resource planning  
2678 and management program to the head of the state land planning  
2679 agency at the Department of Economic Opportunity, ~~who shall~~  
2680 ~~transmit the program along with the recommendations of the~~  
2681 ~~agency for monitoring and enforcing the program, as well as any~~  
2682 ~~other recommendations deemed appropriate, to the Administration~~  
2683 ~~Commission.~~

2684 (4) The Department of Economic Opportunity Administration ~~Administration~~  
2685 ~~Commission~~ shall by resolution approve, approve as modified, or  
2686 reject the proposed voluntary resource planning and management  
2687 program and state land planning agency recommendations; and the  
2688 Department of Economic Opportunity Administration ~~Administration Commission~~  
2689 shall request each state or regional agency that is responsible  
2690 for implementing a portion of an approved program to conduct its  
2691 programs and regulatory activities in a manner consistent with  
2692 the approved program. Each state and regional agency involved in  
2693 implementing the program shall cooperate to the maximum extent  
2694 possible in ensuring that the program is given full effect.

2695 (5) The state land planning agency shall monitor ~~report to~~  
2696 ~~the Administration Commission within 12 months of the approval~~  
2697 ~~of the program by the commission concerning the implementation~~

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2698 and the effects of the approved voluntary resource planning and  
 2699 management program, which. ~~The report~~ shall include, but shall  
 2700 not be limited to:

2701 (a) An assessment of state agency compliance with the  
 2702 program, including the degree to which the program  
 2703 recommendations have been integrated into agency planning,  
 2704 program implementation, regulatory activities, and rules;

2705 (b) An assessment of the compliance by each affected local  
 2706 government with the program;

2707 (c) An evaluation of state, regional, and local monitoring  
 2708 and enforcement activities and recommendations for improving  
 2709 such activities; and

2710 (d) A determination ~~recommendation~~ as to whether ~~or not~~ all  
 2711 or any portion of the study area should be designated an area of  
 2712 critical state concern pursuant to s. 380.05.

2713  
 2714 The state land planning agency may engage in additional  
 2715 monitoring ~~make such other reports to the commission~~ as it deems  
 2716 necessary, including determining ~~recommending~~ that all or any  
 2717 portion of the study area be designated an area of critical  
 2718 state concern because of special circumstances in the study area  
 2719 or in the implementation of the approved voluntary resource  
 2720 planning and management program.

2721 Section 64. Subsections (1), (3), (4), (5), (8), (9), (10),  
 2722 (11), (12), (15), and (22) of section 380.05, Florida Statutes,  
 2723 are amended to read:

2724 380.05 Areas of critical state concern.—

2725 (1) (a) The state land planning agency may from time to time  
 2726 determine ~~recommend to the Administration Commission~~ specific

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2727 areas of critical state concern. In its determination  
2728 ~~recommendation~~, the agency shall include recommendations and  
2729 findings with respect to the purchase of lands situated within  
2730 the boundaries of the proposed area as environmentally  
2731 endangered lands and outdoor recreation lands under the Land  
2732 Conservation Program. The agency also shall include any report  
2733 or recommendation of a resource planning and management  
2734 committee appointed pursuant to s. 380.045; the dangers that  
2735 would result from uncontrolled or inadequate development of the  
2736 area and the advantages that would be achieved from the  
2737 development of the area in a coordinated manner; a detailed  
2738 boundary description of the proposed area; specific principles  
2739 for guiding development within the area; an inventory of lands  
2740 owned by the state, federal, county, and municipal governments  
2741 within the proposed area; and a list of the state agencies with  
2742 programs that affect the purpose of the designation. The agency  
2743 shall recommend actions which the local government and state and  
2744 regional agencies must accomplish in order to implement the  
2745 principles for guiding development. These actions may include,  
2746 but need not be limited to, revisions of the local comprehensive  
2747 plan and adoption of land development regulations, density  
2748 requirements, and special permitting requirements.

2749 (b) Within 45 days following completion of its  
2750 determination ~~receipt of a recommendation from the agency~~, the  
2751 Department of Economic Opportunity ~~commission~~ shall either  
2752 reject the determination ~~recommendation~~ as tendered or adopt the  
2753 determination ~~recommendation~~ with or without modification and by  
2754 rule designate the area of critical state concern. Any rule that  
2755 designates an area of critical state concern must include:

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- 2756 1. A detailed boundary description of the area.
- 2757 2. Principles for guiding development.
- 2758 3. A clear statement of the purpose for the designation.
- 2759 4. A precise checklist of actions which, when implemented,
- 2760 will result in repeal of the designation by the Department of
- 2761 Economic Opportunity Administration Commission, and the agencies
- 2762 or entities responsible for taking those actions.
- 2763 5. A list of those issues or programs for which mechanisms
- 2764 must be in place to assure ongoing implementation of the actions
- 2765 taken to result in repeal of the designation.
- 2766 6. A list of the state agencies which, in addition to those
- 2767 specified in subsection (22), administer programs that affect
- 2768 the purpose of the designation.
- 2769
- 2770 The rule shall become effective 20 days after being filed with
- 2771 the Secretary of State, except that an emergency rule adopted by
- 2772 the Department of Economic Opportunity ~~commission~~ and
- 2773 designating an area of critical state concern shall become
- 2774 effective immediately on being filed. Any rule adopted pursuant
- 2775 to this paragraph shall be presented to the Legislature for
- 2776 review pursuant to paragraph (c). A statement of estimated
- 2777 regulatory costs prepared pursuant to s. 120.541 shall not be a
- 2778 ground for a challenge of the rule; however, a landowner shall
- 2779 not be precluded from using adverse economic results as grounds
- 2780 for challenge. Such principles for guiding development shall
- 2781 apply to any development undertaken subsequent to the
- 2782 legislative review pursuant to paragraph (c) of the designation
- 2783 of the area of critical state concern with or without
- 2784 modification but prior to the adoption of land development rules



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2785 and regulations or a local comprehensive plan for the critical  
2786 area pursuant to subsections (6) and (8). No boundaries or  
2787 principles for guiding development shall be adopted without a  
2788 specific finding by the department ~~commission~~ that the  
2789 boundaries or principles are consistent with the purpose of the  
2790 designation. The department ~~commission~~ is not authorized to  
2791 adopt any rule that would provide for a moratorium on  
2792 development in any area of critical state concern.

2793 (c) A rule adopted by the department ~~commission~~ pursuant to  
2794 paragraph (b) designating an area of critical state concern and  
2795 principles for guiding development shall be submitted to the  
2796 President of the Senate and the Speaker of the House of  
2797 Representatives for review no later than 30 days prior to the  
2798 next regular session of the Legislature. The Legislature may  
2799 reject, modify, or take no action relative to the adopted rule.  
2800 In its deliberations, the Legislature may consider, among other  
2801 factors, whether a resource planning and management committee  
2802 has established a program pursuant to s. 380.045. In addition to  
2803 any other data and information required pursuant to this  
2804 chapter, each rule presented to the Legislature shall include a  
2805 detailed legal description of the boundary of the area of  
2806 critical state concern, proposed principles for guiding  
2807 development, and a detailed statement of how the area meets the  
2808 criteria for designation as provided in subsection (2).

2809 (d) If, after the repeal of the boundary designation of an  
2810 area of critical state concern pursuant to subsection (15), the  
2811 state land planning agency determines that the administration of  
2812 the local land development regulations or a local comprehensive  
2813 plan within a formerly designated area is inadequate to protect

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2814 the former area of critical state concern, then the state land  
2815 planning agency may redesignate it ~~recommend to the commission~~  
2816 ~~that the area be redesignated~~ as an area of critical state  
2817 concern. ~~Within 45 days following the receipt of the~~  
2818 ~~recommendation from the agency, the commission shall either~~  
2819 ~~reject the recommendation as tendered or adopt the same with or~~  
2820 ~~without modification.~~ The Department of Economic Opportunity  
2821 ~~commission~~ may, by rule, make such redesignation effective  
2822 immediately, at which time the boundaries, regulations, and  
2823 plans in effect at the time the previous designation was  
2824 repealed shall be reinstated. Within 90 days of such  
2825 redesignation, the department ~~commission~~ shall begin rulemaking  
2826 procedures to designate the area an area of critical state  
2827 concern under paragraph (b).

