

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 the continuation of certain
14 contracts and interagency agreements; authorizing the
15 Governor to transfer funds and positions between
16 agencies upon approval by the Legislative Budget
17 Commission; requiring that the Governor submit
18 specified information in a timely manner to certain
19 entities; authorizing the Governor to obtain waivers
20 as required by federal law; providing for the transfer
21 of certain records, funds, and property to a successor
22 organization; providing a directive to the Division of
23 Law Revision to assist substantive committees in the
24 preparation of conforming legislation; repealing s.
25 14.202, F.S., relating to the Administration

26 Commission; amending s. 20.201, F.S.; requiring the
 27 executive director of the Department of Law
 28 Enforcement to be appointed subject to a majority vote
 29 of the Governor and Cabinet; amending s. 20.24, F.S.;
 30 requiring the head of the Department of Highway Safety
 31 and Motor Vehicles to be a secretary appointed by, and
 32 serving at the pleasure of, the Governor and confirmed
 33 by the Senate; amending s. 20.255, F.S.; removing
 34 provisions requiring concurrence of Cabinet members
 35 for the appointment of the Secretary of Environmental
 36 Protection; amending s. 20.37, F.S.; requiring the
 37 executive director of the Department of Veterans'
 38 Affairs to be appointed subject to a majority vote of
 39 the Governor and Cabinet; amending ss. 30.49, 110.112,
 40 110.161, 110.201, 110.2035, 110.205, 110.21, 110.219,
 41 110.227, 110.403, 112.175, 120.533, 120.54, 120.542,
 42 120.63, 120.65, 120.80, 161.55, 163.3164, 163.3177,
 43 163.3184, 163.3187, 163.3213, 163.3245, 186.008,
 44 186.515, 190.005, 190.046, 195.087, 206.27, 207.021,
 45 212.055, 215.619, 215.95, 216.182, 216.192, 259.045,
 46 282.709, 288.975, 316.545, 320.275, 322.125, 331.353,
 47 336.025, 337.243, 369.305, 373.114, 373.139, 373.217,
 48 373.2295, 373.4275, 373.703, 377.2425, 380.031,
 49 380.032, 380.045, 380.05, 380.055, 380.0552, 380.0555,
 50 380.06, 380.07, 380.115, 381.0065, 388.4111, 397.333,

51 403.061, 581.217, 624.509, 943.0313, 943.06, 945.6035,
 52 945.6036, 1002.33, 1002.36, and 1013.25, F.S.;

53 conforming provisions and cross-references to changes
 54 made by the act; requiring the Office of Program
 55 Policy Analysis and Government Accountability to
 56 contract for a review of the Department of Law
 57 Enforcement; providing requirements for the selected
 58 contractor; providing requirements for the review;
 59 requiring the department to provide the contractor
 60 with access to certain information; retaining the
 61 exempt or confidential and exempt status of such
 62 information; requiring the contractor to submit a
 63 report to the Governor, Attorney General, Chief
 64 Financial Officer, Commissioner of Agriculture, and
 65 the Legislature by a certain date; providing effective
 66 dates.

67

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

69

70 Section 1. Legislative purpose.—It is the intent of the
 71 Legislature to pursue a state executive structure more aligned
 72 with the federal system in order to promote greater
 73 accountability and efficiency. When America's founding fathers
 74 designed our federal government structure, they intentionally
 75 chose a system in which there was a unitary executive. The

76 founders very consciously declined to sap the executive's
77 strength by dividing the executive power and instead vested the
78 executive power in one elected individual, believing that an
79 energetic executive is the leading character in the definition
80 of good government. The changes made herein reflect our intent
81 to move away from a plural executive structure toward more
82 unitary executive governance that encourages greater
83 accountability in the democratic process and efficiencies in
84 government.

85 Section 2. Type two transfers from the Executive Office of
86 the Governor.-

87 (1) (a) All powers, duties, functions, records, offices,
88 personnel, associated administrative support positions,
89 property, pending issues, existing contracts, administrative
90 authority, administrative rules, and unexpended balances of
91 appropriations, allocations, and other funds relating to the
92 Administration Commission in the Executive Office of the
93 Governor are transferred by a type two transfer, as defined in
94 s. 20.06(2), Florida Statutes, to the Division of Administrative
95 Hearings, the Florida Commission on Human Relations, and the
96 Department of Economic Opportunity as appropriate.

97 (b) Any binding contract or interagency agreement existing
98 before October 1, 2021, between the Administration Commission in
99 the Executive Office of the Governor, or an entity or agent of
100 the commission, and any other agency, entity, or person shall

101 continue as a binding contract or agreement for the remainder of
 102 the term of such contract or agreement on the successor entity
 103 responsible for the program, activity, or functions relative to
 104 the contract or agreement.

105 (2) All powers, duties, functions, records, offices,
 106 personnel, associated administrative support positions,
 107 property, pending issues, existing contracts, administrative
 108 authority, administrative rules, and unexpended balances of
 109 appropriations, allocations, and other funds relating to the
 110 Florida Land and Water Adjudicatory Commission are transferred
 111 by a type two transfer, as defined in s. 20.06(2), Florida
 112 Statutes, to the Department of Environmental Protection, the
 113 Department of Economic Opportunity, and the Division of
 114 Administrative Hearings as appropriate.

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

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

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

135 Section 4. The Legislature recognizes that there is a need
136 to conform the Florida Statutes to the policy decisions
137 reflected in this act and that there is a need to resolve
138 apparent conflicts between any other legislation that has been
139 or may be enacted during the 2021 Regular Session of the
140 Legislature and the transfer of duties made by this act.
141 Therefore, in the interim between this act becoming law and the
142 2022 Regular Session of the Legislature or an earlier special
143 session addressing this issue, the Division of Law Revision is
144 directed to provide the relevant substantive committees of the
145 Senate and the House of Representatives with assistance, upon
146 request, to enable such committees to prepare draft legislation
147 to conform the Florida Statutes and any legislation enacted
148 during the 2021 Regular Session of the Legislature to the
149 provisions of this act.

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

151 Section 6. Effective July 1, 2021, subsection (1) of
 152 section 20.201, Florida Statutes, is amended to read:

153 20.201 Department of Law Enforcement.—

154 (1) There is created a Department of Law Enforcement. The
 155 head of the department is the Governor and Cabinet. The
 156 executive director of the department shall be appointed by the
 157 Governor subject to the majority vote of the Governor and
 158 Cabinet consisting of at least three affirmative votes, with the
 159 Governor and Attorney General on the prevailing side. The
 160 appointment is ~~with the approval of three members of the Cabinet~~
 161 ~~and~~ subject to confirmation by the Senate. The executive
 162 director shall serve at the pleasure of the Governor and
 163 Cabinet. The executive director may establish a command,
 164 operational, and administrative services structure to assist,
 165 manage, and support the department in operating programs and
 166 delivering services.

167 Section 7. Effective July 1, 2021, subsection (1) of
 168 section 20.24, Florida Statutes, is amended to read:

169 20.24 Department of Highway Safety and Motor Vehicles.—

170 There is created a Department of Highway Safety and Motor
 171 Vehicles.

172 (1) The head of the Department of Highway Safety and Motor
 173 Vehicles shall be a secretary appointed by ~~is~~ the Governor and
 174 confirmed by the Senate. The secretary shall serve at the
 175 pleasure of the Governor ~~Cabinet~~.

176 Section 8. Effective July 1, 2021, subsection (1) of
 177 section 20.255, Florida Statutes, is amended to read:

178 20.255 Department of Environmental Protection.—There is
 179 created a Department of Environmental Protection.

180 (1) The head of the Department of Environmental Protection
 181 shall be a secretary, who shall be appointed by the Governor and
 182 ~~, with the concurrence of three members of the Cabinet. The~~
 183 ~~secretary shall be confirmed by the Florida~~ Senate. The
 184 secretary shall serve at the pleasure of the Governor.

185 Section 9. Effective July 1, 2021, subsection (1) of
 186 section 20.37, Florida Statutes, is amended to read:

187 20.37 Department of Veterans' Affairs.—There is created a
 188 Department of Veterans' Affairs.

189 (1) The head of the department is the Governor and
 190 Cabinet. The executive director of the department shall be
 191 appointed by the Governor subject to a majority vote of the
 192 Governor and Cabinet consisting of at least three affirmative
 193 votes, with the Governor on the prevailing side. The appointment
 194 is with the approval of three members of the Cabinet and subject
 195 to confirmation by the Senate. The executive director shall
 196 serve at the pleasure of the Governor and Cabinet.

197 Section 10. Paragraph (a) of subsection (4) and
 198 subsections (5) and (10) of section 30.49, Florida Statutes, are
 199 amended to read:

200 30.49 Budgets.—

201 (4) The board of county commissioners or the budget
202 commission, as appropriate, may require the sheriff to correct
203 mathematical, mechanical, factual, and clerical errors and
204 errors as to form in the proposed budget. At the hearings held
205 pursuant to s. 200.065, the board or commission may amend,
206 modify, increase, or reduce any or all items of expenditure in
207 the proposed budget, as certified by the sheriff pursuant to
208 paragraphs (2)(a)-(c), and shall approve such budget, as
209 amended, modified, increased, or reduced. The board or
210 commission must give written notice of its action to the sheriff
211 and specify in such notice the specific items amended, modified,
212 increased, or reduced. The budget must include the salaries and
213 expenses of the sheriff's office, cost of operation of the
214 county jail, purchase, maintenance and operation of equipment,
215 including patrol cars, radio systems, transporting prisoners,
216 court duties, and all other salaries, expenses, equipment, and
217 investigation expenditures of the entire sheriff's office for
218 the previous year.

219 (a) The sheriff, within 30 days after receiving written
220 notice of such action by the board or commission, in person or
221 in his or her office, may file an appeal by petition to the
222 Division of Administrative Hearings within the Department of
223 Management Services Administration ~~Administration Commission~~. The petition must
224 set forth the budget proposed by the sheriff, in the form and
225 manner prescribed by the Division of Administrative Hearings

226 ~~Executive Office of the Governor and approved by the~~
227 ~~Administration Commission~~, and the budget as approved by the
228 board of county commissioners or the budget commission and shall
229 contain the reasons or grounds for the appeal. Such petition
230 shall be filed with the Division of Administrative Hearings
231 ~~Executive Office of the Governor~~, and a copy served upon the
232 board or commission from the decision of which appeal is taken
233 by delivering the same to the chair or president thereof or to
234 the clerk of the circuit court.

235 (5) Upon receipt of the petition, the Division of
236 Administrative Hearings ~~Executive Office of the Governor~~ shall
237 provide for a budget hearing at which the matters presented in
238 the petition and the reply shall be considered. ~~A report of the~~
239 ~~findings and recommendations of the Executive Office of the~~
240 ~~Governor thereon shall be promptly submitted to the~~
241 ~~Administration Commission, which,~~ Within 30 days after the
242 hearing, the administrative law judge of the Division of
243 Administrative Hearings shall issue a final order to, ~~shall~~
244 either approve the action of the board or commission as to each
245 separate item, or approve the budget as proposed by the sheriff
246 as to each separate item, or amend or modify the budget as to
247 each separate item within the limits of the proposed board of
248 expenditures and the expenditures as approved by the board of
249 county commissioners or the budget commission, as the case may
250 be. The budget as approved, amended, or modified by the Division

251 | of Administrative Hearings ~~Administration Commission~~ shall be
 252 | final.

253 | (10) If in the judgment of the sheriff an emergency should
 254 | arise by reason of which the sheriff would be unable to perform
 255 | his or her duties without the expenditure of larger amounts than
 256 | those provided in the budget, he or she may apply to the board
 257 | of county commissioners for the appropriation of additional
 258 | amounts. If the board of county commissioners approves the
 259 | sheriff's request, no further action is required on either
 260 | party. If the board of county commissioners disapproves a
 261 | portion or all of the sheriff's request, the sheriff may apply
 262 | to the Division of Administrative Hearings ~~Administration~~
 263 | ~~Commission~~ for the appropriation of additional amounts. The
 264 | sheriff shall at the same time deliver a copy of the application
 265 | to ~~the Administration Commission,~~ the board of county
 266 | commissioners, ~~and the budget commission,~~ if there is a budget
 267 | commission within the county. The Division of Administrative
 268 | Hearings may conduct ~~Administration Commission may require~~ a
 269 | budget hearing on the application, after due notice to the
 270 | sheriff and to the boards, and may grant or deny an increase or
 271 | increases in the appropriations for the sheriff's offices. If
 272 | any increase is granted, the board of county commissioners, and
 273 | the budget commission, if there is a budget commission in the
 274 | county, shall amend accordingly the budget of the appropriate
 275 | county fund or funds. Such budget shall be brought into balance,

276 if possible, by application of excess receipts in such county
277 fund or funds. If such excess receipts are not available in
278 sufficient amount, the county fund budget or budgets shall be
279 brought into balance by adding an item of "Vouchers unpaid" in
280 the appropriate amount to the receipts side of the budget, and
281 provision for paying such vouchers shall be made in the budget
282 of the county fund for the next fiscal year.

283 Section 11. Paragraph (a) of subsection (2) of section
284 110.112, Florida Statutes, is amended to read:

285 110.112 Affirmative action; equal employment opportunity.—

286 (2) (a) The head of each executive agency shall develop and
287 implement an affirmative action plan in accordance with rules
288 adopted by the department and approved by a majority vote of the
289 Florida Commission on Human Relations ~~Administration Commission~~
290 before their adoption.

291 Section 12. Subsection (5) and paragraph (c) of subsection
292 (6) of section 110.161, Florida Statutes, are amended to read:

293 110.161 State employees; pretax benefits program.—

294 (5) The Department of Management Services shall develop
295 rules for the pretax benefits program, which shall specify the
296 benefits to be offered under the program, the continuing tax-
297 exempt status of the program, and any other matters deemed
298 necessary by the department to implement this section. ~~The rules~~
299 ~~must be approved by a majority vote of the Administration~~
300 ~~Commission.~~

301 (6) The Department of Management Services is authorized to
 302 administer the pretax benefits program established for all
 303 employees so that employees may receive benefits that are not
 304 includable in gross income under the Internal Revenue Code of
 305 1986. The pretax benefits program:

306 (c) May provide for the payment of such premiums through a
 307 pretax payroll procedure. The ~~Administration Commission and the~~
 308 Department of Management Services is ~~are~~ directed to take all
 309 actions necessary to preserve the tax-exempt status of the
 310 program.

311 Section 13. Paragraphs (a), (b), and (c) of subsection (1)
 312 and subsection (4) of section 110.201, Florida Statutes, are
 313 amended to read:

314 110.201 Personnel rules, records, and reports.—

315 (1)(a) The department, in consultation with agencies that
 316 must comply with these rules, shall develop uniform personnel
 317 rules, guidelines, records, and reports relating to employees
 318 and positions in the career service. Agencies must comply with
 319 the uniform rules, except as provided in this section. The
 320 department may adopt rules that provide alternative
 321 requirements. Upon filing with the Department of State, the
 322 appropriate uniform rules will constitute the personnel rules
 323 for each agency subject to this act unless the department
 324 ~~Administration Commission~~ grants an exception to a specific rule
 325 to an agency upon the agency's request or unless the agency must

326 | comply with a statutory provision that conflicts with the
327 | uniform rules. If an agency must comply with a statutory
328 | provision that conflicts with the uniform rules, the agency must
329 | notify the department ~~Administration Commission~~, the
330 | Administrative Procedures Committee, and the appropriate
331 | standing committees of the Legislature and advise the standing
332 | committees whether the agency recommends revision of the statute
333 | to conform it to the uniform rules. Agencies are encouraged to
334 | propose methods of conforming statutory provisions to the
335 | uniform personnel rules.

336 | (b) An agency may request an exception to the uniform
337 | personnel rules by filing a petition with the department
338 | ~~Administration Commission~~. The department ~~Administration~~
339 | ~~Commission~~ shall approve an exception when the exception is
340 | necessary to conform to any requirement imposed as a condition
341 | precedent to receipt of federal funds or to permit persons in
342 | this state to receive tax benefits under federal law, or as
343 | required for the most efficient operation of the agency as
344 | determined by the department ~~Administration Commission~~. The
345 | reasons for the exception must be published in the Florida
346 | Administrative Register.

347 | (c) Agency rules that provide exceptions to the uniform
348 | personnel rules may not be filed with the Department of State
349 | unless the department ~~Administration Commission~~ has approved the
350 | exceptions. Each agency that adopts rules that provide

351 exceptions to the uniform rules or that must comply with
352 statutory requirements that conflict with the uniform rules must
353 have a separate chapter published in the Florida Administrative
354 Code which clearly delineates the provisions of the agency's
355 rules which provide exceptions or are based upon a conflicting
356 statutory requirement. Each alternative chosen from those
357 authorized by the uniform rules must be specified. Each chapter
358 must be organized in the same manner as the uniform rules.

359 (4) The department shall coordinate with the Governor ~~and~~
360 ~~consult with the Administration Commission~~ on personnel matters
361 falling within the scope of collective bargaining and shall
362 represent the Governor in collective bargaining negotiations and
363 other collective bargaining matters as may be necessary. All
364 discussions between the department and the Governor, and between
365 the department and ~~the Administration Commission or~~ agency
366 heads, or between any of their respective representatives,
367 relative to collective bargaining, shall be exempt from the
368 provisions of s. 286.011, and all work products relative to
369 collective bargaining developed in conjunction with such
370 discussions shall be confidential and exempt from the provisions
371 of s. 119.07(1).

372 Section 14. Paragraph (e) of subsection (1) of section
373 110.2035, Florida Statutes, is amended to read:

374 110.2035 Classification and compensation program.—

375 (1) The department ~~of Management Services~~ shall establish

376 | and maintain a classification and compensation program
 377 | addressing Career Service, Selected Exempt Service, and Senior
 378 | Management Service positions. No action may be taken to fill any
 379 | position until it has been classified in accordance with the
 380 | classification plan.

381 | (e) In cooperation and consultation with the employing
 382 | agencies, the department shall adopt rules necessary to govern
 383 | the administration of the classification plan. ~~Such rules shall~~
 384 | ~~be approved by the Administration Commission prior to their~~
 385 | ~~adoption by the department.~~

386 | Section 15. Paragraph (n) of subsection (2) of section
 387 | 110.205, Florida Statutes, is amended to read:

388 | 110.205 Career service; exemptions.—

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

391 | (n)1.a. In addition to those positions exempted by other
 392 | paragraphs of this subsection, each department head may
 393 | designate a maximum of 20 policymaking or managerial positions,
 394 | as defined by the department ~~and approved by the Administration~~
 395 | ~~Commission~~, as being exempt from the Career Service System.
 396 | Career service employees who occupy a position designated as a
 397 | position in the Selected Exempt Service under this paragraph
 398 | shall have the right to remain in the Career Service System by
 399 | opting to serve in a position not exempted by the employing
 400 | agency. Unless otherwise fixed by law, the department shall set

401 the salary and benefits of these positions in accordance with
402 the rules of the Selected Exempt Service; provided, however,
403 that if the agency head determines that the general counsel,
404 chief Cabinet aide, public information administrator or
405 comparable position for a Cabinet officer, inspector general, or
406 legislative affairs director has both policymaking and
407 managerial responsibilities and if the department determines
408 that any such position has both policymaking and managerial
409 responsibilities, the salary and benefits for each such position
410 shall be established by the department in accordance with the
411 rules of the Senior Management Service.

412 b. In addition, each department may designate one
413 additional position in the Senior Management Service if that
414 position reports directly to the agency head or to a position in
415 the Senior Management Service and if any additional costs are
416 absorbed from the existing budget of that department.

417 2. If otherwise exempt, employees of the Public Employees
418 Relations Commission, the Commission on Human Relations, and the
419 Reemployment Assistance Appeals Commission, upon the
420 certification of their respective commission heads, may be
421 provided for under this paragraph as members of the Senior
422 Management Service, if otherwise qualified. However, the deputy
423 general counsel of the Public Employees Relations Commission
424 shall be compensated as members of the Selected Exempt Service.

425 Section 16. Subsection (5) of section 110.21, Florida

426 Statutes, is amended to read:

427 110.21 Shared employment.—In order to promote part-time
 428 career employment opportunities at all levels in the career
 429 service, the department shall establish and maintain a plan for
 430 shared employment applicable to all classes in the career
 431 service and shall be responsible for the overall review,
 432 coordination, and administration of the shared-employment plan.

433 (5) The department shall adopt any rules necessary to
 434 implement the provisions of this section; ~~however, such rules~~
 435 ~~shall be approved by the Administration Commission prior to~~
 436 ~~their adoption by the department.~~

437 Section 17. Subsection (5) of section 110.219, Florida
 438 Statutes, is amended to read:

439 110.219 Attendance and leave; general policies.—

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

445 (a) The maximum responsibility and authority resting with
 446 each agency head to administer attendance and leave matters in
 447 the agency within the parameters of the rules adopted by the
 448 department.

449 (b) Creditable service in which 1 month of service credit
 450 is awarded for each calendar month that the employee is on the

451 payroll of a state agency or during which the employee is on
 452 authorized leave without pay.

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

454 (d) Overtime provisions.

455 (e) Annual leave provisions.

456 (f) Sick leave provisions.

457 (g) Parental leave provisions.

458 (h) Family medical leave provisions.

459 (i) Disability leave provisions.

460 (j) Compulsory disability leave provisions.

461 (k) Administrative leave provisions.

462 (l) Military leave provisions.

463 (m) Educational leave with pay provisions.

464 (n) Leave of absence without pay provisions.

465 Section 18. Paragraph (b) of subsection (2) of section
 466 110.227, Florida Statutes, is amended to read:

467 110.227 Suspensions, dismissals, reductions in pay,
 468 demotions, layoffs, transfers, and grievances.—

469 (2)

470 (b) For the implementation of layoffs as defined in s.
 471 110.107, the department shall develop rules requiring retention
 472 of the agency's employees based upon objective measures that
 473 give consideration to comparative merit, demonstrated skills,
 474 the employee's experience, and the employee's length of service.
 475 ~~Such rules shall be approved by the Administration Commission~~

476 ~~before their adoption by the department.~~

477 Section 19. Subsection (1) of section 110.403, Florida
478 Statutes, is amended to read:

479 110.403 Powers and duties of the department.—

480 (1) In order to implement the purposes of this part, the
481 Department of Management Services, ~~after approval by the~~
482 ~~Administration Commission,~~ shall adopt and amend rules providing
483 for:

484 (a) A system for employing, promoting, or reassigning
485 managers that is responsive to organizational or program needs.
486 In no event shall the number of positions included in the Senior
487 Management Service exceed 1.0 percent of the total full-time
488 equivalent positions in the career service. The department shall
489 deny approval to establish any position within the Senior
490 Management Service which would exceed the limitation established
491 in this paragraph. The department shall report that the
492 limitation has been reached to the Governor, the President of
493 the Senate, and the Speaker of the House of Representatives, as
494 soon as practicable after such event occurs. Employees in the
495 Senior Management Service shall serve at the pleasure of the
496 agency head and shall be subject to suspension, dismissal,
497 reduction in pay, demotion, transfer, or other personnel action
498 at the discretion of the agency head. Such personnel actions are
499 exempt from the provisions of chapter 120.

500 (b) A performance appraisal system which shall take into

501 consideration individual and organizational efficiency,
 502 productivity, and effectiveness.

503 (c) A classification plan and a salary and benefit plan
 504 that provides appropriate incentives for the recruitment and
 505 retention of outstanding management personnel and provides for
 506 salary increases based on performance.

507 (d) A system of rating duties and responsibilities for
 508 positions within the Senior Management Service and the
 509 qualifications of candidates for those positions.

510 (e) A system for documenting actions taken on agency
 511 requests for approval of position exemptions and special pay
 512 increases.

513 (f) Requirements regarding recordkeeping by agencies with
 514 respect to Senior Management Service positions. Such records
 515 shall be audited periodically by the department ~~of Management~~
 516 ~~Services~~ to determine agency compliance with the provisions of
 517 this part and the rules of the department ~~of Management~~
 518 ~~Services~~.

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

521 (h) A program of affirmative and positive action that will
 522 ensure full utilization of women and minorities in Senior
 523 Management Service positions.

524 Section 20. Subsection (2) of section 112.175, Florida
 525 Statutes, is amended to read:

526 112.175 Employee wages; withholding to repay educational
 527 loan.—

528 (2) The Department of Management Services Administration
 529 ~~Commission~~ shall adopt rules to implement this section, which
 530 shall include, but not be limited to, a standard method of
 531 calculating amounts to be withheld from employees who have
 532 failed to establish a repayment schedule within the specified
 533 period of time or failed to meet the terms and conditions of the
 534 agreed to or approved repayment schedule provided for in this
 535 section. Such method shall consider the following factors:

- 536 (a) The amount of the loan which remains outstanding;
- 537 (b) The income of the employee who owes such amount; and
- 538 (c) Other factors such as the number of dependents
 539 supported by the employee.

540 Section 21. Subsection (7) of section 120.533, Florida
 541 Statutes, is amended to read:

542 120.533 Coordination of the transmittal, indexing, and
 543 listing of agency final orders by Department of State.—The
 544 Department of State shall:

545 (7) Adopt rules as necessary to administer its
 546 responsibilities under this section, which shall be binding on
 547 all agencies including the division acting in the capacity of
 548 official compiler of administrative final orders under s.
 549 120.53, notwithstanding s. 120.65. ~~The Department of State may~~
 550 ~~provide for an alternative official compiler to manage and~~

551 ~~operate the division's database and related services if the~~
552 ~~Administration Commission determines that the performance of the~~
553 ~~division as official compiler is unsatisfactory.~~

554 Section 22. Subsection (5) of section 120.54, Florida
555 Statutes, is amended to read:

556 120.54 Rulemaking.—

557 (5) UNIFORM RULES.—

558 (a)1. The division ~~By July 1, 1997, the Administration~~
559 ~~Commission~~ shall adopt one or more sets of uniform rules of
560 procedure which shall be reviewed by the committee and filed
561 with the Department of State. Agencies must comply with the
562 uniform rules ~~by July 1, 1998~~. The uniform rules shall establish
563 procedures that comply with the requirements of this chapter. On
564 filing with the department, the uniform rules shall be the rules
565 of procedure for each agency subject to this chapter unless the
566 division ~~Administration Commission~~ grants an exception to the
567 agency under this subsection.

568 2. An agency may seek exceptions to the uniform rules of
569 procedure by filing a petition with the division. The division
570 ~~Administration Commission~~. ~~The Administration Commission~~ shall
571 approve exceptions to the extent necessary to implement other
572 statutes, to the extent necessary to conform to any requirement
573 imposed as a condition precedent to receipt of federal funds or
574 to permit persons in this state to receive tax benefits under
575 federal law, or as required for the most efficient operation of

576 the agency as determined by the division ~~Administration~~
577 ~~Commission~~. The reasons for the exceptions shall be published in
578 the Florida Administrative Register.

579 3. Agency rules that provide exceptions to the uniform
580 rules shall not be filed with the department unless the division
581 ~~Administration Commission~~ has approved the exceptions. Each
582 agency that adopts rules that provide exceptions to the uniform
583 rules shall publish a separate chapter in the Florida
584 Administrative Code that delineates clearly the provisions of
585 the agency's rules that provide exceptions to the uniform rules
586 and specifies each alternative chosen from among those
587 authorized by the uniform rules. Each chapter shall be organized
588 in the same manner as the uniform rules.

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

592 1. Uniform rules for the scheduling of public meetings,
593 hearings, and workshops.

594 2. Uniform rules for use by each state agency that provide
595 procedures for conducting public meetings, hearings, and
596 workshops, and for taking evidence, testimony, and argument at
597 such public meetings, hearings, and workshops, in person and by
598 means of communications media technology. The rules shall
599 provide that all evidence, testimony, and argument presented
600 shall be afforded equal consideration, regardless of the method

601 of communication. If a public meeting, hearing, or workshop is
602 to be conducted by means of communications media technology, or
603 if attendance may be provided by such means, the notice shall so
604 state. The notice for public meetings, hearings, and workshops
605 utilizing communications media technology shall state how
606 persons interested in attending may do so and shall name
607 locations, if any, where communications media technology
608 facilities will be available. Nothing in this paragraph shall be
609 construed to diminish the right to inspect public records under
610 chapter 119. Limiting points of access to public meetings,
611 hearings, and workshops subject to the provisions of s. 286.011
612 to places not normally open to the public shall be presumed to
613 violate the right of access of the public, and any official
614 action taken under such circumstances is void and of no effect.
615 Other laws relating to public meetings, hearings, and workshops,
616 including penal and remedial provisions, shall apply to public
617 meetings, hearings, and workshops conducted by means of
618 communications media technology, and shall be liberally
619 construed in their application to such public meetings,
620 hearings, and workshops. As used in this subparagraph,
621 "communications media technology" means the electronic
622 transmission of printed matter, audio, full-motion video,
623 freeze-frame video, compressed video, and digital video by any
624 method available.

625 3. Uniform rules of procedure for the filing of notice of

626 | protests and formal written protests. The division
627 | ~~Administration Commission~~ may prescribe the form and substantive
628 | provisions of a required bond.

629 | 4. Uniform rules of procedure for the filing of petitions
630 | for administrative hearings pursuant to s. 120.569 or s. 120.57.
631 | Such rules shall require the petition to include:

632 | a. The identification of the petitioner, including the
633 | petitioner's e-mail address, if any, for the transmittal of
634 | subsequent documents by electronic means.

635 | b. A statement of when and how the petitioner received
636 | notice of the agency's action or proposed action.

637 | c. An explanation of how the petitioner's substantial
638 | interests are or will be affected by the action or proposed
639 | action.

640 | d. A statement of all material facts disputed by the
641 | petitioner or a statement that there are no disputed facts.

642 | e. A statement of the ultimate facts alleged, including a
643 | statement of the specific facts the petitioner contends warrant
644 | reversal or modification of the agency's proposed action.

645 | f. A statement of the specific rules or statutes that the
646 | petitioner contends require reversal or modification of the
647 | agency's proposed action, including an explanation of how the
648 | alleged facts relate to the specific rules or statutes.

649 | g. A statement of the relief sought by the petitioner,
650 | stating precisely the action petitioner wishes the agency to

651 take with respect to the proposed action.

652 5. Uniform rules for the filing of request for
653 administrative hearing by a respondent in agency enforcement and
654 disciplinary actions. Such rules shall require a request to
655 include:

656 a. The name, address, e-mail address, and telephone number
657 of the party making the request and the name, address, and
658 telephone number of the party's counsel or qualified
659 representative upon whom service of pleadings and other papers
660 shall be made;

661 b. A statement that the respondent is requesting an
662 administrative hearing and disputes the material facts alleged
663 by the petitioner, in which case the respondent shall identify
664 those material facts that are in dispute, or that the respondent
665 is requesting an administrative hearing and does not dispute the
666 material facts alleged by the petitioner; and

667 c. A reference by file number to the administrative
668 complaint that the party has received from the agency and the
669 date on which the agency pleading was received.