2828 (3) Each regional planning agency may recommend to the  
2829 state land planning agency from time to time areas wholly or  
2830 partially within its jurisdiction that meet the criteria for  
2831 areas of critical state concern as defined in this section. Each  
2832 regional planning agency shall solicit from the local  
2833 governments within its jurisdiction suggestions as to areas to  
2834 be recommended. A local government in an area where there is no  
2835 regional planning agency may recommend to the state land  
2836 planning agency from time to time areas wholly or partially  
2837 within its jurisdiction that meet the criteria for areas of  
2838 critical state concern as defined in this section. If the state  
2839 land planning agency does not recommend to the department  
2840 ~~commission~~ as an area of critical state concern an area  
2841 substantially similar to one that has been recommended, it shall  
2842 respond in writing as to its reasons therefor.

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2843 (4) Prior to making a determination ~~submitting any~~  
2844 ~~recommendation to the commission~~ under subsection (1), the state  
2845 land planning agency shall give notice to any committee  
2846 appointed pursuant to s. 380.045 and to all local governments  
2847 and regional planning agencies that include within their  
2848 boundaries any part of any area of critical state concern  
2849 proposed to be designated by the rule, in addition to any notice  
2850 otherwise required under chapter 120.

2851 (5) After the Department of Economic Opportunity ~~commission~~  
2852 adopts a rule designating the boundaries of, and principles for  
2853 guiding development in, an area of critical state concern and  
2854 within 180 days of such adoption, the local government having  
2855 jurisdiction may submit to the state land planning agency its  
2856 existing land development regulations and local comprehensive  
2857 plan for the area, if any, or shall prepare, adopt, and submit  
2858 the new or modified regulations and plan, the local government  
2859 taking into consideration the principles set forth in the rule  
2860 designating the area.

2861 (8) If any local government fails to submit land  
2862 development regulations or a local comprehensive plan, or if the  
2863 regulations or plan or plan amendment submitted do not comply  
2864 with the principles for guiding development set out in the rule  
2865 designating the area of critical state concern, within 120 days  
2866 after the adoption of the rule designating an area of critical  
2867 state concern, or within 120 days after the issuance of a  
2868 recommended order on the compliance of the plan or plan  
2869 amendment pursuant to s. 163.3184, or within 120 days after the  
2870 effective date of an order rejecting a proposed land development  
2871 regulation, the state land planning agency shall determine

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2872 ~~submit to the commission recommended~~ land development  
2873 regulations and a local comprehensive plan or portions thereof,  
2874 with or without modification, applicable to that local  
2875 government's portion of the area of critical state concern.  
2876 ~~Within 45 days following receipt of the recommendation from the~~  
2877 ~~agency, the commission shall either reject the recommendation as~~  
2878 ~~tendered or adopt the recommendation with or without~~  
2879 ~~modification, and by rule establish land development regulations~~  
2880 ~~and a local comprehensive plan applicable to that local~~  
2881 ~~government's portion of the area of critical state concern.~~  
2882 However, such rule shall not become effective prior to  
2883 legislative review of an area of critical state concern pursuant  
2884 to paragraph (1)(c). In the rule, the Department of Economic  
2885 Opportunity ~~commission~~ shall specify the extent to which its  
2886 land development regulations, plans, or plan amendments will  
2887 supersede, or will be supplementary to, local land development  
2888 regulations and plans. Notice of any proposed rule issued under  
2889 this section shall be given to all local governments and  
2890 regional planning agencies in the area of critical state  
2891 concern, in addition to any other notice required under chapter  
2892 120. The land development regulations and local comprehensive  
2893 plan adopted by the Department of Economic Opportunity  
2894 ~~commission~~ under this section may include any type of regulation  
2895 and plan that could have been adopted by the local government.  
2896 Any land development regulations or local comprehensive plan or  
2897 plan amendments adopted by the Department of Economic  
2898 Opportunity ~~commission~~ under this section shall be administered  
2899 by the local government as part of, or in the absence of, the  
2900 local land development regulations and local comprehensive plan.

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2901           (9) If, within 12 months after the Department of Economic  
2902 Opportunity ~~commission~~ adopts a rule designating an area of  
2903 critical state concern, land development regulations or local  
2904 comprehensive plans for the area have not become effective under  
2905 either subsection (6) or subsection (8), the designation of the  
2906 area as an area of critical state concern terminates. No part of  
2907 such area may be recommended for redesignation until at least 12  
2908 months after the date the designation terminates pursuant to  
2909 this subsection. The running of the 12-month period subsequent  
2910 to the initial designation shall be tolled upon challenge  
2911 pursuant to the provisions of chapter 120 to either the  
2912 designation of the area of critical state concern or the  
2913 adoption of land development regulations and local comprehensive  
2914 plans under subsection (6) or subsection (8).

2915           (10) At any time after the adoption of land development  
2916 regulations and plans by the Department of Economic Opportunity  
2917 ~~commission~~ under this section, a local government may propose  
2918 land development regulations or a local comprehensive plan  
2919 which, if approved by the state land planning agency as provided  
2920 in subsection (6), will supersede any regulations or plans  
2921 adopted under subsection (8).

2922           (11) Land development regulations or a local comprehensive  
2923 plan submitted by a local government in an area of critical  
2924 state concern and approved pursuant to subsection (6) may be  
2925 amended or rescinded by the local government, but the amendment  
2926 or rescission becomes effective only upon approval thereof by  
2927 the state land planning agency. The state land planning agency  
2928 shall either approve or reject the requested changes within 60  
2929 days of receipt thereof. Land development regulations or local

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2930 comprehensive plans for an area of critical state concern  
2931 adopted by the Department of Economic Opportunity ~~commission~~  
2932 under subsection (8) may be amended or rescinded by rule by the  
2933 Department of Economic Opportunity ~~commission~~ in the same manner  
2934 as for original adoption.

2935 (12) Upon the request of a substantially interested person  
2936 pursuant to s. 120.54(7), a local government or regional  
2937 planning agency within the designated area, or the state land  
2938 planning agency, the Department of Economic Opportunity  
2939 ~~commission~~ may by rule remove, contract, or expand any  
2940 designated boundary. Boundary expansions are subject to  
2941 legislative review pursuant to paragraph (1)(c). No boundary may  
2942 be modified without a specific finding by the Department of  
2943 Economic Opportunity ~~commission~~ that such changes are consistent  
2944 with necessary resource protection. The total boundaries of an  
2945 entire area of critical state concern shall not be removed by  
2946 the Department of Economic Opportunity ~~commission~~ unless a  
2947 minimum time of 1 year has elapsed from the adoption of  
2948 regulations and a local comprehensive plan pursuant to  
2949 subsection (1), subsection (6), subsection (8), or subsection  
2950 (10). Before totally removing such boundaries, the Department of  
2951 Economic Opportunity ~~commission~~ shall make findings that the  
2952 regulations and plans adopted pursuant to subsection (1),  
2953 subsection (6), subsection (8), or subsection (10) are being  
2954 effectively implemented by local governments within the area of  
2955 critical state concern to protect the area and that adopted  
2956 local government comprehensive plans within the area have been  
2957 conformed to principles for guiding development for the area.

2958 (15) Any rule adopted pursuant to this section designating

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2959 the boundaries of an area of critical state concern and the  
2960 principles for guiding development therein shall be repealed by  
2961 the Department of Economic Opportunity ~~commission~~ no earlier  
2962 than 12 months and no later than 3 years after approval by the  
2963 state land planning agency or adoption by the Department of  
2964 Economic Opportunity ~~commission~~ of all land development  
2965 regulations and local comprehensive plans pursuant to subsection  
2966 (6), subsection (8), or subsection (10), and the implementation  
2967 of all the actions listed in the designation rule for repeal of  
2968 the designation. Any repeal pursuant to this subsection may be  
2969 limited to any portion of the area of critical state concern.  
2970 The repeal must be contingent upon approval by the state land  
2971 planning agency of local land development regulations and plans  
2972 pursuant to subsection (6) or subsection (10) and upon such  
2973 regulations and plans being effective for a period of 12 months.