670
671 The agency may provide an election-of-rights form for the
672 respondent's use in requesting a hearing, so long as any form
673 provided by the agency calls for the information in sub-
674 subparagraphs a. through c. and does not impose any additional
675 requirements on a respondent in order to request a hearing,

676 unless such requirements are specifically authorized by law.

677 6. Uniform rules of procedure for the filing and prompt
678 disposition of petitions for declaratory statements. The rules
679 shall also describe the contents of the notices that must be
680 published in the Florida Administrative Register under s.
681 120.565, including any applicable time limit for the filing of
682 petitions to intervene or petitions for administrative hearing
683 by persons whose substantial interests may be affected.

684 7. Provision of a method by which each agency head shall
685 provide a description of the agency's organization and general
686 course of its operations. The rules shall require that the
687 statement concerning the agency's organization and operations be
688 published on the agency's website.

689 8. Uniform rules establishing procedures for granting or
690 denying petitions for variances and waivers pursuant to s.
691 120.542.

692 Section 23. Subsection (3) of section 120.542, Florida
693 Statutes, is amended to read:

694 120.542 Variances and waivers.—

695 (3) The division ~~Governor and Cabinet, sitting as the~~
696 ~~Administration Commission,~~ shall adopt uniform rules of
697 procedure pursuant to the requirements of s. 120.54(5)
698 establishing procedures for granting or denying petitions for
699 variances and waivers. The uniform rules shall include
700 procedures for the granting, denying, or revoking of emergency

701 and temporary variances and waivers. Such provisions may provide
702 for expedited timeframes, waiver of or limited public notice,
703 and limitations on comments on the petition in the case of such
704 temporary or emergency variances and waivers.

705 Section 24. Section 120.63, Florida Statutes, is amended
706 to read:

707 120.63 Exemption from act.—

708 (1) Upon application of any agency, the Department of
709 Management Services ~~Administration Commission~~ may exempt any
710 process or proceeding governed by this act from one or more
711 requirements of this act:

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

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

717 (c) When the Department of Management Services ~~commission~~
718 has found that conformity with the requirements of the part or
719 parts of this act for which exemption is sought would be so
720 inconvenient or impractical as to defeat the purpose of the
721 agency proceeding involved or the purpose of this act and would
722 not be in the public interest in light of the nature of the
723 intended action and the enabling act or other laws affecting the
724 agency.

725 (2) The Department of Management Services ~~commission~~ may

726 not exempt an agency from any requirement of this act pursuant
727 to this section until it establishes alternative procedures to
728 achieve the agency's purpose which shall be consistent, insofar
729 as possible, with the intent and purpose of the act.

730 (a) Prior to the granting of any exemption authorized by
731 this section, the Department of Management Services ~~commission~~
732 shall hold a public hearing after notice given as provided in s.
733 120.525. Upon the conclusion of the hearing, the Department of
734 Management Services ~~commission, through the Executive Office of~~
735 ~~the Governor,~~ shall issue an order specifically granting or
736 denying the exemption and specifying any processes or
737 proceedings exempted and the extent of the exemption; transmit
738 to the committee and to the Department of State a copy of the
739 petition, a certified copy of the order granting or denying the
740 petition, and a copy of any alternative procedures prescribed;
741 and give notice of the petition and the Department of Management
742 Services' ~~commission's~~ response in the Florida Administrative
743 Register.

744 (b) An exemption and any alternative procedure prescribed
745 shall terminate 90 days following adjournment sine die of the
746 then-current or next regular legislative session after issuance
747 of the exemption order, or upon the effective date of any
748 subsequent legislation incorporating the exemption or any
749 partial exemption related thereto, whichever is earlier. The
750 exemption granted by the Department of Management Services

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

754 Section 25. Subsections (1), (2), and (8) of section
755 120.65, Florida Statutes, are amended to read:

756 120.65 Administrative law judges.—

757 (1) The Division of Administrative Hearings within the
758 Department of Management Services shall be headed by a director
759 who shall be appointed by the Governor. The Supreme Court
760 Judicial Nominating Commission shall recommend to the Governor
761 three qualified candidates for the director position. The
762 Governor may reject the nominations and request the submission
763 of three new nominees. The Governor shall appoint a director
764 from among the recommendations ~~Administration Commission and~~
765 ~~confirmed by the Senate~~. The director, who shall also serve as
766 the chief administrative law judge, and any deputy chief
767 administrative law judge must possess the same minimum
768 qualifications as the administrative law judges employed by the
769 division. The Deputy Chief Judge of Compensation Claims must
770 possess the minimum qualifications established in s. 440.45(2)
771 and shall report to the director. The division shall be a
772 separate budget entity, and the director shall be its agency
773 head for all purposes. The Department of Management Services
774 shall provide administrative support and service to the division
775 to the extent requested by the director. The division shall not

776 | be subject to control, supervision, or direction by the
777 | Department of Management Services in any manner, including, but
778 | not limited to, personnel, purchasing, transactions involving
779 | real or personal property, and budgetary matters.

780 | (2) The director has the right to appeal actions by the
781 | Executive Office of the Governor that affect amendments to the
782 | division's approved operating budget or any personnel actions
783 | pursuant to chapter 216 to the Governor and Cabinet
784 | ~~Administration Commission, which shall decide such issue by~~
785 | ~~majority vote.~~ The appropriations committees may advise the
786 | Governor and Cabinet ~~Administration Commission~~ on the issue. If
787 | the President of the Senate and the Speaker of the House of
788 | Representatives object in writing to the effects of the appeal,
789 | the appeal may be affirmed by the majority vote of the Governor
790 | and Cabinet ~~affirmative vote of two thirds of the commission~~
791 | ~~members present.~~

792 | (8) Not later than February 1 of each year, the division
793 | shall issue a written report to the Administrative Procedures
794 | Committee and the Governor ~~Administration Commission~~, including
795 | at least the following information:

796 | (a) A summary of the extent and effect of agencies'
797 | utilization of administrative law judges, court reporters, and
798 | other personnel in proceedings under this chapter.

799 | (b) Recommendations for change or improvement in the
800 | Administrative Procedure Act or any agency's practice or policy

801 with respect thereto.

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

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

807 Section 26. Paragraph (a) of subsection (1) and subsection
808 (5) of section 120.80, Florida Statutes, are amended to read:

809 120.80 Exceptions and special requirements; agencies.—

810 (1) DIVISION OF ADMINISTRATIVE HEARINGS.—

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

816 (5) LAND USE AND PLANNING ~~FLORIDA LAND AND WATER~~
817 ~~ADJUDICATORY COMMISSION.~~ Notwithstanding the provisions of s.
818 ~~120.57(1)(a),~~ When the division ~~Florida Land and Water~~
819 ~~Adjudicatory Commission~~ receives a notice of appeal pursuant to
820 s. 380.07, the division ~~the commission~~ shall notify the
821 Department of Economic Opportunity and the Department of
822 Environmental Protection ~~division~~ within 60 days after receipt
823 of the notice of appeal ~~if the commission elects to request the~~
824 ~~assignment of an administrative law judge.~~

825 Section 27. Subsection (4) of section 161.55, Florida

826 Statutes, is amended to read:

827 161.55 Requirements for activities or construction within
828 the coastal building zone.—The following requirements shall
829 apply beginning March 1, 1986, to construction within the
830 coastal building zone and shall be minimum standards for
831 construction in this area:

832 (4) APPLICATION TO COASTAL BARRIER ISLANDS.—All
833 requirements of this part which are applicable to the coastal
834 building zone shall also apply to coastal barrier islands. The
835 coastal building zone on coastal barrier islands shall be the
836 land area from the seasonal high-water line to a line 5,000 feet
837 landward from the coastal construction control line established
838 pursuant to s. 161.053, or the entire island, whichever is less.
839 For coastal barrier islands on which a coastal construction
840 control line has not been established pursuant to s. 161.053,
841 the coastal building zone shall be the land area seaward of the
842 most landward velocity zone (V-zone) boundary line fronting upon
843 the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of
844 Florida. All land area in the Florida Keys located within Monroe
845 County shall be included in the coastal building zone. The
846 coastal building zone on any coastal barrier island between
847 Sebastian Inlet and Fort Pierce Inlet may be reduced in size
848 upon approval of the department ~~Land and Water Adjudicatory~~
849 ~~Commission~~, if it determines that the local government with
850 jurisdiction has provided adequate protection for the barrier

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851 island. In no case, however, shall the coastal building zone be
852 reduced to an area less than a line 2,500 feet landward of the
853 coastal construction control line. The department ~~Land and Water~~
854 ~~Adjudicatory Commission~~ shall withdraw its approval for a
855 reduced coastal building zone if it determines that 6 months
856 after a local government comprehensive plan is due for
857 submission to the state land planning agency pursuant to s.
858 163.3167 the local government with jurisdiction has not adopted
859 a coastal management element which is in compliance with s.
860 163.3178.

861 Section 28. Subsection (2) and present subsection (45) of
862 section 163.3164, Florida Statutes, are amended to read:

863 163.3164 Community Planning Act; definitions.—As used in
864 this act:

865 ~~(2) "Administration Commission" means the Governor and the~~
866 ~~Cabinet, and for purposes of this chapter the commission shall~~
867 ~~act on a simple majority vote, except that for purposes of~~
868 ~~imposing the sanctions provided in s. 163.3184(8), affirmative~~
869 ~~action shall require the approval of the Governor and at least~~
870 ~~three other members of the commission.~~

871 ~~(44)(45)~~ "Structure" has the same meaning as in s.
872 380.031(18) ~~s. 380.031(19)~~.

873 Section 29. Paragraph (f) of subsection (1) and paragraph
874 (a) of subsection (6) of section 163.3177, Florida Statutes, are
875 amended to read:

876 163.3177 Required and optional elements of comprehensive
877 plan; studies and surveys.—

878 (1) The comprehensive plan shall provide the principles,
879 guidelines, standards, and strategies for the orderly and
880 balanced future economic, social, physical, environmental, and
881 fiscal development of the area that reflects community
882 commitments to implement the plan and its elements. These
883 principles and strategies shall guide future decisions in a
884 consistent manner and shall contain programs and activities to
885 ensure comprehensive plans are implemented. The sections of the
886 comprehensive plan containing the principles and strategies,
887 generally provided as goals, objectives, and policies, shall
888 describe how the local government's programs, activities, and
889 land development regulations will be initiated, modified, or
890 continued to implement the comprehensive plan in a consistent
891 manner. It is not the intent of this part to require the
892 inclusion of implementing regulations in the comprehensive plan
893 but rather to require identification of those programs,
894 activities, and land development regulations that will be part
895 of the strategy for implementing the comprehensive plan and the
896 principles that describe how the programs, activities, and land
897 development regulations will be carried out. The plan shall
898 establish meaningful and predictable standards for the use and
899 development of land and provide meaningful guidelines for the
900 content of more detailed land development and use regulations.

901 (f) All mandatory and optional elements of the
902 comprehensive plan and plan amendments shall be based upon
903 relevant and appropriate data and an analysis by the local
904 government that may include, but not be limited to, surveys,
905 studies, community goals and vision, and other data available at
906 the time of adoption of the comprehensive plan or plan
907 amendment. To be based on data means to react to it in an
908 appropriate way and to the extent necessary indicated by the
909 data available on that particular subject at the time of
910 adoption of the plan or plan amendment at issue.

911 1. Surveys, studies, and data utilized in the preparation
912 of the comprehensive plan may not be deemed a part of the
913 comprehensive plan unless adopted as a part of it. Copies of
914 such studies, surveys, data, and supporting documents for
915 proposed plans and plan amendments shall be made available for
916 public inspection, and copies of such plans shall be made
917 available to the public upon payment of reasonable charges for
918 reproduction. Support data or summaries are not subject to the
919 compliance review process, but the comprehensive plan must be
920 clearly based on appropriate data. Support data or summaries may
921 be used to aid in the determination of compliance and
922 consistency.

923 2. Data must be taken from professionally accepted
924 sources. The application of a methodology utilized in data
925 collection or whether a particular methodology is professionally

926 | accepted may be evaluated. However, the evaluation may not
927 | include whether one accepted methodology is better than another.
928 | Original data collection by local governments is not required.
929 | However, local governments may use original data so long as
930 | methodologies are professionally accepted.

931 | 3. The comprehensive plan shall be based upon permanent
932 | and seasonal population estimates and projections, which shall
933 | either be those published by the Office of Economic and
934 | Demographic Research or generated by the local government based
935 | upon a professionally acceptable methodology. The plan must be
936 | based on at least the minimum amount of land required to
937 | accommodate the medium projections as published by the Office of
938 | Economic and Demographic Research for at least a 10-year
939 | planning period unless otherwise limited under s. 380.05~~7~~
940 | ~~including related rules of the Administration Commission~~. Absent
941 | physical limitations on population growth, population
942 | projections for each municipality, and the unincorporated area
943 | within a county must, at a minimum, be reflective of each area's
944 | proportional share of the total county population and the total
945 | county population growth.

946 | (6) In addition to the requirements of subsections (1)-
947 | (5), the comprehensive plan shall include the following
948 | elements:

949 | (a) A future land use plan element designating proposed
950 | future general distribution, location, and extent of the uses of

951 land for residential uses, commercial uses, industry,
952 agriculture, recreation, conservation, education, public
953 facilities, and other categories of the public and private uses
954 of land. The approximate acreage and the general range of
955 density or intensity of use shall be provided for the gross land
956 area included in each existing land use category. The element
957 shall establish the long-term end toward which land use programs
958 and activities are ultimately directed.

959 1. Each future land use category must be defined in terms
960 of uses included, and must include standards to be followed in
961 the control and distribution of population densities and
962 building and structure intensities. The proposed distribution,
963 location, and extent of the various categories of land use shall
964 be shown on a land use map or map series which shall be
965 supplemented by goals, policies, and measurable objectives.

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

969 a. The amount of land required to accommodate anticipated
970 growth.

971 b. The projected permanent and seasonal population of the
972 area.

973 c. The character of undeveloped land.

974 d. The availability of water supplies, public facilities,
975 and services.

976 e. The need for redevelopment, including the renewal of
 977 blighted areas and the elimination of nonconforming uses which
 978 are inconsistent with the character of the community.

979 f. The compatibility of uses on lands adjacent to or
 980 closely proximate to military installations.

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

983 h. The discouragement of urban sprawl.

984 i. The need for job creation, capital investment, and
 985 economic development that will strengthen and diversify the
 986 community's economy.

987 j. The need to modify land uses and development patterns
 988 within antiquated subdivisions.

989 3. The future land use plan element shall include criteria
 990 to be used to:

991 a. Achieve the compatibility of lands adjacent or closely
 992 proximate to military installations, considering factors
 993 identified in s. 163.3175(5).

994 b. Achieve the compatibility of lands adjacent to an
 995 airport as defined in s. 330.35 and consistent with s. 333.02.

996 c. Encourage preservation of recreational and commercial
 997 working waterfronts for water-dependent uses in coastal
 998 communities.

999 d. Encourage the location of schools proximate to urban
 1000 residential areas to the extent possible.

1001 e. Coordinate future land uses with the topography and
 1002 soil conditions, and the availability of facilities and
 1003 services.

1004 f. Ensure the protection of natural and historic
 1005 resources.

1006 g. Provide for the compatibility of adjacent land uses.

1007 h. Provide guidelines for the implementation of mixed-use
 1008 development including the types of uses allowed, the percentage
 1009 distribution among the mix of uses, or other standards, and the
 1010 density and intensity of each use.

1011 4. The amount of land designated for future planned uses
 1012 shall provide a balance of uses that foster vibrant, viable
 1013 communities and economic development opportunities and address
 1014 outdated development patterns, such as antiquated subdivisions.
 1015 The amount of land designated for future land uses should allow
 1016 the operation of real estate markets to provide adequate choices
 1017 for permanent and seasonal residents and business and may not be
 1018 limited solely by the projected population. The element shall
 1019 accommodate at least the minimum amount of land required to
 1020 accommodate the medium projections as published by the Office of
 1021 Economic and Demographic Research for at least a 10-year
 1022 planning period unless otherwise limited under s. 380.05~~r~~
 1023 ~~including related rules of the Administration Commission.~~

1024 5. The future land use plan of a county may designate
 1025 areas for possible future municipal incorporation.

1026 6. The land use maps or map series shall generally
1027 identify and depict historic district boundaries and shall
1028 designate historically significant properties meriting
1029 protection.

1030 7. The future land use element must clearly identify the
1031 land use categories in which public schools are an allowable
1032 use. When delineating the land use categories in which public
1033 schools are an allowable use, a local government shall include
1034 in the categories sufficient land proximate to residential
1035 development to meet the projected needs for schools in
1036 coordination with public school boards and may establish
1037 differing criteria for schools of different type or size. Each
1038 local government shall include lands contiguous to existing
1039 school sites, to the maximum extent possible, within the land
1040 use categories in which public schools are an allowable use.

1041 8. Future land use map amendments shall be based upon the
1042 following analyses:

1043 a. An analysis of the availability of facilities and
1044 services.

1045 b. An analysis of the suitability of the plan amendment
1046 for its proposed use considering the character of the
1047 undeveloped land, soils, topography, natural resources, and
1048 historic resources on site.

1049 c. An analysis of the minimum amount of land needed to
1050 achieve the goals and requirements of this section.

1051 9. The future land use element and any amendment to the
 1052 future land use element shall discourage the proliferation of
 1053 urban sprawl.

1054 a. The primary indicators that a plan or plan amendment
 1055 does not discourage the proliferation of urban sprawl are listed
 1056 below. The evaluation of the presence of these indicators shall
 1057 consist of an analysis of the plan or plan amendment within the
 1058 context of features and characteristics unique to each locality
 1059 in order to determine whether the plan or plan amendment:

1060 (I) Promotes, allows, or designates for development
 1061 substantial areas of the jurisdiction to develop as low-
 1062 intensity, low-density, or single-use development or uses.

1063 (II) Promotes, allows, or designates significant amounts
 1064 of urban development to occur in rural areas at substantial
 1065 distances from existing urban areas while not using undeveloped
 1066 lands that are available and suitable for development.

1067 (III) Promotes, allows, or designates urban development in
 1068 radial, strip, isolated, or ribbon patterns generally emanating
 1069 from existing urban developments.

1070 (IV) Fails to adequately protect and conserve natural
 1071 resources, such as wetlands, floodplains, native vegetation,
 1072 environmentally sensitive areas, natural groundwater aquifer
 1073 recharge areas, lakes, rivers, shorelines, beaches, bays,
 1074 estuarine systems, and other significant natural systems.

1075 (V) Fails to adequately protect adjacent agricultural

1076 areas and activities, including silviculture, active
 1077 agricultural and silvicultural activities, passive agricultural
 1078 activities, and dormant, unique, and prime farmlands and soils.

1079 (VI) Fails to maximize use of existing public facilities
 1080 and services.

1081 (VII) Fails to maximize use of future public facilities
 1082 and services.

1083 (VIII) Allows for land use patterns or timing which
 1084 disproportionately increase the cost in time, money, and energy
 1085 of providing and maintaining facilities and services, including
 1086 roads, potable water, sanitary sewer, stormwater management, law
 1087 enforcement, education, health care, fire and emergency
 1088 response, and general government.

1089 (IX) Fails to provide a clear separation between rural and
 1090 urban uses.

1091 (X) Discourages or inhibits infill development or the
 1092 redevelopment of existing neighborhoods and communities.

1093 (XI) Fails to encourage a functional mix of uses.

1094 (XII) Results in poor accessibility among linked or
 1095 related land uses.

1096 (XIII) Results in the loss of significant amounts of
 1097 functional open space.

1098 b. The future land use element or plan amendment shall be
 1099 determined to discourage the proliferation of urban sprawl if it
 1100 incorporates a development pattern or urban form that achieves

1101 four or more of the following:

1102 (I) Directs or locates economic growth and associated land
 1103 development to geographic areas of the community in a manner
 1104 that does not have an adverse impact on and protects natural
 1105 resources and ecosystems.

1106 (II) Promotes the efficient and cost-effective provision
 1107 or extension of public infrastructure and services.

1108 (III) Promotes walkable and connected communities and
 1109 provides for compact development and a mix of uses at densities
 1110 and intensities that will support a range of housing choices and
 1111 a multimodal transportation system, including pedestrian,
 1112 bicycle, and transit, if available.

1113 (IV) Promotes conservation of water and energy.

1114 (V) Preserves agricultural areas and activities, including
 1115 silviculture, and dormant, unique, and prime farmlands and
 1116 soils.

1117 (VI) Preserves open space and natural lands and provides
 1118 for public open space and recreation needs.

1119 (VII) Creates a balance of land uses based upon demands of
 1120 the residential population for the nonresidential needs of an
 1121 area.

1122 (VIII) Provides uses, densities, and intensities of use
 1123 and urban form that would remediate an existing or planned
 1124 development pattern in the vicinity that constitutes sprawl or
 1125 if it provides for an innovative development pattern such as

1126 transit-oriented developments or new towns as defined in s.
 1127 163.3164.

1128 10. The future land use element shall include a future
 1129 land use map or map series.

1130 a. The proposed distribution, extent, and location of the
 1131 following uses shall be shown on the future land use map or map
 1132 series:

1133 (I) Residential.

1134 (II) Commercial.

1135 (III) Industrial.

1136 (IV) Agricultural.

1137 (V) Recreational.

1138 (VI) Conservation.

1139 (VII) Educational.

1140 (VIII) Public.

1141 b. The following areas shall also be shown on the future
 1142 land use map or map series, if applicable:

1143 (I) Historic district boundaries and designated
 1144 historically significant properties.

1145 (II) Transportation concurrency management area boundaries
 1146 or transportation concurrency exception area boundaries.

1147 (III) Multimodal transportation district boundaries.

1148 (IV) Mixed-use categories.

1149 c. The following natural resources or conditions shall be
 1150 shown on the future land use map or map series, if applicable:

1151 (I) Existing and planned public potable waterwells, cones
 1152 of influence, and wellhead protection areas.

1153 (II) Beaches and shores, including estuarine systems.

1154 (III) Rivers, bays, lakes, floodplains, and harbors.

1155 (IV) Wetlands.

1156 (V) Minerals and soils.

1157 (VI) Coastal high hazard areas.

1158 Section 30. Paragraph (c) of subsection (3), paragraph (e)
 1159 of subsection (4), paragraph (d) of subsection (5), paragraph
 1160 (d) of subsection (7), and subsection (8) of section 163.3184,
 1161 Florida Statutes, are amended to read:

1162 163.3184 Process for adoption of comprehensive plan or
 1163 plan amendment.—

1164 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
 1165 COMPREHENSIVE PLAN AMENDMENTS.—

1166 (c)1. The local government shall hold its second public
 1167 hearing, which shall be a hearing on whether to adopt one or
 1168 more comprehensive plan amendments pursuant to subsection (11).
 1169 If the local government fails, within 180 days after receipt of
 1170 agency comments, to hold the second public hearing, the
 1171 amendments shall be deemed withdrawn unless extended by
 1172 agreement with notice to the state land planning agency and any
 1173 affected person that provided comments on the amendment. The
 1174 180-day limitation does not apply to amendments processed
 1175 pursuant to s. 380.06.

1176 2. All comprehensive plan amendments adopted by the
 1177 governing body, along with the supporting data and analysis,
 1178 shall be transmitted within 10 working days after the second
 1179 public hearing to the state land planning agency and any other
 1180 agency or local government that provided timely comments under
 1181 subparagraph (b)2.

1182 3. The state land planning agency shall notify the local
 1183 government of any deficiencies within 5 working days after
 1184 receipt of an amendment package. For purposes of completeness,
 1185 an amendment shall be deemed complete if it contains a full,
 1186 executed copy of the adoption ordinance or ordinances; in the
 1187 case of a text amendment, a full copy of the amended language in
 1188 legislative format with new words inserted in the text
 1189 underlined, and words deleted stricken with hyphens; in the case
 1190 of a future land use map amendment, a copy of the future land
 1191 use map clearly depicting the parcel, its existing future land
 1192 use designation, and its adopted designation; and a copy of any
 1193 data and analyses the local government deems appropriate.

1194 4. An amendment adopted under this paragraph does not
 1195 become effective until 31 days after the state land planning
 1196 agency notifies the local government that the plan amendment
 1197 package is complete. If timely challenged, an amendment does not
 1198 become effective until the state land planning agency ~~or the~~
 1199 ~~Administration Commission~~ enters a final order determining the
 1200 adopted amendment to be in compliance.

1201 (4) STATE COORDINATED REVIEW PROCESS.—

1202 (e) *Local government review of comments; adoption of plan*
 1203 *or amendments and transmittal.*—

1204 1. The local government shall review the report submitted
 1205 to it by the state land planning agency, if any, and written
 1206 comments submitted to it by any other person, agency, or
 1207 government. The local government, upon receipt of the report
 1208 from the state land planning agency, shall hold its second
 1209 public hearing, which shall be a hearing to determine whether to
 1210 adopt the comprehensive plan or one or more comprehensive plan
 1211 amendments pursuant to subsection (11). If the local government
 1212 fails to hold the second hearing within 180 days after receipt
 1213 of the state land planning agency's report, the amendments shall
 1214 be deemed withdrawn unless extended by agreement with notice to
 1215 the state land planning agency and any affected person that
 1216 provided comments on the amendment. The 180-day limitation does
 1217 not apply to amendments processed pursuant to s. 380.06.

1218 2. All comprehensive plan amendments adopted by the
 1219 governing body, along with the supporting data and analysis,
 1220 shall be transmitted within 10 working days after the second
 1221 public hearing to the state land planning agency and any other
 1222 agency or local government that provided timely comments under
 1223 paragraph (c).

1224 3. The state land planning agency shall notify the local
 1225 government of any deficiencies within 5 working days after

1226 receipt of a plan or plan amendment package. For purposes of
1227 completeness, a plan or plan amendment shall be deemed complete
1228 if it contains a full, executed copy of the adoption ordinance
1229 or ordinances; in the case of a text amendment, a full copy of
1230 the amended language in legislative format with new words
1231 inserted in the text underlined, and words deleted stricken with
1232 hyphens; in the case of a future land use map amendment, a copy
1233 of the future land use map clearly depicting the parcel, its
1234 existing future land use designation, and its adopted
1235 designation; and a copy of any data and analyses the local
1236 government deems appropriate.

1237 4. After the state land planning agency makes a
1238 determination of completeness regarding the adopted plan or plan
1239 amendment, the state land planning agency shall have 45 days to
1240 determine if the plan or plan amendment is in compliance with
1241 this act. Unless the plan or plan amendment is substantially
1242 changed from the one commented on, the state land planning
1243 agency's compliance determination shall be limited to objections
1244 raised in the objections, recommendations, and comments report.
1245 During the period provided for in this subparagraph, the state
1246 land planning agency shall issue, through a senior administrator
1247 or the secretary, a notice of intent to find that the plan or
1248 plan amendment is in compliance or not in compliance. The state
1249 land planning agency shall post a copy of the notice of intent
1250 on the agency's Internet website. Publication by the state land

1251 | planning agency of the notice of intent on the state land
 1252 | planning agency's Internet site shall be prima facie evidence of
 1253 | compliance with the publication requirements of this
 1254 | subparagraph.

1255 | 5. A plan or plan amendment adopted under the state
 1256 | coordinated review process shall go into effect pursuant to the
 1257 | state land planning agency's notice of intent. If timely
 1258 | challenged, an amendment does not become effective until the
 1259 | state land planning agency ~~or the Administration Commission~~
 1260 | enters a final order determining the adopted amendment to be in
 1261 | compliance.

1262 | (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
 1263 | AMENDMENTS.—

1264 | (d) ~~If the administrative law judge recommends that the~~
 1265 | ~~amendment be found not in compliance,~~ The administrative law
 1266 | judge shall submit the recommended order to the Department of
 1267 | Economic Opportunity Administration Commission for final agency
 1268 | action. The Department of Economic Opportunity Administration
 1269 | ~~Commission~~ shall make every effort to enter a final order
 1270 | expeditiously, but at a minimum within the time period provided
 1271 | by s. 120.569.

1272 | (7) MEDIATION AND EXPEDITIOUS RESOLUTION.—

1273 | (d) For a case following the procedures under this
 1274 | subsection, absent written consent of the parties or a showing
 1275 | of extraordinary circumstances, if the administrative law judge

1276 recommends that the amendment be found not in compliance, the
 1277 Department of Economic Opportunity ~~Administration Commission~~
 1278 shall issue a final order within 45 days after issuance of the
 1279 recommended order. If the administrative law judge recommends
 1280 that the amendment be found in compliance, the state land
 1281 planning agency shall issue a final order within 45 days after
 1282 issuance of the recommended order. If the state land planning
 1283 agency fails to timely issue a final order, the recommended
 1284 order finding the amendment to be in compliance immediately
 1285 becomes the final order.

1286 (8) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~ADMINISTRATION~~
 1287 ~~COMMISSION.~~—

1288 (a) If the Department of Economic Opportunity
 1289 ~~Administration Commission~~, upon a hearing pursuant to subsection
 1290 (5), finds that the comprehensive plan or plan amendment is not
 1291 in compliance with this act, the department ~~commission~~ shall
 1292 specify remedial actions that would bring the comprehensive plan
 1293 or plan amendment into compliance.

1294 (b) The Department of Economic Opportunity ~~commission~~ may
 1295 specify the sanctions provided in subparagraphs 1. and 2. to
 1296 which the local government will be subject if it elects to make
 1297 the amendment effective notwithstanding the determination of
 1298 noncompliance.

1299 1. The department ~~commission~~ may direct state agencies not
 1300 to provide funds to increase the capacity of roads, bridges, or

1301 water and sewer systems within the boundaries of those local
1302 governmental entities which have comprehensive plans or plan
1303 elements that are determined not to be in compliance. The
1304 department's ~~commission~~ order may also specify that the local
1305 government is not eligible for grants administered under the
1306 following programs:

1307 a. The Florida Small Cities Community Development Block
1308 Grant Program, as authorized by ss. 290.0401-290.048.

1309 b. The Florida Recreation Development Assistance Program,
1310 as authorized by chapter 375.

1311 c. Revenue sharing pursuant to ss. 206.60, 210.20, and
1312 218.61 and chapter 212, to the extent not pledged to pay back
1313 bonds.

1314 2. If the local government is one which is required to
1315 include a coastal management element in its comprehensive plan
1316 pursuant to s. 163.3177(6)(g), the department's ~~commission~~ order
1317 may also specify that the local government is not eligible for
1318 funding pursuant to s. 161.091. The department's ~~commission~~
1319 order may also specify that the fact that the coastal management
1320 element has been determined to be not in compliance shall be a
1321 consideration when the department considers permits under s.
1322 161.053 and when the Board of Trustees of the Internal
1323 Improvement Trust Fund considers whether to sell, convey any
1324 interest in, or lease any sovereignty lands or submerged lands
1325 until the element is brought into compliance.