2974 (22) All state agencies with rulemaking authority for  
2975 programs that affect a designated area of critical state concern  
2976 shall review those programs for consistency with the purpose of  
2977 the designation and principles for guiding development, and  
2978 shall adopt specific permitting standards and criteria  
2979 applicable in the designated area, or otherwise amend the  
2980 program, as necessary to further the purpose of the designation.

2981 (a)1. Within 6 months after the effective date of the rule  
2982 or statute that designates an area of critical state concern,  
2983 and at any time thereafter as directed by the Department of  
2984 Economic Opportunity ~~Administration Commission~~, the Department  
2985 of Environmental Protection, the Department of Health, the water  
2986 management districts with jurisdiction over any portion of the  
2987 area of critical state concern, and any other state agency

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2988 specified in the designation rule, shall each submit a report to  
2989 the Department of Economic Opportunity Administration  
2990 ~~Commission, and a copy of the report to the state land planning~~  
2991 ~~agency~~. The report shall evaluate the effect of the reporting  
2992 agency's programs upon the purpose of the designation.

2993 2. If different permitting standards or criteria, or other  
2994 changes to the program, are necessary in order to further the  
2995 purpose of the designation, the report shall recommend rules  
2996 which further that purpose and which are consistent with the  
2997 principles for guiding development. The report shall explain and  
2998 justify the reasons for any different permitting standards or  
2999 criteria that may be recommended. The Department of Economic  
3000 Opportunity ~~commission~~ shall reject the agency's recommendation,  
3001 or accept it with or without modification and direct the agency  
3002 to adopt rules, including any changes. Any rule adopted pursuant  
3003 to this paragraph shall be consistent with the principles for  
3004 guiding development, and shall apply only within the boundary of  
3005 the designated area. The agency shall file a copy of the adopted  
3006 rule with the Department of Economic Opportunity Administration  
3007 ~~Commission~~ and the state land planning agency.

3008 3. If statutory changes are required in order to implement  
3009 the permitting standards or criteria that are necessary to  
3010 further the purpose of the designation, the report shall  
3011 recommend statutory amendments. The Department of Economic  
3012 Opportunity Administration Commission shall submit any report  
3013 that recommends statutory amendments to the President of the  
3014 Senate and the Speaker of the House of Representatives, together  
3015 with the department's Administration Commission's recommendation  
3016 on the proposed amendments.



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3017 (b) The Department of Economic Opportunity Administration  
3018 ~~Commission~~ has authority to adopt rules pursuant to ss.  
3019 120.536(1) and 120.54 to implement the provisions of this  
3020 subsection.

3021 Section 65. Subsections (3) and (4) of section 380.055,  
3022 Florida Statutes, are amended to read:

3023 380.055 Big Cypress Area.—

3024 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The "Big  
3025 Cypress Area," as defined in this subsection, is hereby  
3026 designated as an area of critical state concern. "Big Cypress  
3027 Area" means the area generally depicted on the map entitled  
3028 "Boundary Map, Big Cypress National Freshwater Reserve,  
3029 Florida," numbered BC-91,001 and dated November 1971, which is  
3030 on file and available for public inspection in the office of the  
3031 National Park Service, Department of the Interior, Washington,  
3032 D.C., and in the office of the Board of Trustees of the Internal  
3033 Improvement Trust Fund, which is the area proposed as the  
3034 Federal Big Cypress National Freshwater Reserve, Florida, and  
3035 that area described as follows: Sections 1, 2, 11, 12 and 13 in  
3036 Township 49 South, Range 31 East; and Township 49 South, Range  
3037 32 East, less Sections 19, 30 and 31; and Township 49 South,  
3038 Range 33 East; and Township 49 South, Range 34 East; and  
3039 Sections 1 through 5 and 10 through 14 in Township 50 South,  
3040 Range 32 East; and Sections 1 through 18 and 20 through 25 in  
3041 Township 50 South, Range 33 East; and Township 50 South, Range  
3042 34 East, less Section 31; and Sections 1 and 2 in Township 51  
3043 South, Range 34 East; All in Collier County, Florida, which  
3044 described area shall be known as the "Big Cypress National  
3045 Preserve Addition, Florida," together with such contiguous land

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3046 and water areas as are ecologically linked with the Everglades  
 3047 National Park, certain of the estuarine fisheries of South  
 3048 Florida, or the freshwater aquifer of South Florida, the  
 3049 definitive boundaries of which shall be set in the following  
 3050 manner: Within 120 days following the effective date of this  
 3051 act, the state land planning agency shall determine ~~recommend~~  
 3052 definitive boundaries for the Big Cypress Area ~~to the~~  
 3053 ~~Administration Commission~~, after giving notice to all local  
 3054 governments and regional planning agencies which include within  
 3055 their boundaries any part of the area proposed to be included in  
 3056 the Big Cypress Area and holding such hearings as the state land  
 3057 planning agency deems appropriate. Within 45 days after the  
 3058 conclusion of such hearings ~~following receipt of the recommended~~  
 3059 ~~boundaries~~, the Department of Economic Opportunity  
 3060 ~~Administration Commission~~ shall adopt, modify, or reject the  
 3061 recommendation and shall by rule establish the boundaries of the  
 3062 area defined as the Big Cypress Area.

3063 (4) ADOPTION OF LAND DEVELOPMENT REGULATIONS.—The  
 3064 provisions of s. 380.05(5)-(11), (17), and (20) shall not apply  
 3065 to the Big Cypress Area. All other provisions of this chapter  
 3066 shall apply to the Big Cypress Area. Any provision of this  
 3067 chapter to the contrary notwithstanding, the state land planning  
 3068 agency has the right, and its duty shall be, to determine the  
 3069 ~~submit recommended~~ land development regulations applicable to  
 3070 the Big Cypress Area ~~to the Administration Commission~~ concurrent  
 3071 with the boundaries determined ~~recommended~~ pursuant to  
 3072 subsection (3). The Department of Economic Opportunity may adopt  
 3073 such determination ~~Administration Commission shall either reject~~  
 3074 ~~the recommendation as tendered or adopt the same~~ by rule with or

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3075 without modification. The Department of Economic Opportunity  
3076 ~~commission~~ shall specify the extent to which regulations adopted  
3077 pursuant to this section supersede local land development  
3078 regulations.

3079 Section 66. Subsection (4) and paragraph (b) of subsection  
3080 (9) of section 380.0552, Florida Statutes, are amended to read:

3081 380.0552 Florida Keys Area; protection and designation as  
3082 area of critical state concern.—

3083 (4) REMOVAL OF DESIGNATION.—

3084 (a) The designation of the Florida Keys Area as an area of  
3085 critical state concern under this section may be recommended for  
3086 removal upon fulfilling the legislative intent under subsection  
3087 (2) and completion of all the work program tasks specified in  
3088 rules of the Department of Economic Opportunity Administration  
3089 ~~Commission~~.

3090 (b) ~~Beginning November 30, 2010,~~ The state land planning  
3091 agency shall annually submit a written report to the Governor  
3092 ~~Administration Commission~~ describing the progress of the Florida  
3093 Keys Area toward completing the work program tasks specified in  
3094 the Department of Economic Opportunity's ~~commission~~ rules. The  
3095 land planning agency shall recommend removing the Florida Keys  
3096 Area from being designated as an area of critical state concern  
3097 to the Governor ~~commission~~ if it determines that:

3098 1. All of the work program tasks have been completed,  
3099 including construction of, operation of, and connection to  
3100 central wastewater management facilities pursuant to s.  
3101 403.086(10) and upgrade of onsite sewage treatment and disposal  
3102 systems pursuant to s. 381.0065(4)(1);

3103 2. All local comprehensive plans and land development

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3104 regulations and the administration of such plans and regulations  
3105 are adequate to protect the Florida Keys Area, fulfill the  
3106 legislative intent specified in subsection (2), and are  
3107 consistent with and further the principles guiding development;  
3108 and

3109 3. A local government has adopted a resolution at a public  
3110 hearing recommending the removal of the designation.