1326 3. The sanctions provided by subparagraphs 1. and 2. do
 1327 not apply to a local government regarding any plan amendment,
 1328 except for plan amendments that amend plans that have not been
 1329 finally determined to be in compliance with this part, and
 1330 except as provided in this paragraph.

1331 Section 31. Paragraph (c) of subsection (1) and paragraphs
 1332 (b) and (c) of subsection (5) of section 163.3187, Florida
 1333 Statutes, are amended to read:

1334 163.3187 Process for adoption of small-scale comprehensive
 1335 plan amendment.—

1336 (1) A small scale development amendment may be adopted
 1337 under the following conditions:

1338 (c) The property that is the subject of the proposed
 1339 amendment is not located within an area of critical state
 1340 concern, unless the project subject to the proposed amendment
 1341 involves the construction of affordable housing units meeting
 1342 the criteria of s. 420.0004(3), and is located within an area of
 1343 critical state concern designated by s. 380.0552 or ~~by the~~
 1344 ~~Administration Commission~~ pursuant to s. 380.05(1).

1345 (5)

1346 ~~(b)1. If the administrative law judge recommends that the~~
 1347 ~~small scale development amendment be found not in compliance,~~
 1348 The administrative law judge shall submit the recommended order
 1349 to the Department of Economic Opportunity Administration
 1350 ~~Commission~~ for final agency action. ~~If the administrative law~~

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1351 ~~judge recommends that the small scale development amendment be~~
1352 ~~found in compliance, the administrative law judge shall submit~~
1353 ~~the recommended order to the state land planning agency.~~

1354 ~~2. If the state land planning agency determines that the~~
1355 ~~plan amendment is not in compliance, the agency shall submit,~~
1356 ~~within 30 days following its receipt, the recommended order to~~
1357 ~~the Administration Commission for final agency action. If the~~
1358 ~~state land planning agency determines that the plan amendment is~~
1359 ~~in compliance, the agency shall enter a final order within 30~~
1360 ~~days following its receipt of the recommended order.~~

1361 (c) Small scale development amendments may not become
1362 effective until 31 days after adoption. If challenged within 30
1363 days after adoption, small scale development amendments may not
1364 become effective until the department ~~state land planning agency~~
1365 ~~or the Administration Commission, respectively,~~ issues a final
1366 order determining that the adopted small scale development
1367 amendment is in compliance.

1368 Section 32. Subsection (6) of section 163.3213, Florida
1369 Statutes, is amended to read:

1370 163.3213 Administrative review of land development
1371 regulations.—

1372 (6) If the administrative law judge in his or her order
1373 finds the land development regulation to be inconsistent with
1374 the local comprehensive plan, the order will be submitted to the
1375 Department of Economic Opportunity ~~Administration Commission~~. An

1376 appeal pursuant to s. 120.68 may not be taken until the
 1377 Department of Economic Opportunity makes a final determination
 1378 of the recommended order ~~Administration Commission acts pursuant~~
 1379 ~~to this subsection.~~ The Department of Economic Opportunity shall
 1380 make a final determination ~~Administration Commission shall hold~~
 1381 ~~a hearing~~ no earlier than 30 days or later than 60 days after
 1382 the administrative law judge renders his or her final order. The
 1383 sole issue before the Department of Economic Opportunity
 1384 ~~Administration Commission~~ shall be the extent to which any of
 1385 the sanctions described in s. 163.3184(8) (a) or (b)1. or 2.
 1386 shall be applicable to the local government whose land
 1387 development regulation has been found to be inconsistent with
 1388 its comprehensive plan. If a land development regulation is not
 1389 challenged within 12 months, it shall be deemed to be consistent
 1390 with the adopted local plan.

1391 Section 33. Paragraph (e) of subsection (3) of section
 1392 163.3245, Florida Statutes, is amended to read:

1393 163.3245 Sector plans.—

1394 (3) Sector planning encompasses two levels: adoption
 1395 pursuant to s. 163.3184 of a long-term master plan for the
 1396 entire planning area as part of the comprehensive plan, and
 1397 adoption by local development order of two or more detailed
 1398 specific area plans that implement the long-term master plan and
 1399 within which s. 380.06 is waived.

1400 (e) Whenever a local government issues a development order

1401 approving a detailed specific area plan, a copy of such order
 1402 shall be rendered to the state land planning agency and the
 1403 owner or developer of the property affected by such order, as
 1404 prescribed by rules of the state land planning agency for a
 1405 development order for a development of regional impact. Within
 1406 45 days after the order is rendered, the owner, the developer,
 1407 or the state land planning agency may appeal the order to the
 1408 Division of Administrative Hearings ~~Florida Land and Water~~
 1409 ~~Adjudicatory Commission~~ by filing a petition alleging that the
 1410 detailed specific area plan is not consistent with the
 1411 comprehensive plan or with the long-term master plan adopted
 1412 pursuant to this section. The appellant shall furnish a copy of
 1413 the petition to the opposing party, as the case may be, and to
 1414 the local government that issued the order. The filing of the
 1415 petition stays the effectiveness of the order until after
 1416 completion of the appeal process. However, if a development
 1417 order approving a detailed specific area plan has been
 1418 challenged by an aggrieved or adversely affected party in a
 1419 judicial proceeding pursuant to s. 163.3215, and a party to such
 1420 proceeding serves notice to the state land planning agency, the
 1421 state land planning agency shall dismiss its appeal to the
 1422 division ~~commission~~ and shall have the right to intervene in the
 1423 pending judicial proceeding pursuant to s. 163.3215. Proceedings
 1424 for administrative review of an order approving a detailed
 1425 specific area plan shall be conducted consistent with s.

1426 | 380.07(5). The division ~~commission~~ shall issue a decision
 1427 | granting or denying permission to develop pursuant to the long-
 1428 | term master plan and the standards of this part and may attach
 1429 | conditions or restrictions to its decisions.

1430 | Section 34. Subsections (1) and (2) of section 186.008,
 1431 | Florida Statutes, are amended to read:

1432 | 186.008 State comprehensive plan; revision;
 1433 | implementation.—

1434 | (1) On or before October 1 of every odd-numbered year, the
 1435 | Executive Office of the Governor shall prepare, and the Governor
 1436 | shall recommend to the Department of Economic Opportunity
 1437 | ~~Administration Commission~~, any proposed revisions to the state
 1438 | comprehensive plan deemed necessary. The Governor shall transmit
 1439 | his or her recommendations and explanation as required by s.

1440 | 186.007(8). Copies shall also be provided to each state agency,
 1441 | to each regional planning agency, to any other unit of
 1442 | government that requests a copy, and to any member of the public
 1443 | who requests a copy.

1444 | (2) On or before December 15 of every odd-numbered year,
 1445 | the Department of Economic Opportunity ~~Administration Commission~~
 1446 | shall review the proposed revisions to the state comprehensive
 1447 | plan prepared by the Governor. The department ~~commission~~ shall
 1448 | provide ~~adopt a resolution,~~ after public notice and a reasonable
 1449 | opportunity for public comment, and transmit the proposed
 1450 | revisions to the state comprehensive plan to the Legislature,

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1451 together with any amendments approved by the department
1452 ~~commission~~ and any dissenting reports. The department ~~commission~~
1453 shall identify those portions of the plan that are not based on
1454 existing law.

1455 Section 35. Section 186.515, Florida Statutes, is amended
1456 to read:

1457 186.515 Creation of regional planning councils under
1458 chapter 163.—Nothing in ss. 186.501-186.507, 186.513, and this
1459 section is intended to repeal or limit the provisions of chapter
1460 163; however, the local general-purpose governments serving as
1461 voting members of the governing body of a regional planning
1462 council created pursuant to ss. 186.501-186.507, 186.513, and
1463 this section are not authorized to create a regional planning
1464 council pursuant to chapter 163 unless an agency, other than a
1465 regional planning council created pursuant to ss. 186.501-
1466 186.507, 186.513, and this section, is designated to exercise
1467 the powers and duties in any one or more of ss. 163.3164 and
1468 380.031(14) ~~ss. 163.3164 and 380.031(15)~~; in which case, such a
1469 regional planning council is also without authority to exercise
1470 the powers and duties in s. 163.3164 or s. 380.031(14) ~~s.~~
1471 ~~380.031(15)~~.

1472 Section 36. Subsection (1) and paragraphs (e) and (f) of
1473 subsection (2) of section 190.005, Florida Statutes, are amended
1474 to read:

1475 190.005 Establishment of district.—

1476 (1) The exclusive and uniform method for the establishment
1477 of a community development district with a size of 2,500 acres
1478 or more shall be pursuant to a rule, adopted under chapter 120
1479 by the Department of Economic Opportunity ~~Florida Land and Water~~
1480 ~~Adjudicatory Commission~~, granting a petition for the
1481 establishment of a community development district.

1482 (a) A petition for the establishment of a community
1483 development district shall be filed by the petitioner with the
1484 Department of Economic Opportunity ~~Florida Land and Water~~
1485 ~~Adjudicatory Commission~~. The petition shall contain:

1486 1. A metes and bounds description of the external
1487 boundaries of the district. Any real property within the
1488 external boundaries of the district which is to be excluded from
1489 the district shall be specifically described, and the last known
1490 address of all owners of such real property shall be listed. The
1491 petition shall also address the impact of the proposed district
1492 on any real property within the external boundaries of the
1493 district which is to be excluded from the district.

1494 2. The written consent to the establishment of the
1495 district by all landowners whose real property is to be included
1496 in the district or documentation demonstrating that the
1497 petitioner has control by deed, trust agreement, contract, or
1498 option of 100 percent of the real property to be included in the
1499 district, and when real property to be included in the district
1500 is owned by a governmental entity and subject to a ground lease

1501 as described in s. 190.003(14), the written consent by such
 1502 governmental entity.

1503 3. A designation of five persons to be the initial members
 1504 of the board of supervisors, who shall serve in that office
 1505 until replaced by elected members as provided in s. 190.006.

1506 4. The proposed name of the district.

1507 5. A map of the proposed district showing current major
 1508 trunk water mains and sewer interceptors and outfalls if in
 1509 existence.

1510 6. Based upon available data, the proposed timetable for
 1511 construction of the district services and the estimated cost of
 1512 constructing the proposed services. These estimates shall be
 1513 submitted in good faith but are not binding and may be subject
 1514 to change.

1515 7. A designation of the future general distribution,
 1516 location, and extent of public and private uses of land proposed
 1517 for the area within the district by the future land use plan
 1518 element of the effective local government comprehensive plan of
 1519 which all mandatory elements have been adopted by the applicable
 1520 general-purpose local government in compliance with the
 1521 Community Planning Act.

1522 8. A statement of estimated regulatory costs in accordance
 1523 with the requirements of s. 120.541.

1524 (b) Prior to filing the petition, the petitioner shall:

1525 1. Pay a filing fee of \$15,000 to the county, if located

1526 | within an unincorporated area, or to the municipality, if
 1527 | located within an incorporated area, and to each municipality
 1528 | the boundaries of which are contiguous with, or contain all or a
 1529 | portion of the land within, the external boundaries of the
 1530 | district.

1531 | 2. Submit a copy of the petition to the county, if located
 1532 | within an unincorporated area, or to the municipality, if
 1533 | located within an incorporated area, and to each municipality
 1534 | the boundaries of which are contiguous with, or contain all or a
 1535 | portion of, the land within the external boundaries of the
 1536 | district.

1537 | 3. If land to be included within a district is located
 1538 | partially within the unincorporated area of one or more counties
 1539 | and partially within a municipality or within two or more
 1540 | municipalities, pay a \$15,000 filing fee to each entity.
 1541 | Districts established across county boundaries shall be required
 1542 | to maintain records, hold meetings and hearings, and publish
 1543 | notices only in the county where the majority of the acreage
 1544 | within the district lies.

1545 | (c) Such county and each such municipality required by law
 1546 | to receive a petition may conduct a public hearing to consider
 1547 | the relationship of the petition to the factors specified in
 1548 | paragraph (e). The public hearing shall be concluded within 45
 1549 | days after the date the petition is filed unless an extension of
 1550 | time is requested by the petitioner and granted by the county or

1551 municipality. The county or municipality holding such public
1552 hearing may by resolution express its support of, or objection
1553 to the granting of, the petition by the Department of Economic
1554 Opportunity ~~Florida Land and Water Adjudicatory Commission~~. A
1555 resolution must base any objection to the granting of the
1556 petition upon the factors specified in paragraph (e). Such
1557 county or municipality may present its resolution of support or
1558 objection at the Department of Economic Opportunity ~~Florida Land~~
1559 ~~and Water Adjudicatory Commission~~ hearing and shall be afforded
1560 an opportunity to present relevant information in support of its
1561 resolution.

1562 (d) A local public hearing on the petition shall be
1563 conducted by a hearing officer in conformance with the
1564 applicable requirements and procedures of the Administrative
1565 Procedure Act. The hearing shall include oral and written
1566 comments on the petition pertinent to the factors specified in
1567 paragraph (e). The hearing shall be held at an accessible
1568 location in the county in which the community development
1569 district is to be located. The petitioner shall cause a notice
1570 of the hearing to be published in a newspaper at least once a
1571 week for the 4 successive weeks immediately prior to the
1572 hearing. Such notice shall give the time and place for the
1573 hearing, a description of the area to be included in the
1574 district, which description shall include a map showing clearly
1575 the area to be covered by the district, and any other relevant

1576 information which the establishing governing bodies may require.
 1577 The advertisement shall not be placed in that portion of the
 1578 newspaper where legal notices and classified advertisements
 1579 appear. The advertisement shall be published in a newspaper of
 1580 general paid circulation in the county and of general interest
 1581 and readership in the community, not one of limited subject
 1582 matter, pursuant to chapter 50. Whenever possible, the
 1583 advertisement shall appear in a newspaper that is published at
 1584 least 5 days a week, unless the only newspaper in the community
 1585 is published fewer than 5 days a week. In addition to being
 1586 published in the newspaper, the map referenced above must be
 1587 part of the online advertisement required pursuant to s.
 1588 50.0211. All affected units of general-purpose local government
 1589 and the general public shall be given an opportunity to appear
 1590 at the hearing and present oral or written comments on the
 1591 petition.

1592 (e) The Department of Economic Opportunity ~~Florida Land~~
 1593 ~~and Water Adjudicatory Commission~~ shall consider the entire
 1594 record of the local hearing, the transcript of the hearing,
 1595 resolutions adopted by local general-purpose governments as
 1596 provided in paragraph (c), and the following factors and make a
 1597 determination to grant or deny a petition for the establishment
 1598 of a community development district:

- 1599 1. Whether all statements contained within the petition
- 1600 have been found to be true and correct.

1601 2. Whether the establishment of the district is
 1602 inconsistent with any applicable element or portion of the state
 1603 comprehensive plan or of the effective local government
 1604 comprehensive plan.

1605 3. Whether the area of land within the proposed district
 1606 is of sufficient size, is sufficiently compact, and is
 1607 sufficiently contiguous to be developable as one functional
 1608 interrelated community.

1609 4. Whether the district is the best alternative available
 1610 for delivering community development services and facilities to
 1611 the area that will be served by the district.

1612 5. Whether the community development services and
 1613 facilities of the district will be incompatible with the
 1614 capacity and uses of existing local and regional community
 1615 development services and facilities.

1616 6. Whether the area that will be served by the district is
 1617 amenable to separate special-district government.