3111 (c) After receipt of the state land planning agency report  
3112 and recommendation, the Governor ~~Administration Commission~~ shall  
3113 determine whether the requirements have been fulfilled and may  
3114 remove the designation of the Florida Keys as an area of  
3115 critical state concern. If the Governor ~~commission~~ removes the  
3116 designation, the Department of Economic Opportunity ~~it~~ shall  
3117 initiate rulemaking to repeal any rules relating to such  
3118 designation within 60 days. If, after receipt of the state land  
3119 planning agency's report and recommendation, the Governor  
3120 ~~commission~~ finds that the requirements for recommending removal  
3121 of designation have not been met, the Department of Economic  
3122 Opportunity ~~commission~~ shall provide a written report to the  
3123 local governments within 30 days after the Governor makes ~~making~~  
3124 such a finding detailing the tasks that must be completed by the  
3125 local government.

3126 (d) The Governor's ~~Administration Commission's~~  
3127 determination concerning the removal of the designation of the  
3128 Florida Keys as an area of critical state concern may be  
3129 reviewed pursuant to chapter 120. All proceedings shall be  
3130 conducted by the Division of Administrative Hearings and must be  
3131 initiated within 30 days after the Governor ~~commission~~ issues  
3132 his or her ~~its~~ determination.

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3133 (e) After removal of the designation of the Florida Keys as  
 3134 an area of critical state concern, the state land planning  
 3135 agency shall review proposed local comprehensive plans, and any  
 3136 amendments to existing comprehensive plans, which are applicable  
 3137 to the Florida Keys Area, the boundaries of which were described  
 3138 in chapter 28-29, Florida Administrative Code, as of January 1,  
 3139 2006, for compliance as defined in s. 163.3184. All procedures  
 3140 and penalties described in s. 163.3184 apply to the review  
 3141 conducted pursuant to this paragraph.

3142 (f) The Department of Economic Opportunity Administration  
 3143 ~~Commission~~ may adopt rules or revise existing rules as necessary  
 3144 to administer this subsection.

3145 (9) MODIFICATION TO PLANS AND REGULATIONS.—

3146 (b) The state land planning agency, after consulting with  
 3147 the appropriate local government, may, no more than once per  
 3148 year, recommend to the Governor Administration Commission the  
 3149 enactment, amendment, or rescission of a land development  
 3150 regulation or element of a local comprehensive plan. Within 45  
 3151 days following the receipt of such recommendation, the Governor  
 3152 ~~commission~~ shall reject the recommendation, or accept it with or  
 3153 without modification and the Department of Economic Opportunity  
 3154 shall adopt it by rule, including any changes. Such local  
 3155 development regulation or plan must be in compliance with the  
 3156 principles for guiding development.

3157 Section 67. Subsections (4) and (9) and paragraph (f) of  
 3158 subsection (10) of section 380.0555, Florida Statutes, are  
 3159 amended to read:

3160 380.0555 Apalachicola Bay Area; protection and designation  
 3161 as area of critical state concern.—

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3162 (4) REMOVAL OF DESIGNATION.—The state land planning agency  
3163 may recommend to the Governor ~~Administration Commission~~ the  
3164 removal of the designation from all or part of the area  
3165 specified in subsection (3), if it determines that all local  
3166 land development regulations and local comprehensive plans and  
3167 the administration of such regulations and plans are adequate to  
3168 protect the Apalachicola Bay Area, continue to carry out the  
3169 legislative intent set forth in subsection (2), and are in  
3170 compliance with the principles for guiding development set forth  
3171 in subsection (7). If the Governor ~~Administration Commission~~  
3172 concurs with the recommendations of the state land planning  
3173 agency to remove any area from the designation, the Department  
3174 of Economic Opportunity ~~it~~ shall, within 45 days after receipt  
3175 of the recommendation, initiate rulemaking to remove the  
3176 designation. The state land planning agency shall make  
3177 recommendations to the Governor ~~Administration Commission~~  
3178 annually.

3179 (9) MODIFICATION TO PLANS AND REGULATIONS.—Any land  
3180 development regulation or element of a local comprehensive plan  
3181 in the Apalachicola Bay Area may be enacted, amended, or  
3182 rescinded by a local government, but the enactment, amendment,  
3183 or rescission becomes effective only upon the approval thereof  
3184 by the state land planning agency. The state land planning  
3185 agency shall review the proposed change to determine if it  
3186 complies with the principles for guiding development specified  
3187 in subsection (7) and must approve or reject the requested  
3188 change as provided in s. 380.05. Further, the state land  
3189 planning agency, after consulting with the appropriate local  
3190 government, may, from time to time, determine ~~recommend~~ the

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3191 enactment, amendment, or rescission of a land development  
 3192 regulation or element of a comprehensive plan. Within 45 days  
 3193 following the determination ~~receipt of such recommendation~~ by  
 3194 the state land planning agency or enactment, amendment, or  
 3195 rescission by a local government the Department of Economic  
 3196 Opportunity ~~commission~~ shall reject the determination  
 3197 ~~recommendation~~, enactment, amendment, or rescission or accept it  
 3198 with or without modification and adopt, by rule, any changes.  
 3199 Any such local land development regulation or comprehensive plan  
 3200 or part of such regulation or plan may be adopted by the  
 3201 Department of Economic Opportunity ~~commission~~ if it finds that  
 3202 it is in compliance with the principles for guiding development.

3203 (10) REQUIREMENTS; LOCAL GOVERNMENTS.—

3204 (f) Franklin County and the municipalities within it shall,  
 3205 beginning 12 months from June 18, 1985, prepare semiannual  
 3206 reports on the implementation of paragraphs (b)-(e) on the  
 3207 environmental status of the Apalachicola Bay Area. The state  
 3208 land planning agency may prescribe additional detailed  
 3209 information required to be reported. Each report shall be  
 3210 delivered to the resource planning and management committee and  
 3211 the state land planning agency for review and recommendations.  
 3212 The state land planning agency shall review each report and  
 3213 consider such reports when making a determination  
 3214 ~~recommendations to the Administration Commission~~ pursuant to  
 3215 subsection (9).

3216 Section 68. Subsection (2) and paragraph (b) of subsection  
 3217 (11) of section 380.06, Florida Statutes, are amended to read:  
 3218 380.06 Developments of regional impact.—

3219 (2) STATEWIDE GUIDELINES AND STANDARDS.—The statewide

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3220 guidelines and standards and the exemptions specified in s.  
3221 380.0651 and the statewide guidelines and standards adopted by  
3222 the Department of Economic Opportunity ~~Administration Commission~~  
3223 and codified in chapter 73 ~~chapter 28-24~~, Florida Administrative  
3224 Code, must be used in determining whether particular  
3225 developments are subject to the requirements of subsection (12).  
3226 The statewide guidelines and standards previously adopted by the  
3227 Department of Economic Opportunity ~~Administration Commission~~ and  
3228 approved by the Legislature shall remain in effect unless  
3229 superseded or repealed by statute. The statewide guidelines and  
3230 standards shall be applied as follows:

3231 (a) A development that is below 100 percent of all  
3232 numerical thresholds in the statewide guidelines and standards  
3233 is not subject to subsection (12).

3234 (b) A development that is at or above 100 percent of any  
3235 numerical threshold in the statewide guidelines and standards is  
3236 subject to subsection (12).

3237 (11) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

3238 (b) If requested by the owner, developer, or local  
3239 government, the development-of-regional-impact development order  
3240 must be abandoned by the local government having jurisdiction  
3241 upon a showing that all required mitigation related to the  
3242 amount of development which existed on the date of abandonment  
3243 has been completed or will be completed under an existing permit  
3244 or equivalent authorization issued by a governmental agency as  
3245 defined in s. 380.031 ~~s. 380.031(6)~~, provided such permit or  
3246 authorization is subject to enforcement through administrative  
3247 or judicial remedies. All development following abandonment must  
3248 be fully consistent with the current comprehensive plan and



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3249 applicable zoning.

3250 Section 69. Section 380.07, Florida Statutes, is amended to  
3251 read:

3252 380.07 State Land Planning and Areas of Critical State  
3253 Concern ~~Florida Land and Water Adjudicatory Commission.~~—

3254 (1) ~~There is hereby created the Florida Land and Water~~  
3255 ~~Adjudicatory Commission, which shall consist of the~~  
3256 ~~Administration Commission.~~ The Department of Economic  
3257 Opportunity ~~commission~~ may adopt rules necessary to ensure  
3258 compliance with the area of critical state concern program.

3259 (2) Whenever any local government issues any development  
3260 order in any area of critical state concern, or in regard to the  
3261 abandonment of any approved development of regional impact,  
3262 copies of such orders as prescribed by rule by the state land  
3263 planning agency shall be transmitted to the state land planning  
3264 agency, the regional planning agency, and the owner or developer  
3265 of the property affected by such order. The state land planning  
3266 agency shall adopt rules describing development order rendition  
3267 and effectiveness in designated areas of critical state concern.  
3268 Within 45 days after the order is rendered, the owner, the  
3269 developer, or the state land planning agency may appeal the  
3270 order to the Division of Administrative Hearings ~~Florida Land~~  
3271 ~~and Water Adjudicatory Commission~~ by filing a petition alleging  
3272 that the development order is not consistent with this part.

3273 (3) Notwithstanding any other provision of law, an appeal  
3274 of a development order in an area of critical state concern by  
3275 the state land planning agency under this section may include  
3276 consistency of the development order with the local  
3277 comprehensive plan.

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3278 (4) The appellant shall furnish a copy of the notice of  
3279 appeal to the opposing party, as the case may be, and to the  
3280 local government that issued the order. The filing of the notice  
3281 of appeal stays the effectiveness of the order until after the  
3282 completion of the appeal process.

3283 (5) Before issuing a recommended ~~an~~ order, the Division of  
3284 Administrative Hearings ~~Florida Land and Water Adjudicatory~~  
3285 ~~Commission~~ shall hold a hearing pursuant to chapter 120. The  
3286 Division of Administrative Hearings ~~commission~~ shall encourage  
3287 the submission of appeals on the record made pursuant to  
3288 subsection (7) in cases in which the development order was  
3289 issued after a full and complete hearing before the local  
3290 government or an agency thereof.

3291 (6) After receipt of a recommended order from the Division  
3292 of Administrative Hearings, the Department of Economic  
3293 Opportunity ~~The Florida Land and Water Adjudicatory Commission~~  
3294 shall issue a final order pursuant to s. 120.57 ~~decision~~  
3295 ~~granting or denying permission to develop pursuant to the~~  
3296 ~~standards of this chapter and may attach conditions and~~  
3297 ~~restrictions to its decisions.~~

3298 (7) If an appeal is filed with respect to any issues within  
3299 the scope of a permitting program authorized by chapter 161,  
3300 chapter 373, or chapter 403 and for which a permit or conceptual  
3301 review approval has been obtained before the issuance of a  
3302 development order, any such issue shall be specifically  
3303 identified in the notice of appeal which is filed pursuant to  
3304 this section, together with other issues that constitute grounds  
3305 for the administrative review ~~appeal~~. The administrative  
3306 proceeding ~~appeal~~ may proceed with respect to issues within the

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3307 scope of permitting programs for which a permit or conceptual  
3308 review approval has been obtained before the issuance of a  
3309 development order only after the administrative law judge issues  
3310 an order ~~commission determines by majority vote at a regularly~~  
3311 ~~scheduled commission meeting~~ that statewide or regional  
3312 interests may be adversely affected by the development. In  
3313 making this determination, there is a rebuttable presumption  
3314 that statewide and regional interests relating to issues within  
3315 the scope of the permitting programs for which a permit or  
3316 conceptual approval has been obtained are not adversely  
3317 affected.

3318 Section 70. Subsection (2) of section 380.115, Florida  
3319 Statutes, is amended to read:

3320 380.115 Vested rights and duties; changes in statewide  
3321 guidelines and standards.—A development that has received a  
3322 development-of-regional-impact development order pursuant to s.  
3323 380.06 but is no longer required to undergo development-of-  
3324 regional-impact review by operation of law may elect to rescind  
3325 the development order pursuant to the following procedures:

3326 (2) If requested by the developer or landowner, the  
3327 development-of-regional-impact development order shall be  
3328 rescinded by the local government having jurisdiction upon a  
3329 showing that all required mitigation related to the amount of  
3330 development that existed on the date of rescission has been  
3331 completed or will be completed under an existing permit or  
3332 equivalent authorization issued by a governmental agency as  
3333 defined in s. 380.031(5) ~~s. 380.031(6)~~, if such permit or  
3334 authorization is subject to enforcement through administrative  
3335 or judicial remedies.

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3336 Section 71. Paragraph (1) of subsection (4) of section  
3337 381.0065, Florida Statutes, is amended to read:

3338 381.0065 Onsite sewage treatment and disposal systems;  
3339 regulation.—

3340 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
3341 construct, repair, modify, abandon, or operate an onsite sewage  
3342 treatment and disposal system without first obtaining a permit  
3343 approved by the department. The department may issue permits to  
3344 carry out this section, but shall not make the issuance of such  
3345 permits contingent upon prior approval by the Department of  
3346 Environmental Protection, except that the issuance of a permit  
3347 for work seaward of the coastal construction control line  
3348 established under s. 161.053 shall be contingent upon receipt of  
3349 any required coastal construction control line permit from the  
3350 Department of Environmental Protection. A construction permit is  
3351 valid for 18 months from the issuance date and may be extended  
3352 by the department for one 90-day period under rules adopted by  
3353 the department. A repair permit is valid for 90 days from the  
3354 date of issuance. An operating permit must be obtained prior to  
3355 the use of any aerobic treatment unit or if the establishment  
3356 generates commercial waste. Buildings or establishments that use  
3357 an aerobic treatment unit or generate commercial waste shall be  
3358 inspected by the department at least annually to assure  
3359 compliance with the terms of the operating permit. The operating  
3360 permit for a commercial wastewater system is valid for 1 year  
3361 from the date of issuance and must be renewed annually. The  
3362 operating permit for an aerobic treatment unit is valid for 2  
3363 years from the date of issuance and must be renewed every 2  
3364 years. If all information pertaining to the siting, location,

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3365 and installation conditions or repair of an onsite sewage  
3366 treatment and disposal system remains the same, a construction  
3367 or repair permit for the onsite sewage treatment and disposal  
3368 system may be transferred to another person, if the transferee  
3369 files, within 60 days after the transfer of ownership, an  
3370 amended application providing all corrected information and  
3371 proof of ownership of the property. There is no fee associated  
3372 with the processing of this supplemental information. A person  
3373 may not contract to construct, modify, alter, repair, service,  
3374 abandon, or maintain any portion of an onsite sewage treatment  
3375 and disposal system without being registered under part III of  
3376 chapter 489. A property owner who personally performs  
3377 construction, maintenance, or repairs to a system serving his or  
3378 her own owner-occupied single-family residence is exempt from  
3379 registration requirements for performing such construction,  
3380 maintenance, or repairs on that residence, but is subject to all  
3381 permitting requirements. A municipality or political subdivision  
3382 of the state may not issue a building or plumbing permit for any  
3383 building that requires the use of an onsite sewage treatment and  
3384 disposal system unless the owner or builder has received a  
3385 construction permit for such system from the department. A  
3386 building or structure may not be occupied and a municipality,  
3387 political subdivision, or any state or federal agency may not  
3388 authorize occupancy until the department approves the final  
3389 installation of the onsite sewage treatment and disposal system.  
3390 A municipality or political subdivision of the state may not  
3391 approve any change in occupancy or tenancy of a building that  
3392 uses an onsite sewage treatment and disposal system until the  
3393 department has reviewed the use of the system with the proposed

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3394 change, approved the change, and amended the operating permit.