1618 (f) The Department of Economic Opportunity ~~Florida Land~~
 1619 ~~and Water Adjudicatory Commission~~ shall not adopt any rule which
 1620 would expand, modify, or delete any provision of the uniform
 1621 community development district charter as set forth in ss.
 1622 190.006-190.041, except as provided in s. 190.012. A rule
 1623 establishing a community development district shall only contain
 1624 the following:

1625 1. A metes and bounds description of the external

1626 boundaries of the district and any real property within the
 1627 external boundaries of the district which is to be excluded.

1628 2. The names of five persons designated to be the initial
 1629 members of the board of supervisors.

1630 3. The name of the district.

1631 (g) The Department of Economic Opportunity ~~Florida Land~~
 1632 ~~and Water Adjudicatory Commission~~ may adopt rules setting forth
 1633 its procedures for considering petitions to establish, expand,
 1634 modify, or delete uniform community development districts or
 1635 portions thereof consistent with the provisions of this section.

1636 (2) The exclusive and uniform method for the establishment
 1637 of a community development district of less than 2,500 acres in
 1638 size or a community development district of up to 7,000 acres in
 1639 size located within a connected-city corridor established
 1640 pursuant to s. 163.3246(13) shall be pursuant to an ordinance
 1641 adopted by the county commission of the county having
 1642 jurisdiction over the majority of land in the area in which the
 1643 district is to be located granting a petition for the
 1644 establishment of a community development district as follows:

1645 (e) If all of the land in the area for the proposed
 1646 district is within the territorial jurisdiction of a municipal
 1647 corporation, then the petition requesting establishment of a
 1648 community development district under this act shall be filed by
 1649 the petitioner with that particular municipal corporation. In
 1650 such event, the duties of the county, hereinabove described, in

1651 action upon the petition shall be the duties of the municipal
 1652 corporation. If any of the land area of a proposed district is
 1653 within the land area of a municipality, the county commission
 1654 may not create the district without municipal approval. If all
 1655 of the land in the area for the proposed district, even if less
 1656 than 2,500 acres, is within the territorial jurisdiction of two
 1657 or more municipalities or two or more counties, except for
 1658 proposed districts within a connected-city corridor established
 1659 pursuant to s. 163.3246(13), the petition shall be filed with
 1660 the Department of Economic Opportunity ~~Florida Land and Water~~
 1661 ~~Adjudicatory Commission~~ and proceed in accordance with
 1662 subsection (1).

1663 (f) Notwithstanding any other provision of this
 1664 subsection, within 90 days after a petition for the
 1665 establishment of a community development district has been filed
 1666 pursuant to this subsection, the governing body of the county or
 1667 municipal corporation may transfer the petition to the
 1668 Department of Economic Opportunity ~~Florida Land and Water~~
 1669 ~~Adjudicatory Commission~~, which shall make the determination to
 1670 grant or deny the petition as provided in subsection (1). A
 1671 county or municipal corporation shall have no right or power to
 1672 grant or deny a petition that has been transferred to the
 1673 Department of Economic Opportunity ~~Florida Land and Water~~
 1674 ~~Adjudicatory Commission~~.

1675 Section 37. Paragraph (d) of subsection (1) and subsection

1676 (10) of section 190.046, Florida Statutes, are amended to read:
 1677 190.046 Termination, contraction, or expansion of
 1678 district.—

1679 (1) A landowner or the board may petition to contract or
 1680 expand the boundaries of a community development district in the
 1681 following manner:

1682 (d)1. For those districts initially established by
 1683 administrative rule pursuant to s. 190.005(1), the petition
 1684 shall be filed with the Department of Economic Opportunity
 1685 ~~Florida Land and Water Adjudicatory Commission.~~

1686 2. Prior to filing the petition, the petitioner shall pay
 1687 a filing fee of \$1,500, to the county if the district or the
 1688 land to be added or deleted from the district is located within
 1689 an unincorporated area or to the municipality if the district or
 1690 the land to be added or deleted is located within an
 1691 incorporated area, and to each municipality the boundaries of
 1692 which are contiguous with or contain all or a portion of the
 1693 land within or to be added to or deleted from the external
 1694 boundaries of the district. The petitioner shall submit a copy
 1695 of the petition to the same entities entitled to receive the
 1696 filing fee. In addition, if the district is not the petitioner,
 1697 the petitioner shall file the petition with the district board
 1698 of supervisors.

1699 3. Each county and each municipality shall have the option
 1700 of holding a public hearing as provided by s. 190.005(1)(c).

1701 However, the public hearing shall be limited to consideration of
 1702 the contents of the petition and whether the petition for
 1703 amendment should be supported by the county or municipality.

1704 4. The district board of supervisors shall, in lieu of a
 1705 hearing officer, hold the local public hearing provided for by
 1706 s. 190.005(1)(d). This local public hearing shall be noticed in
 1707 the same manner as provided in s. 190.005(1)(d). Within 45 days
 1708 of the conclusion of the hearing, the district board of
 1709 supervisors shall transmit to the Department of Economic
 1710 Opportunity ~~Florida Land and Water Adjudicatory Commission~~ the
 1711 full record of the local hearing, the transcript of the hearing,
 1712 any resolutions adopted by the local general-purpose
 1713 governments, and its recommendation whether to grant the
 1714 petition for amendment. The department ~~commission~~ shall then
 1715 proceed in accordance with s. 190.005(1)(e).

1716 5. A rule amending a district boundary shall describe the
 1717 land to be added or deleted.

1718 (10) If a district has no outstanding financial
 1719 obligations and no operating or maintenance responsibilities,
 1720 upon the petition of the district, the district may be dissolved
 1721 by a nonemergency ordinance of the general-purpose local
 1722 governmental entity that established the district or, if the
 1723 district was established by rule of the Department of Economic
 1724 Opportunity ~~Florida Land and Water Adjudicatory Commission~~, the
 1725 district may be dissolved by repeal of such rule of the

1726 department ~~commission~~.

1727 Section 38. Paragraph (b) of subsection (1) of section
1728 195.087, Florida Statutes, is amended to read:

1729 195.087 Property appraisers and tax collectors to submit
1730 budgets to Department of Revenue.—

1731 (1)

1732 (b) The Division of Administrative Hearings ~~Governor and~~
1733 ~~Cabinet, sitting as the Administration Commission,~~ may hear
1734 appeals from the final action of the department upon a written
1735 request being filed by the property appraiser or the presiding
1736 officer of the county commission no later than 15 days after the
1737 conclusion of the hearing held pursuant to s. 200.065(2)(d). The
1738 filing of an appeal does not relieve the county commission of
1739 its obligation to fund the department-approved final budget
1740 during the pendency of the appeal. The Department of Management
1741 Services ~~Administration Commission~~ may amend the budget if it
1742 finds that any aspect of the budget is unreasonable in light of
1743 the workload of the office of the property appraiser in the
1744 county under review. The budget request as approved by the
1745 department and as amended by the Department of Management
1746 Services ~~commission~~ shall become the operating budget of the
1747 property appraiser for the ensuing fiscal year beginning October
1748 1, except that the budget so approved may subsequently be
1749 amended under the same procedure. After final approval, the
1750 property appraiser shall make no transfer of funds between

1751 accounts without the written approval of the department.
1752 However, all moneys received by property appraisers in complying
1753 with chapter 119 shall be accounted for in the same manner as
1754 provided for in s. 218.36, for moneys received as county fees
1755 and commissions, and any such moneys may be used and expended in
1756 the same manner and to the same extent as funds budgeted for the
1757 office and no budget amendment shall be required.

1758 Section 39. Effective July 1, 2021, subsection (2) of
1759 section 206.27, Florida Statutes, is amended to read:

1760 206.27 Records and files as public records.—

1761 (2) This section does not require ~~Nothing herein shall be~~
1762 ~~construed as requiring~~ the department to provide as a public
1763 record any information concerning audits in progress or those
1764 records and files of the department described in this section
1765 which are currently the subject of pending investigation by the
1766 Department of Revenue or the ~~Florida~~ Department of Law
1767 Enforcement. It is specifically provided that the foregoing
1768 information shall be exempt from ~~the provisions of~~ s. 119.07(1)
1769 and shall be considered confidential pursuant to s. 213.053;
1770 however, the department may make available to the secretary
1771 ~~executive director~~ of the Department of Highway Safety and Motor
1772 Vehicles or his or her designee, exclusively for official
1773 purposes in administering chapter 207, any information
1774 concerning any audit in progress, and the provisions of s.
1775 213.053(8) requiring a written agreement and maintenance of

1776 confidentiality by the recipient, and the penalty for breach of
1777 confidentiality, shall apply if the department makes such
1778 information available. An ~~Any~~ officer, employee, or former
1779 officer or employee of the department who divulges any such
1780 information in any manner except for such official purposes or
1781 under s. 213.053 is guilty of a misdemeanor of the first degree,
1782 punishable as provided in s. 775.082 or s. 775.083.

1783 Section 40. Effective July 1, 2021, paragraph (a) of
1784 subsection (2) of section 207.021, Florida Statutes, is amended
1785 to read:

1786 207.021 Informal conferences; settlement or compromise of
1787 taxes, penalties, or interest.—

1788 (2) (a) The secretary ~~executive director~~ or his or her
1789 designee may enter into a closing agreement with a taxpayer
1790 settling or compromising the taxpayer's liability for any tax,
1791 interest, or penalty assessed under this chapter. Each agreement
1792 must be in writing, in the form of a closing agreement approved
1793 by the department, and signed by the secretary ~~executive~~
1794 ~~director~~ or his or her designee. The agreement is final and
1795 conclusive, except upon a showing of material fraud or
1796 misrepresentation of material fact. The department may not make
1797 an additional assessment against the taxpayer for the tax,
1798 interest, or penalty specified in the closing agreement for the
1799 time specified in the closing agreement, and the taxpayer may
1800 not institute a judicial or administrative proceeding to recover

1801 any tax, interest, or penalty paid pursuant to the closing
 1802 agreement. The secretary ~~executive director~~ of the department or
 1803 his or her designee may approve the closing agreement.

1804 Section 41. Paragraph (d) of subsection (2) of section
 1805 212.055, Florida Statutes, is amended to read:

1806 212.055 Discretionary sales surtaxes; legislative intent;
 1807 authorization and use of proceeds.—It is the legislative intent
 1808 that any authorization for imposition of a discretionary sales
 1809 surtax shall be published in the Florida Statutes as a
 1810 subsection of this section, irrespective of the duration of the
 1811 levy. Each enactment shall specify the types of counties
 1812 authorized to levy; the rate or rates which may be imposed; the
 1813 maximum length of time the surtax may be imposed, if any; the
 1814 procedure which must be followed to secure voter approval, if
 1815 required; the purpose for which the proceeds may be expended;
 1816 and such other requirements as the Legislature may provide.
 1817 Taxable transactions and administrative procedures shall be as
 1818 provided in s. 212.054.

1819 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

1820 (d) The proceeds of the surtax authorized by this
 1821 subsection and any accrued interest shall be expended by the
 1822 school district, within the county and municipalities within the
 1823 county, or, in the case of a negotiated joint county agreement,
 1824 within another county, to finance, plan, and construct
 1825 infrastructure; to acquire any interest in land for public

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2021

1826 recreation, conservation, or protection of natural resources or
1827 to prevent or satisfy private property rights claims resulting
1828 from limitations imposed by the designation of an area of
1829 critical state concern; to provide loans, grants, or rebates to
1830 residential or commercial property owners who make energy
1831 efficiency improvements to their residential or commercial
1832 property, if a local government ordinance authorizing such use
1833 is approved by referendum; or to finance the closure of county-
1834 owned or municipally owned solid waste landfills that have been
1835 closed or are required to be closed by order of the Department
1836 of Environmental Protection. Any use of the proceeds or interest
1837 for purposes of landfill closure before July 1, 1993, is
1838 ratified. The proceeds and any interest may not be used for the
1839 operational expenses of infrastructure, except that a county
1840 that has a population of fewer than 75,000 and that is required
1841 to close a landfill may use the proceeds or interest for long-
1842 term maintenance costs associated with landfill closure.
1843 Counties, as defined in s. 125.011, and charter counties may, in
1844 addition, use the proceeds or interest to retire or service
1845 indebtedness incurred for bonds issued before July 1, 1987, for
1846 infrastructure purposes, and for bonds subsequently issued to
1847 refund such bonds. Any use of the proceeds or interest for
1848 purposes of retiring or servicing indebtedness incurred for
1849 refunding bonds before July 1, 1999, is ratified.

1850 1. For the purposes of this paragraph, the term

1851 "infrastructure" means:

1852 a. Any fixed capital expenditure or fixed capital outlay
 1853 associated with the construction, reconstruction, or improvement
 1854 of public facilities that have a life expectancy of 5 or more
 1855 years, any related land acquisition, land improvement, design,
 1856 and engineering costs, and all other professional and related
 1857 costs required to bring the public facilities into service. For
 1858 purposes of this sub-subparagraph, the term "public facilities"
 1859 means facilities as defined in s. 163.3164(38) ~~s. 163.3164(39)~~,
 1860 s. 163.3221(13), or s. 189.012(5), and includes facilities that
 1861 are necessary to carry out governmental purposes, including, but
 1862 not limited to, fire stations, general governmental office
 1863 buildings, and animal shelters, regardless of whether the
 1864 facilities are owned by the local taxing authority or another
 1865 governmental entity.

1866 b. A fire department vehicle, an emergency medical service
 1867 vehicle, a sheriff's office vehicle, a police department
 1868 vehicle, or any other vehicle, and the equipment necessary to
 1869 outfit the vehicle for its official use or equipment that has a
 1870 life expectancy of at least 5 years.

1871 c. Any expenditure for the construction, lease, or
 1872 maintenance of, or provision of utilities or security for,
 1873 facilities, as defined in s. 29.008.

1874 d. Any fixed capital expenditure or fixed capital outlay
 1875 associated with the improvement of private facilities that have

1876 a life expectancy of 5 or more years and that the owner agrees
 1877 to make available for use on a temporary basis as needed by a
 1878 local government as a public emergency shelter or a staging area
 1879 for emergency response equipment during an emergency officially
 1880 declared by the state or by the local government under s.
 1881 252.38. Such improvements are limited to those necessary to
 1882 comply with current standards for public emergency evacuation
 1883 shelters. The owner must enter into a written contract with the
 1884 local government providing the improvement funding to make the
 1885 private facility available to the public for purposes of
 1886 emergency shelter at no cost to the local government for a
 1887 minimum of 10 years after completion of the improvement, with
 1888 the provision that the obligation will transfer to any
 1889 subsequent owner until the end of the minimum period.

1890 e. Any land acquisition expenditure for a residential
 1891 housing project in which at least 30 percent of the units are
 1892 affordable to individuals or families whose total annual
 1893 household income does not exceed 120 percent of the area median
 1894 income adjusted for household size, if the land is owned by a
 1895 local government or by a special district that enters into a
 1896 written agreement with the local government to provide such
 1897 housing. The local government or special district may enter into
 1898 a ground lease with a public or private person or entity for
 1899 nominal or other consideration for the construction of the
 1900 residential housing project on land acquired pursuant to this

1901 sub-subparagraph.

1902 f. Instructional technology used solely in a school
1903 district's classrooms. As used in this sub-subparagraph, the
1904 term "instructional technology" means an interactive device that
1905 assists a teacher in instructing a class or a group of students
1906 and includes the necessary hardware and software to operate the
1907 interactive device. The term also includes support systems in
1908 which an interactive device may mount and is not required to be
1909 affixed to the facilities.