3395 (1) For the Florida Keys, the department shall adopt a  
3396 special rule for the construction, installation, modification,  
3397 operation, repair, maintenance, and performance of onsite sewage  
3398 treatment and disposal systems which considers the unique soil  
3399 conditions and water table elevations, densities, and setback  
3400 requirements. On lots where a setback distance of 75 feet from  
3401 surface waters, saltmarsh, and buttonwood association habitat  
3402 areas cannot be met, an injection well, approved and permitted  
3403 by the department, may be used for disposal of effluent from  
3404 onsite sewage treatment and disposal systems. The following  
3405 additional requirements apply to onsite sewage treatment and  
3406 disposal systems in Monroe County:

3407 1. The county, each municipality, and those special  
3408 districts established for the purpose of the collection,  
3409 transmission, treatment, or disposal of sewage shall ensure, in  
3410 accordance with the specific schedules adopted ~~by the~~  
3411 ~~Administration Commission~~ under s. 380.0552, the completion of  
3412 onsite sewage treatment and disposal system upgrades to meet the  
3413 requirements of this paragraph.

3414 2. Onsite sewage treatment and disposal systems must cease  
3415 discharge by December 31, 2015, or must comply with department  
3416 rules and provide the level of treatment which, on a permitted  
3417 annual average basis, produces an effluent that contains no more  
3418 than the following concentrations:

- 3419 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
3420 b. Suspended Solids of 10 mg/l.  
3421 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
3422 reduction in nitrogen of at least 70 percent. A system that has

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3423 been tested and certified to reduce nitrogen concentrations by  
3424 at least 70 percent shall be deemed to be in compliance with  
3425 this standard.

3426 d. Total Phosphorus, expressed as P, of 1 mg/l.

3427

3428 In addition, onsite sewage treatment and disposal systems  
3429 discharging to an injection well must provide basic disinfection  
3430 as defined by department rule.

3431 3. In areas not scheduled to be served by a central sewer,  
3432 onsite sewage treatment and disposal systems must, by December  
3433 31, 2015, comply with department rules and provide the level of  
3434 treatment described in subparagraph 2.

3435 4. In areas scheduled to be served by central sewer by  
3436 December 31, 2015, if the property owner has paid a connection  
3437 fee or assessment for connection to the central sewer system,  
3438 the property owner may install a holding tank with a high water  
3439 alarm or an onsite sewage treatment and disposal system that  
3440 meets the following minimum standards:

3441 a. The existing tanks must be pumped and inspected and  
3442 certified as being watertight and free of defects in accordance  
3443 with department rule; and

3444 b. A sand-lined drainfield or injection well in accordance  
3445 with department rule must be installed.

3446 5. Onsite sewage treatment and disposal systems must be  
3447 monitored for total nitrogen and total phosphorus concentrations  
3448 as required by department rule.

3449 6. The department shall enforce proper installation,  
3450 operation, and maintenance of onsite sewage treatment and  
3451 disposal systems pursuant to this chapter, including ensuring

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3452 that the appropriate level of treatment described in  
3453 subparagraph 2. is met.

3454 7. The authority of a local government, including a special  
3455 district, to mandate connection of an onsite sewage treatment  
3456 and disposal system is governed by s. 4, chapter 99-395, Laws of  
3457 Florida.

3458 8. Notwithstanding any other provision of law, an onsite  
3459 sewage treatment and disposal system installed after July 1,  
3460 2010, in unincorporated Monroe County, excluding special  
3461 wastewater districts, that complies with the standards in  
3462 subparagraph 2. is not required to connect to a central sewer  
3463 system until December 31, 2020.

3464 Section 72. Paragraph (c) of subsection (2) of section  
3465 388.4111, Florida Statutes, is amended to read:

3466 388.4111 Public lands; arthropod control.—

3467 (2)

3468 (c) If the land management agency and the local arthropod  
3469 control agency are unable to agree on a public lands control  
3470 plan, the Florida Coordinating Council on Mosquito Control may  
3471 recommend a control plan to the department, which shall propose  
3472 a recommended public lands control plan. If the land management  
3473 agency and the local arthropod control agency fail to agree to  
3474 such recommended public lands control plan within 30 days of the  
3475 rendering of such plan, either agency may petition the Division  
3476 of Administrative Hearings ~~Land and Water Adjudicatory~~  
3477 ~~Commission~~ to determine whether the proposed control plan  
3478 employs methods which are the minimum necessary and economically  
3479 feasible to abate a public health or nuisance problem and which  
3480 impose the least hazard to fish, wildlife, and other natural



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3481 resources protected or managed in such areas. Unless both  
3482 parties waive their right to a hearing, the Division of  
3483 Administrative Hearings ~~Land and Water Adjudicatory Commission~~  
3484 shall direct a hearing officer to hold a hearing within the  
3485 jurisdiction of the local arthropod control agency pursuant to  
3486 the provisions of ss. 120.569 and 120.57 and submit a  
3487 recommended order. The Department of Economic Opportunity  
3488 ~~commission~~ shall, within 60 days of receipt of the recommended  
3489 order, issue a final order adopting a public lands control plan.  
3490 Consistent with s. 120.57(1)(1), the Department of Economic  
3491 Opportunity ~~commission~~ may adopt or modify the proposed control  
3492 plan. The Department of Economic Opportunity ~~commission~~ shall  
3493 adopt rules on the conduct of appeals before the department  
3494 ~~commission~~.

3495 Section 73. Paragraph (b) of subsection (1) of section  
3496 397.333, Florida Statutes, is amended to read:

3497 397.333 Statewide Drug Policy Advisory Council.-

3498 (1)

3499 (b) The following state officials shall be appointed to  
3500 serve on the advisory council:

3501 1. The Attorney General, or his or her designee.

3502 2. The executive director of the Department of Law  
3503 Enforcement, or his or her designee.

3504 3. The Secretary of Children and Families, or his or her  
3505 designee.

3506 4. The director of the Office of Planning and Budgeting in  
3507 the Executive Office of the Governor, or his or her designee.

3508 5. The Secretary of Corrections, or his or her designee.

3509 6. The Secretary of Juvenile Justice, or his or her

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3510 designee.

3511 7. The Commissioner of Education, or his or her designee.

3512 8. The Secretary ~~executive director of the Department~~ of  
3513 Highway Safety and Motor Vehicles, or his or her designee.

3514 9. The Adjutant General of the state as the Chief of the  
3515 Department of Military Affairs, or his or her designee.

3516 Section 74. Subsection (34) of section 403.061, Florida  
3517 Statutes, is amended to read:

3518 403.061 Department; powers and duties.—The department shall  
3519 have the power and the duty to control and prohibit pollution of  
3520 air and water in accordance with the law and rules adopted and  
3521 promulgated by it and, for this purpose, to:

3522 (34) Adopt rules which may include stricter permitting and  
3523 enforcement provisions within Outstanding Florida Waters,  
3524 aquatic preserves, areas of critical state concern, and areas  
3525 subject to chapter 380 resource management plans adopted by rule  
3526 by the Department of Economic Opportunity Administration  
3527 ~~Commission~~, when the plans for an area include waters that are  
3528 particularly identified as needing additional protection, which  
3529 provisions are not inconsistent with the applicable rules  
3530 adopted for the management of such areas by the department and  
3531 the Department of Economic Opportunity ~~Governor and Cabinet~~.

3532  
3533 The department shall implement such programs in conjunction with  
3534 its other powers and duties and shall place special emphasis on  
3535 reducing and eliminating contamination that presents a threat to  
3536 humans, animals or plants, or to the environment.

3537 Section 75. Subsection (4) of section 581.217, Florida  
3538 Statutes, is amended to read:

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3539 581.217 State hemp program.—

3540 (4) FEDERAL APPROVAL.—The department shall seek approval of  
3541 the state plan for the regulation of the cultivation of hemp  
3542 with the United States Secretary of Agriculture in accordance  
3543 with 7 U.S.C. s. 1639p within 30 days after adopting rules. If  
3544 the state plan is not approved by the United States Secretary of  
3545 Agriculture, the Commissioner of Agriculture, in consultation  
3546 with and with final approval from the Governor Administration  
3547 ~~Commission~~, shall develop a recommendation to amend the state  
3548 plan and submit the recommendation to the Legislature.

3549 Section 76. Subsection (3) of section 624.509, Florida  
3550 Statutes, is amended to read:

3551 624.509 Premium tax; rate and computation.—

3552 (3) Notwithstanding other provisions of law, the  
3553 distribution of the premium tax and any penalties or interest  
3554 collected thereunder shall be made to the General Revenue Fund  
3555 in accordance with rules adopted by the Department of Revenue  
3556 ~~and approved by the Administration Commission.~~

3557 Section 77. Paragraph (b) of subsection (1) of section  
3558 943.0313, Florida Statutes, is amended to read:

3559 943.0313 Domestic Security Oversight Council.—The  
3560 Legislature finds that there exists a need to provide executive  
3561 direction and leadership with respect to terrorism prevention,  
3562 preparation, protection, response, and recovery efforts by state  
3563 and local agencies in this state. In recognition of this need,  
3564 the Domestic Security Oversight Council is hereby created. The  
3565 council shall serve as an advisory council pursuant to s.  
3566 20.03(7) to provide guidance to the state's regional domestic  
3567 security task forces and other domestic security working groups

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3568 and to make recommendations to the Governor and the Legislature  
3569 regarding the expenditure of funds and allocation of resources  
3570 related to counter-terrorism and domestic security efforts.

3571 (1) MEMBERSHIP.—

3572 (b) In addition to the members designated in paragraph (a),  
3573 the council may invite other ex officio, nonvoting members to  
3574 attend and participate in council meetings. Those nonvoting  
3575 members may include, but need not be limited to:

3576 1. The Secretary ~~executive director of the Department of~~  
3577 Highway Safety and Motor Vehicles.

3578 2. The Secretary of Health Care Administration.

3579 3. The Secretary of Environmental Protection.

3580 4. The director of the Division of Law Enforcement within  
3581 the Fish and Wildlife Conservation Commission.

3582 5. A representative of the Commission on Human Relations.

3583 6. A representative of the United States Coast Guard.

3584 7. A United States Attorney from a federal judicial circuit  
3585 within this state.

3586 8. A special agent in charge from an office of the Federal  
3587 Bureau of Investigation within this state.

3588 Section 78. Subsection (1) of section 943.06, Florida  
3589 Statutes, is amended to read:

3590 943.06 Criminal and Juvenile Justice Information Systems  
3591 Council.—There is created a Criminal and Juvenile Justice  
3592 Information Systems Council within the department.

3593 (1) The council shall be composed of 15 members, consisting  
3594 of the Attorney General or a designated assistant; the executive  
3595 director of the Department of Law Enforcement or a designated  
3596 assistant; the secretary of the Department of Corrections or a

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3597 designated assistant; the chair of the Florida Commission on  
 3598 Offender Review or a designated assistant; the Secretary of  
 3599 Juvenile Justice or a designated assistant; the Secretary  
 3600 ~~executive director of the Department~~ of Highway Safety and Motor  
 3601 Vehicles or a designated assistant; the Secretary of Children  
 3602 and Families or a designated assistant; the State Courts  
 3603 Administrator or a designated assistant; one † public defender  
 3604 appointed by the Florida Public Defender Association, Inc.; one  
 3605 † state attorney appointed by the Florida Prosecuting Attorneys  
 3606 Association, Inc.; and five ‡ members, to be appointed by the  
 3607 Governor, consisting of two ‡ sheriffs, two ‡ police chiefs, and  
 3608 one † clerk of the circuit court.

3609 Section 79. Subsection (1) of section 945.602, Florida  
 3610 Statutes, is amended to read:

3611 945.602 State of Florida Correctional Medical Authority;  
 3612 creation; members.—

3613 (1) There is created the State of Florida Correctional  
 3614 Medical Authority, which for administrative purposes shall be  
 3615 assigned to the Department of Health ~~Executive Office of the~~  
 3616 ~~Governor~~. The governing board of the authority shall be composed  
 3617 of seven persons appointed by the Governor subject to  
 3618 confirmation by the Senate. One member must be a member of the  
 3619 Florida Hospital Association, and one member must be a member of  
 3620 the Florida Medical Association. The authority shall contract  
 3621 with the Department of Health ~~Executive Office of the Governor~~  
 3622 for the provision of administrative support services, including  
 3623 purchasing, personnel, general services, and budgetary matters.  
 3624 The authority is not subject to control, supervision, or  
 3625 direction by the Department of Health ~~Executive Office of the~~

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3626 ~~Governor~~ or the Department of Corrections. The authority shall  
 3627 annually elect one member to serve as chair. Members shall be  
 3628 appointed for terms of 4 years each. Each member may continue to  
 3629 serve upon the expiration of his or her term until a successor  
 3630 is duly appointed as provided in this section. Before entering  
 3631 upon his or her duties, each member of the authority shall take  
 3632 and subscribe to the oath or affirmation required by the State  
 3633 Constitution.

3634 Section 80. Subsections (4) through (7) of section  
 3635 945.6035, Florida Statutes, are amended to read:

3636 945.6035 Dispute resolution.—

3637 (4) If, at the end of the 40-day period, no resolution has  
 3638 been reached, the authority is authorized to appeal to the  
 3639 Division of Administrative Hearings ~~Administration Commission~~  
 3640 for a review and resolution of the dispute between the  
 3641 department and the authority.

3642 (5) The authority, within 30 days after receiving written  
 3643 notice of the action of the secretary or, if no response is  
 3644 received, within 30 days after the secretary's response is due  
 3645 pursuant to subsection (3), may file an appeal by petition to  
 3646 the Division of Administrative Hearings ~~Administration~~  
 3647 ~~Commission, filed with the Secretary of the Administration~~  
 3648 ~~Commission~~. The petition shall set forth the issues in  
 3649 controversy between the authority and the department, in the  
 3650 form and manner prescribed by the Division of Administrative  
 3651 Hearings ~~Administration Commission~~, and shall contain the  
 3652 reasons for the appeal. The department has 5 days after delivery  
 3653 of a copy of any such petition to file its reply with the  
 3654 Division of Administrative Hearings ~~Secretary of the~~

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3655 ~~Administration Commission~~, and the department shall also deliver  
3656 a copy of its reply to the authority.

3657 (6) The issues which may be raised by the authority on  
3658 appeal to the Division of Administrative Hearings ~~Administration~~  
3659 ~~Commission~~ are:

3660 (a) Adoption or implementation by the department of a  
3661 health care standard which does not conform to the standard of  
3662 care generally accepted in the professional health community at  
3663 large.

3664 (b) Failure of the department to comply with an adopted  
3665 health care standard.

3666 (c) Failure to timely file a corrective action plan  
3667 regarding all deficiencies which are determined by the authority  
3668 to exist at an institution, as required pursuant to s. 945.6031.

3669 (d) Failure to implement a corrective action plan filed  
3670 pursuant to s. 945.6031.