1910 2. For the purposes of this paragraph, the term "energy
1911 efficiency improvement" means any energy conservation and
1912 efficiency improvement that reduces consumption through
1913 conservation or a more efficient use of electricity, natural
1914 gas, propane, or other forms of energy on the property,
1915 including, but not limited to, air sealing; installation of
1916 insulation; installation of energy-efficient heating, cooling,
1917 or ventilation systems; installation of solar panels; building
1918 modifications to increase the use of daylight or shade;
1919 replacement of windows; installation of energy controls or
1920 energy recovery systems; installation of electric vehicle
1921 charging equipment; installation of systems for natural gas fuel
1922 as defined in s. 206.9951; and installation of efficient
1923 lighting equipment.

1924 3. Notwithstanding any other provision of this subsection,
1925 a local government infrastructure surtax imposed or extended

1926 | after July 1, 1998, may allocate up to 15 percent of the surtax
 1927 | proceeds for deposit into a trust fund within the county's
 1928 | accounts created for the purpose of funding economic development
 1929 | projects having a general public purpose of improving local
 1930 | economies, including the funding of operational costs and
 1931 | incentives related to economic development. The ballot statement
 1932 | must indicate the intention to make an allocation under the
 1933 | authority of this subparagraph.

1934 | Section 42. Subsection (1) of section 215.619, Florida
 1935 | Statutes, is amended to read:

1936 | 215.619 Bonds for Everglades restoration.—

1937 | (1) The issuance of Everglades restoration bonds to
 1938 | finance or refinance the cost of the acquisition and improvement
 1939 | of land, water areas, and related property interests and
 1940 | resources for the purpose of implementing the Comprehensive
 1941 | Everglades Restoration Plan under s. 373.470, the Lake
 1942 | Okeechobee Watershed Protection Plan under s. 373.4595, the
 1943 | Caloosahatchee River Watershed Protection Plan under s.
 1944 | 373.4595, the St. Lucie River Watershed Protection Plan under s.
 1945 | 373.4595, the City of Key West Area of Critical State Concern as
 1946 | designated ~~by the Administration Commission~~ under s. 380.05, and
 1947 | the Florida Keys Area of Critical State Concern protection
 1948 | program under ss. 380.05 and 380.0552 in order to restore and
 1949 | conserve natural systems through implementation of water
 1950 | management projects, including projects that protect, restore,

1951 or enhance nearshore water quality and fisheries, such as
 1952 stormwater or canal restoration projects, projects to protect
 1953 water resources available to the Florida Keys, including
 1954 wastewater management projects identified in the Keys Wastewater
 1955 Plan, dated November 2007, and submitted to the Florida House of
 1956 Representatives on December 4, 2007, is authorized in accordance
 1957 with s. 11(e), Art. VII of the State Constitution.

1958 (a) Everglades restoration bonds, except refunding bonds,
 1959 may be issued only in fiscal years 2002-2003 through 2019-2020
 1960 and may not be issued in an amount exceeding \$100 million per
 1961 fiscal year unless:

1962 1. The Department of Environmental Protection has
 1963 requested additional amounts in order to achieve cost savings or
 1964 accelerate the purchase of land; or

1965 2. The Legislature authorizes an additional amount of
 1966 bonds not to exceed \$200 million, and limited to \$50 million per
 1967 fiscal year, specifically for the purpose of funding the Florida
 1968 Keys Area of Critical State Concern protection program and the
 1969 City of Key West Area of Critical State Concern. Proceeds from
 1970 the bonds shall be managed by the Department of Environmental
 1971 Protection for the purpose of entering into financial assistance
 1972 agreements with local governments located in the Florida Keys
 1973 Area of Critical State Concern or the City of Key West Area of
 1974 Critical State Concern to finance or refinance the cost of
 1975 constructing sewage collection, treatment, and disposal

1976 facilities or building projects that protect, restore, or
 1977 enhance nearshore water quality and fisheries, such as
 1978 stormwater or canal restoration projects and projects to protect
 1979 water resources available to the Florida Keys.

1980 (b) The duration of Everglades restoration bonds may not
 1981 exceed 20 annual maturities and must mature by December 31,
 1982 2047. Except for refunding bonds, a series of bonds may not be
 1983 issued unless an amount equal to the debt service coming due in
 1984 the year of issuance has been appropriated by the Legislature.
 1985 Not more than 58.25 percent of documentary stamp taxes collected
 1986 may be taken into account for the purpose of satisfying an
 1987 additional bonds test set forth in any authorizing resolution
 1988 for bonds issued on or after July 1, 2015. Beginning July 1,
 1989 2010, the Legislature shall analyze the ratio of the state's
 1990 debt to projected revenues before authorizing the issuance of
 1991 bonds under this section.

1992 Section 43. Subsection (1) of section 215.95, Florida
 1993 Statutes, is amended to read:

1994 215.95 Financial Management Information Board.—

1995 (1) There is created, ~~as part of the Administration~~
 1996 ~~Commission,~~ the Financial Management Information Board. The
 1997 board shall be composed of the Governor, the Chief Financial
 1998 Officer, the Commissioner of Agriculture, and the Attorney
 1999 General. The Governor shall be chair of the board. The Governor
 2000 or the Chief Financial Officer may call a meeting of the board

2001 at any time the need arises.

2002 Section 44. Subsection (2) of section 216.182, Florida
 2003 Statutes, is amended to read:

2004 216.182 Approval of fixed capital outlay program plan.—

2005 (2) Any department under the direct supervision of a
 2006 member of the Cabinet or of a board consisting of the Governor
 2007 and members of the Cabinet which contends that the determination
 2008 of the program plan by the Executive Office of the Governor
 2009 pursuant to subsection (1) is contrary to the orderly
 2010 implementation of legislative authorization shall have the right
 2011 to have the issue reviewed by the Department of Management
 2012 Services after a substantial interest hearing by the Division of
 2013 Administrative Hearings ~~Administration Commission, which shall~~
 2014 ~~decide such issue by majority vote.~~ The appropriations
 2015 committees of the Legislature may advise the Department of
 2016 Management Services and the Division of Administrative Hearings
 2017 ~~Administration Commission~~ on the issue.

2018 Section 45. Subsection (2) of section 216.192, Florida
 2019 Statutes, is amended to read:

2020 216.192 Release of appropriations; revision of budgets.—

2021 (2) Any department under the direct supervision of a
 2022 member of the Cabinet or of a board consisting of the Governor
 2023 and members of the Cabinet which contends that the plan for
 2024 releases of funds appropriated to it is contrary to the approved
 2025 operating budget shall have the right to have the issue reviewed

2026 | by the administrative law judge of the Division of
 2027 | Administrative Hearings which shall issue a final order on the
 2028 | issue ~~Administration Commission which shall decide such issue by~~
 2029 | ~~majority vote.~~

2030 | Section 46. Section 259.045, Florida Statutes, is amended
 2031 | to read:

2032 | 259.045 Purchase of lands in areas of critical state
 2033 | concern; recommendations by department and land authorities.—
 2034 | Within 45 days after the designation of Administration
 2035 | ~~Commission designates~~ an area as an area of critical state
 2036 | concern under s. 380.05, and annually thereafter, the Department
 2037 | of Environmental Protection shall consider the recommendations
 2038 | of the state land planning agency pursuant to s. 380.05(1)(a)
 2039 | relating to purchase of lands within an area of critical state
 2040 | concern or lands outside an area of critical state concern that
 2041 | directly impact an area of critical state concern, which may
 2042 | include lands used to preserve and protect water supply, and
 2043 | shall make recommendations to the board with respect to the
 2044 | purchase of the fee or any lesser interest in any such lands
 2045 | that are:

- 2046 | (1) Environmentally endangered lands;
- 2047 | (2) Outdoor recreation lands;
- 2048 | (3) Lands that conserve sensitive habitat;
- 2049 | (4) Lands that protect, restore, or enhance nearshore
- 2050 | water quality and fisheries;

2051 (5) Lands used to protect and enhance water supply to the
 2052 Florida Keys, including alternative water supplies such as
 2053 reverse osmosis and reclaimed water systems; or

2054 (6) Lands used to prevent or satisfy private property
 2055 rights claims resulting from limitations imposed by the
 2056 designation of an area of critical state concern if the
 2057 acquisition of such lands fulfills a public purpose listed in s.
 2058 259.032(2) or if the parcel is wholly or partially, at the time
 2059 of acquisition, on one of the board's approved acquisition lists
 2060 established pursuant to this chapter. For the purposes of this
 2061 subsection, if a parcel is estimated to be worth \$500,000 or
 2062 less and the director of the Division of State Lands finds that
 2063 the cost of an outside appraisal is not justified, a comparable
 2064 sales analysis, an appraisal prepared by the Division of State
 2065 Lands, or other reasonably prudent procedures may be used by the
 2066 Division of State Lands to estimate the value of the parcel,
 2067 provided the public's interest is reasonably protected.

2068
 2069 The department, a local government, a special district, or a
 2070 land authority within an area of critical state concern may make
 2071 recommendations with respect to additional purchases which were
 2072 not included in the state land planning agency recommendations.

2073 Section 47. Paragraph (a) of subsection (2) of section
 2074 282.709, Florida Statutes, is amended to read:

2075 282.709 State agency law enforcement radio system and

2076 interoperability network.—

2077 (2) The Joint Task Force on State Agency Law Enforcement
 2078 Communications is created adjunct to the department to advise
 2079 the department of member-agency needs relating to the planning,
 2080 designing, and establishment of the statewide communication
 2081 system.

2082 (a) The Joint Task Force on State Agency Law Enforcement
 2083 Communications shall consist of the following members:

2084 1. A representative of the Division of Alcoholic Beverages
 2085 and Tobacco of the Department of Business and Professional
 2086 Regulation who shall be appointed by the secretary of the
 2087 department.

2088 2. A representative of the Division of Florida Highway
 2089 Patrol of the Department of Highway Safety and Motor Vehicles
 2090 who shall be appointed by the secretary ~~executive director~~ of
 2091 the department.

2092 3. A representative of the Department of Law Enforcement
 2093 who shall be appointed by the executive director of the
 2094 department.

2095 4. A representative of the Fish and Wildlife Conservation
 2096 Commission who shall be appointed by the executive director of
 2097 the commission.

2098 5. A representative of the Division of Law Enforcement of
 2099 the Department of Environmental Protection who shall be
 2100 appointed by the secretary of the department.

2101 6. A representative of the Department of Corrections who
2102 shall be appointed by the secretary of the department.

2103 7. A representative of the Department of Financial
2104 Services who shall be appointed by the Chief Financial Officer.

2105 8. A representative of the Department of Agriculture and
2106 Consumer Services who shall be appointed by the Commissioner of
2107 Agriculture.

2108 9. A representative of the Florida Sheriffs Association
2109 who shall be appointed by the president of the Florida Sheriffs
2110 Association.

2111 Section 48. Paragraphs (b) and (d) of subsection (12) of
2112 section 288.975, Florida Statutes, are amended to read:

2113 288.975 Military base reuse plans.—

2114 (12) Following receipt of a petition, the petitioning
2115 party or parties and the host local government shall seek
2116 resolution of the issues in dispute. The issues in dispute shall
2117 be resolved as follows:

2118 (b) If resolution of the dispute cannot be achieved within
2119 45 days, the petitioning parties and host local government may
2120 extend such dispute resolution for up to 45 days. If resolution
2121 of the dispute cannot be achieved with the above timeframes, the
2122 issues in dispute shall be submitted to the state land planning
2123 agency. If the issues stem from multiple petitions, the
2124 mediation shall be consolidated into a single proceeding. The
2125 state land planning agency shall have 45 days to hold informal

2126 | hearings, if necessary, identify the issues in dispute, prepare
2127 | a record of the proceedings, and provide recommended solutions
2128 | to the parties. If the parties fail to implement the recommended
2129 | solutions within 45 days, the state land planning agency shall
2130 | submit the matter to the Division of Administrative Hearings
2131 | ~~Administration Commission~~ for final action. The report to the
2132 | Division of Administrative Hearings ~~Administration Commission~~
2133 | shall list each issue in dispute, describe the nature and basis
2134 | for each dispute, identify the recommended solutions provided to
2135 | the parties, and make recommendations for actions the Division
2136 | of Administrative Hearings ~~Administration Commission~~ should take
2137 | to resolve the disputed issues.

2138 | (d) Within 45 days after receiving the report from the
2139 | state land planning agency, the Division of Administrative
2140 | Hearings ~~Administration Commission~~ shall take action to resolve
2141 | the issues in dispute. In deciding upon a proper resolution, the
2142 | Division of Administrative Hearings ~~Administration Commission~~
2143 | shall consider the nature of the issues in dispute, any requests
2144 | for a formal administrative hearing pursuant to chapter 120, the
2145 | compliance of the parties with this section, the extent of the
2146 | conflict between the parties, the comparative hardships and the
2147 | public interest involved. If the Division of Administrative
2148 | Hearings ~~Administration Commission~~ incorporates in its final
2149 | order a term or condition that requires any local government to
2150 | amend its local government comprehensive plan, the local

2151 government shall amend its plan within 60 days after the
2152 issuance of the order. A public hearing on such amendment or
2153 amendments pursuant to s. 163.3184(11)(b)1. is not required. The
2154 final order of the Division of Administrative Hearings
2155 ~~Administration Commission~~ is subject to appeal pursuant to s.
2156 120.68. If the order of the Division of Administrative Hearings
2157 ~~Administration Commission~~ is appealed, the time for the local
2158 government to amend its plan shall be tolled during the pendency
2159 of any local, state, or federal administrative or judicial
2160 proceeding relating to the military base reuse plan.

2161 Section 49. Effective July 1, 2021, subsection (7) of
2162 section 316.545, Florida Statutes, is amended to read:

2163 316.545 Weight and load unlawful; special fuel and motor
2164 fuel tax enforcement; inspection; penalty; review.—

2165 (7) There is created within the Department of
2166 Transportation the Commercial Motor Vehicle Review Board,
2167 consisting of three permanent members who shall be the Secretary
2168 of Transportation, the Secretary ~~executive director of the~~
2169 ~~Department~~ of Highway Safety and Motor Vehicles, and the
2170 Commissioner of Agriculture, or their authorized
2171 representatives, and four additional members appointed pursuant
2172 to paragraph (b), which may review any penalty imposed upon any
2173 vehicle or person under the provisions of this chapter relating
2174 to weights imposed on the highways by the axles and wheels of
2175 motor vehicles, to special fuel and motor fuel tax compliance,

2176 or to violations of safety regulations.

2177 (a) The Secretary of Transportation or his or her
2178 authorized representative shall be the chair of the review
2179 board.

2180 (b) The Governor shall appoint one member from the road
2181 construction industry, one member from the trucking industry,
2182 and one member with a general business or legal background. The
2183 Commissioner of Agriculture shall appoint one member from the
2184 agriculture industry. Each member appointed under this paragraph
2185 must be a registered voter and resident of the state and must
2186 possess business experience in the private sector. Members
2187 appointed under ~~pursuant to~~ this paragraph shall each serve a 2-
2188 year term. A vacancy occurring during the term of a member
2189 appointed under this paragraph shall be filled only for the
2190 remainder of the unexpired term. Members of the board appointed
2191 under this paragraph may be removed from office by the Governor
2192 for misconduct, malfeasance, misfeasance, or nonfeasance in
2193 office.

2194 (c) Each member, before entering upon his or her official
2195 duties, shall take and subscribe to an oath before an official
2196 authorized by law to administer oaths that he or she will
2197 honestly, faithfully, and impartially perform the duties
2198 devolving upon him or her in office as a member of the review
2199 board and that he or she will not neglect any duties imposed
2200 upon him or her by s. 316.3025, s. 316.550, or this section.