3671 (7) Within 30 days after receipt of a petition from the  
3672 authority, the Division of Administrative Hearings ~~Secretary of~~  
3673 ~~the Administration Commission, or his or her designee,~~ shall  
3674 conduct an informal hearing to consider the matters presented in  
3675 the petition and the reply, and after the informal hearing shall  
3676 promptly submit a report of the findings ~~and recommendations to~~  
3677 ~~the Administration Commission~~. Within 30 days after the informal  
3678 hearing, the Division of Administrative Hearings ~~Administration~~  
3679 ~~Commission~~ shall approve either the position of the authority or  
3680 that of the department. If the position of the authority is  
3681 approved, the Division of Administrative Hearings ~~Administration~~  
3682 ~~Commission~~ shall set forth whatever remedial measures it deems  
3683 appropriate and the department shall implement such remedial

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3684 measures. ~~The decision of the Administration Commission is final~~  
3685 ~~and binding on the authority and the department and shall not be~~  
3686 ~~subject to appeal pursuant to s. 120.68.~~

3687 Section 81. Section 945.6036, Florida Statutes, is amended  
3688 to read:

3689 945.6036 Enforcement.—

3690 (1) If the department fails to substantially comply with  
3691 the dispute resolution decision of the Division of  
3692 Administrative Hearings ~~Administration Commission~~ or fails to  
3693 implement required remedial action within 45 days after such  
3694 decision or within the time period set by the Division of  
3695 Administrative Hearings ~~Administration Commission~~, whichever  
3696 period is longer, the authority is authorized to petition the  
3697 Circuit Court in Leon County for an order requiring the  
3698 department to comply. For the purposes of this section,  
3699 "substantial compliance" means a firm effort to comply fully  
3700 with the decision without omitting any essential part, and that  
3701 any omission consists solely of an unimportant defect.

3702 (2) If the authority fails to initiate a circuit court  
3703 proceeding pursuant to this section, an inmate has the right to  
3704 file a verified petition with the authority requesting that such  
3705 a proceeding be initiated. The petition shall set forth with  
3706 particularity the manner in which the department has failed to  
3707 implement the decision of the Division of Administrative  
3708 Hearings ~~Administration Commission~~, including any required  
3709 remedial actions. The authority has 45 days after receipt of a  
3710 verified petition to either initiate an action in circuit court  
3711 pursuant to this section or advise the inmate in writing of the  
3712 reason such an action will not be initiated.



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3713 (3) Within 30 days after service of the written decision of  
3714 the authority setting forth its reason why an action will not be  
3715 initiated by the authority pursuant to this section, an inmate  
3716 may initiate an appropriate proceeding in the Circuit Court in  
3717 Leon County to require the department to substantially comply  
3718 with the decision of the Division of Administrative Hearings  
3719 ~~Administration Commission~~.

3720 Section 82. Paragraph (p) of subsection (9) of section  
3721 1002.33, Florida Statutes, is amended to read:

3722 1002.33 Charter schools.—

3723 (9) CHARTER SCHOOL REQUIREMENTS.—

3724 (p)1. Each charter school shall maintain a website that  
3725 enables the public to obtain information regarding the school;  
3726 the school's academic performance; the names of the governing  
3727 board members; the programs at the school; any management  
3728 companies, service providers, or education management  
3729 corporations associated with the school; the school's annual  
3730 budget and its annual independent fiscal audit; the school's  
3731 grade pursuant to s. 1008.34; and, on a quarterly basis, the  
3732 minutes of governing board meetings.

3733 2. Each charter school's governing board must appoint a  
3734 representative to facilitate parental involvement, provide  
3735 access to information, assist parents and others with questions  
3736 and concerns, and resolve disputes. The representative must  
3737 reside in the school district in which the charter school is  
3738 located and may be a governing board member, a charter school  
3739 employee, or an individual contracted to represent the governing  
3740 board. If the governing board oversees multiple charter schools  
3741 in the same school district, the governing board must appoint a

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3742 separate representative for each charter school in the district.  
3743 The representative's contact information must be provided  
3744 annually in writing to parents and posted prominently on the  
3745 charter school's website. The sponsor may not require governing  
3746 board members to reside in the school district in which the  
3747 charter school is located if the charter school complies with  
3748 this subparagraph.

3749       3. Each charter school's governing board must hold at least  
3750 two public meetings per school year in the school district where  
3751 the charter school is located. The meetings must be noticed,  
3752 open, and accessible to the public, and attendees must be  
3753 provided an opportunity to receive information and provide input  
3754 regarding the charter school's operations. The appointed  
3755 representative and charter school principal or director, or his  
3756 or her designee, must be physically present at each meeting.  
3757 Members of the governing board may attend in person or by means  
3758 of communications media technology used in accordance with rules  
3759 adopted by the Department of Education Administration Commission  
3760 under s. 120.54(5).

3761       Section 83. Paragraph (e) of subsection (4) of section  
3762 1002.36, Florida Statutes, is amended to read:

3763       1002.36 Florida School for the Deaf and the Blind.—

3764       (4) BOARD OF TRUSTEES.—

3765       (e) The board of trustees is invested with full power and  
3766 authority to:

3767       1. Appoint a president, faculty, teachers, and other  
3768 employees and remove the same as in its judgment may be best and  
3769 fix their compensation.

3770       2. Procure professional services, such as medical, mental

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3771 health, architectural, and engineering.

3772       3. Procure legal services without the prior written

3773 approval of the Attorney General.

3774       4. Determine eligibility of students and procedure for

3775 admission.

3776       5. Provide for the students of the school necessary

3777 bedding, clothing, food, and medical attendance and such other

3778 things as may be proper for the health and comfort of the

3779 students without cost to their parents, except that the board of

3780 trustees may set tuition and other fees for nonresidents.

3781       6. Provide for the proper keeping of accounts and records

3782 and for budgeting of funds.

3783       7. Enter into contracts.

3784       8. Sue and be sued.

3785       9. Secure public liability insurance.

3786       10. Do and perform every other matter or thing requisite to

3787 the proper management, maintenance, support, and control of the

3788 school at the highest efficiency economically possible, the

3789 board of trustees taking into consideration the purposes of the

3790 establishment.

3791       11. Receive gifts, donations, and bequests of money or

3792 property, real or personal, tangible or intangible, from any

3793 person, firm, corporation, or other legal entity. However, the

3794 board of trustees may not obligate the state to any expenditure

3795 or policy that is not specifically authorized by law. If the

3796 bill of sale, will, trust indenture, deed, or other legal

3797 conveyance specifies terms and conditions concerning the use of

3798 such money or property, the board of trustees shall observe such

3799 terms and conditions.

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3800           12. Deposit outside the State Treasury such moneys as are  
3801 received as gifts, donations, or bequests and may disburse and  
3802 expend such moneys, upon its own warrant, for the use and  
3803 benefit of the Florida School for the Deaf and the Blind and its  
3804 students, as the board of trustees deems to be in the best  
3805 interest of the school and its students. Such money or property  
3806 does not constitute and may not be considered a part of any  
3807 legislative appropriation.

3808           13. Sell or convey by bill of sale, deed, or other legal  
3809 instrument any property, real or personal, received as a gift,  
3810 donation, or bequest, upon such terms and conditions as the  
3811 board of trustees deems to be in the best interest of the school  
3812 and its students.

3813           14. Invest such moneys in securities enumerated under s.  
3814 215.47(1), (2)(c), (3), (4), and (10), and in The Common Fund,  
3815 an Investment Management Fund exclusively for nonprofit  
3816 educational institutions.

3817           15. After receiving approval from the Department of  
3818 Economic Opportunity Administration ~~Commission~~, exercise the  
3819 power of eminent domain in the manner provided in chapter 73 or  
3820 chapter 74.

3821           Section 84. Section 1013.25, Florida Statutes, is amended  
3822 to read:

3823           1013.25 When university or Florida College System  
3824 institution board of trustees may exercise power of eminent  
3825 domain.—Whenever it becomes necessary for the welfare and  
3826 convenience of any of its institutions or divisions to acquire  
3827 private property for the use of such institutions, and this  
3828 cannot be acquired by agreement satisfactory to a university or

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3829 Florida College System institution board of trustees and the  
3830 parties interested in, or the owners of, the private property,  
3831 the board of trustees may exercise the power of eminent domain  
3832 after receiving approval therefor from the Department of  
3833 Economic Opportunity Administration ~~Administration Commission~~ and may then  
3834 proceed to condemn the property in the manner provided by  
3835 chapter 73 or chapter 74.

3836 Section 85. This act shall take effect October 1, 2020.