2201 (d) The chair of the review board is responsible for the
 2202 administrative functions of the review board.

2203 (e) Four members of the board constitute a quorum, and the
 2204 vote of four members is ~~shall be~~ necessary for any action taken
 2205 by the board. A vacancy on the board does not impair the right
 2206 of a quorum of the board to exercise all of the rights and
 2207 perform all of the duties of the board.

2208 (f) The review board may hold sessions and conduct
 2209 proceedings at any place within the state. As an alternative to
 2210 physical appearance, and in addition to any other method of
 2211 appearance authorized by rule, the Department of Transportation
 2212 shall provide space and video conference capability at each
 2213 district office to enable a person requesting a hearing to
 2214 appear remotely before the board, regardless of the physical
 2215 location of the board proceeding.

2216 Section 50. Effective July 1, 2021, subsections (1) and
 2217 (2) of section 320.275, Florida Statutes, are amended to read:

2218 320.275 Automobile Dealers Industry Advisory Board.—

2219 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.—The
 2220 Automobile Dealers Industry Advisory Board is created within the
 2221 Department of Highway Safety and Motor Vehicles. The board shall
 2222 make recommendations on proposed legislation, make
 2223 recommendations on proposed rules and procedures, present
 2224 licensed motor vehicle dealer industry issues to the department
 2225 for its consideration, consider any matters relating to the

2226 | motor vehicle dealer industry presented to it by the department,
 2227 | and submit an annual report to the secretary ~~executive director~~
 2228 | of the department and file copies with the Governor, the
 2229 | President of the Senate, and the Speaker of the House of
 2230 | Representatives.

2231 | (2) MEMBERSHIP, TERMS, MEETINGS.—

2232 | (a) The board shall be composed of 12 members. The
 2233 | secretary ~~executive director~~ of the Department of Highway Safety
 2234 | and Motor Vehicles shall appoint the members from names
 2235 | submitted by the entities for the designated categories the
 2236 | member will represent. The secretary ~~executive director~~ shall
 2237 | appoint one representative of the Department of Highway Safety
 2238 | and Motor Vehicles; two representatives of the independent motor
 2239 | vehicle industry as recommended by the Florida Independent
 2240 | Automobile Dealers Association; two representatives of the
 2241 | franchise motor vehicle industry as recommended by the Florida
 2242 | Automobile Dealers Association; one representative of the
 2243 | auction motor vehicle industry who is from an auction chain and
 2244 | is recommended by a group affiliated with the National Auto
 2245 | Auction Association; one representative of the auction motor
 2246 | vehicle industry who is from an independent auction and is
 2247 | recommended by a group affiliated with the National Auto Auction
 2248 | Association; one representative from the Department of Revenue;
 2249 | a Florida tax collector representative recommended by the
 2250 | Florida Tax Collectors Association; one representative from the

2251 Better Business Bureau; one representative from the Department
2252 of Agriculture and Consumer Services, who must represent the
2253 Division of Consumer Services; and one representative of the
2254 insurance industry who writes motor vehicle dealer surety bonds.

2255 (b)1. The secretary ~~executive director~~ shall appoint the
2256 following initial members to 1-year terms: one representative
2257 from the motor vehicle auction industry who represents an
2258 auction chain, one representative from the independent motor
2259 vehicle industry, one representative from the franchise motor
2260 vehicle industry, one representative from the Department of
2261 Revenue, one Florida tax collector, and one representative from
2262 the Better Business Bureau.

2263 2. The secretary ~~executive director~~ shall appoint the
2264 following initial members to 2-year terms: one representative
2265 from the motor vehicle auction industry who represents an
2266 independent auction, one representative from the independent
2267 motor vehicle industry, one representative from the franchise
2268 motor vehicle industry, one representative from the Division of
2269 Consumer Services, one representative from the insurance
2270 industry, and one representative from the department.

2271 3. As the initial terms expire, the secretary ~~executive~~
2272 ~~director~~ shall appoint successors from the same designated
2273 category for terms of 2 years. If renominated, a member may
2274 succeed himself or herself.

2275 4. The board shall appoint a chair and vice chair at its

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2276 initial meeting and every 2 years thereafter.

2277 (c) The board shall meet at least two times per year.
2278 Meetings may be called by the chair of the board or by the
2279 secretary ~~executive director~~ of the department. One meeting
2280 shall be held in the fall of the year to review legislative
2281 proposals. The board shall conduct all meetings in accordance
2282 with applicable Florida Statutes and shall keep minutes of all
2283 meetings. Meetings may be held in locations around the state in
2284 department facilities or in other appropriate locations.

2285 Section 51. Effective July 1, 2021, subsection (1) of
2286 section 322.125, Florida Statutes, is amended to read:

2287 322.125 Medical Advisory Board.—

2288 (1) There shall be a Medical Advisory Board composed of
2289 not fewer than 12 or more than 25 members, at least one of whom
2290 must be 60 years of age or older and all but one of whose
2291 medical and other specialties must relate to driving abilities,
2292 which number must include a doctor of medicine who is employed
2293 by the Department of Highway Safety and Motor Vehicles in
2294 Tallahassee, who shall serve as administrative officer for the
2295 board. The secretary ~~executive director~~ of the Department of
2296 Highway Safety and Motor Vehicles shall recommend persons to
2297 serve as board members. Every member but two must be a doctor of
2298 medicine licensed to practice medicine in this or any other
2299 state. One member must be an optometrist licensed to practice
2300 optometry in this state. One member must be a chiropractic

2301 physician licensed to practice chiropractic medicine in this
 2302 state. Members shall be approved by the Cabinet and shall serve
 2303 4-year staggered terms. The board membership must, to the
 2304 maximum extent possible, consist of equal representation of the
 2305 disciplines of the medical community treating the mental or
 2306 physical disabilities that could affect the safe operation of
 2307 motor vehicles.

2308 Section 52. Section 331.353, Florida Statutes, is amended
 2309 to read:

2310 331.353 Rulemaking authority. ~~The Administration~~
 2311 ~~Commission~~ and State agencies shall have authority to adopt
 2312 rules containing procedures for review of spaceport plans and
 2313 amendments and development orders for projects applied for or
 2314 issued under this act.

2315 Section 53. Paragraph (b) of subsection (5) of section
 2316 336.025, Florida Statutes, is amended to read:

2317 336.025 County transportation system; levy of local option
 2318 fuel tax on motor fuel and diesel fuel.—

2319 (5)

2320 (b) Any dispute as to the determination by the county of
 2321 distribution proportions shall be resolved through an appeal to
 2322 the Division of Administrative Hearings ~~Administration~~
 2323 ~~Commission~~ in accordance with procedures developed by the
 2324 Division of Administrative Hearings ~~commission~~. Pending final
 2325 disposition of such proceeding, the tax shall be collected

2326 | pursuant to this section, and such funds shall be held in escrow
 2327 | by the clerk of the circuit court of the county until final
 2328 | disposition.

2329 | Section 54. Subsection (1) of section 337.243, Florida
 2330 | Statutes, is amended to read:

2331 | 337.243 Notification of land use changes in designated
 2332 | transportation corridors.—

2333 | (1) If a local government designates a transportation
 2334 | corridor that includes a facility on the State Highway System in
 2335 | its local government comprehensive plan and has adopted a
 2336 | transportation corridor management ordinance, the local
 2337 | governmental entity shall give reasonable notice by certified
 2338 | mail to the department prior to approving any substantial zoning
 2339 | change or subdivision plat changes or granting of a building
 2340 | permit or development permit, as defined in s. 380.031(3) ~~s.~~
 2341 | ~~380.031(4)~~, for land use or the erection, alteration, or moving
 2342 | of a building for property within the designated transportation
 2343 | corridor which would substantially impair the viability of the
 2344 | corridor for future transportation uses. This notification
 2345 | requirement shall not apply to any routine maintenance or
 2346 | emergency repairs to existing structures. Upon notification, the
 2347 | department shall determine whether to purchase the property
 2348 | affected or to initiate eminent domain proceedings. The
 2349 | department's determination shall not affect the granting or
 2350 | denial of the permit by the local government. The local

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2351 government shall not be liable to the department for failure to
2352 make notification to the department pursuant to this section.

2353 Section 55. Subsections (3) and (4) of section 369.305,
2354 Florida Statutes, are amended to read:

2355 369.305 Review of local comprehensive plans, land
2356 development regulations, Wekiva River development permits, and
2357 amendments.—

2358 (3) If the department determines that the local
2359 comprehensive plan and land development regulations as amended
2360 or supplemented comply with the provisions of subsection (1),
2361 the department shall petition the Department of Economic
2362 Opportunity ~~Governor and Cabinet~~ to confirm its determination.
2363 If the department determines that the amendments and any new
2364 land development regulations that a county has adopted do not
2365 meet the criteria established in subsection (1), or the
2366 department receives no amendments or new land development
2367 regulations and determines that the county's existing local
2368 comprehensive plan and land development regulations do not
2369 comply with the provisions of subsection (1), the department
2370 shall petition the Department of Economic Opportunity ~~Governor~~
2371 ~~and Cabinet~~ to order the county to adopt such amendments to its
2372 local comprehensive plan or land development regulations or such
2373 new land development regulations as it deems necessary to meet
2374 the criteria in subsection (1). A determination or petition made
2375 by the department pursuant to this subsection shall not be final

2376 agency action.

2377 (4) The Department of Economic Opportunity ~~Governor and~~
 2378 ~~Cabinet, sitting as the Land and Water Adjudicatory Commission,~~
 2379 shall render an order on the petition. Any local government
 2380 comprehensive plan amendments directly related to the
 2381 requirements of this subsection and subsections (1), (2), and
 2382 (3) may be initiated by a local planning agency and considered
 2383 by the local governing body without regard to statutory or local
 2384 ordinance limitations on the frequency of consideration of
 2385 amendments to local comprehensive plans.

2386 Section 56. Section 373.114, Florida Statutes, is amended
 2387 to read:

2388 373.114 ~~Land and Water Adjudicatory Commission;~~ Review of
 2389 district rules and orders; department review of district rules.—

2390 (1) Except as provided in subsection (2), the department
 2391 has ~~Governor and Cabinet, sitting as the Land and Water~~
 2392 ~~Adjudicatory Commission,~~ have the exclusive authority to review
 2393 any order or rule of a water management district, other than a
 2394 rule relating to an internal procedure of the district or a
 2395 final order resulting from an evidentiary hearing held under s.
 2396 120.569 or s. 120.57 or a rule that has been adopted after
 2397 issuance of a final order resulting from an evidentiary hearing
 2398 held under s. 120.56, to ensure consistency with the provisions
 2399 and purposes of this chapter. Subsequent to the legislative
 2400 ratification of the delineation methodology pursuant to s.

2401 373.421(1), this subsection also shall apply to an order of ~~the~~
 2402 ~~department, or~~ a local government exercising delegated
 2403 authority, pursuant to ss. 373.403-373.443, except an order
 2404 pertaining to activities or operations subject to conceptual
 2405 plan approval pursuant to chapter 378 or a final order resulting
 2406 from an evidentiary hearing held under s. 120.569 or s. 120.57.

2407 (a) Such review may be initiated by the department or by a
 2408 party to the proceeding below by filing a request for review
 2409 with the department ~~Land and Water Adjudicatory Commission~~ and
 2410 serving a copy ~~on the department~~ and on any person named in the
 2411 rule or order within 20 days after adoption of the rule or the
 2412 rendering of the order. For the purposes of this section, the
 2413 term "party" means any affected person who submitted oral or
 2414 written testimony, sworn or unsworn, of a substantive nature
 2415 which stated with particularity objections to or support for the
 2416 rule or order that are cognizable within the scope of the
 2417 provisions and purposes of this chapter. In order for the
 2418 department ~~commission~~ to accept a request for review initiated
 2419 by a party below, with regard to a specific order, the
 2420 department ~~three members of the commission~~ must determine on the
 2421 basis of the record below that the activity authorized by the
 2422 order would substantially affect natural resources of statewide
 2423 or regional significance. Review of an order may also be
 2424 accepted if the department determines ~~three members of the~~
 2425 ~~commission~~ ~~determine~~ that the order raises issues of policy,

2426 | statutory interpretation, or rule interpretation that have
 2427 | regional or statewide significance from the standpoint of agency
 2428 | precedent. The party requesting the department ~~commission~~ to
 2429 | review an order must allege with particularity, and the
 2430 | department ~~commission~~ must find, that:

2431 | 1. The order is in conflict with statutory requirements;
 2432 | or

2433 | 2. The order is in conflict with the requirements of a
 2434 | duly adopted rule.

2435 | (b) Review by the department ~~Land and Water Adjudicatory~~
 2436 | ~~Commission~~ is appellate in nature and shall be based solely on
 2437 | the record below unless the department ~~commission~~ determines
 2438 | that a remand for a formal evidentiary proceeding is necessary
 2439 | to develop additional findings of fact. If there is no
 2440 | evidentiary administrative proceeding resulting from a remand or
 2441 | referral for findings of fact by the department ~~commission~~, then
 2442 | the facts contained in the proposed agency action or proposed
 2443 | water management district action, including any technical staff
 2444 | report, shall be deemed undisputed. The matter shall be heard by
 2445 | the department ~~commission~~ not more than 60 days after receipt of
 2446 | the request for review, unless waived by the parties; provided,
 2447 | however, such time limit shall be tolled by a referral or remand
 2448 | pursuant to this paragraph. The department ~~commission~~ may refer
 2449 | a request for review to the Division of Administrative Hearings
 2450 | for the production of findings of fact, limited to those needed

2451 to render the decision requested, to supplement the record, if
 2452 the department ~~a majority of the commission~~ determines that
 2453 supplementary findings of fact are essential to determine the
 2454 consistency of a rule or order with the provisions and purposes
 2455 of this chapter. Alternatively, the department ~~commission~~ may
 2456 remand the matter to the agency below for additional findings of
 2457 fact, limited to those needed to render the decision requested,
 2458 to supplement the record, if the department ~~a majority of the~~
 2459 ~~commission~~ determines that supplementary findings of fact are
 2460 essential to determine the consistency of a rule or order with
 2461 the provisions and purposes of this chapter. Such proceedings
 2462 must be conducted and the findings transmitted to the department
 2463 ~~commission~~ within 90 days of the remand or referral.

2464 (c) If the department ~~Land and Water Adjudicatory~~
 2465 ~~Commission~~ determines that a rule of a water management district
 2466 is not consistent with the provisions and purposes of this
 2467 chapter, it may require the water management district to
 2468 initiate rulemaking proceedings to amend or repeal the rule. If
 2469 the department ~~commission~~ determines that an order is not
 2470 consistent with the provisions and purposes of this chapter, the
 2471 department ~~commission~~ may rescind or modify the order or remand
 2472 the proceeding for further action consistent with the order of
 2473 the department ~~Land and Water Adjudicatory Commission~~ only if
 2474 the department ~~commission~~ determines that the activity
 2475 authorized by the order would substantially affect natural

2476 resources of statewide or regional significance. In the case of
 2477 an order which does not itself substantially affect natural
 2478 resources of statewide or regional significance, but which
 2479 raises issues of policy that have regional or statewide
 2480 significance from the standpoint of agency precedent, the
 2481 department ~~commission~~ may direct the district to initiate
 2482 rulemaking to amend its rules to assure that future actions are
 2483 consistent with the provisions and purposes of this chapter
 2484 without modifying the order.

2485 (d) In a review under this section of a construction
 2486 permit issued pursuant to a conceptual permit under part IV,
 2487 which conceptual permit is issued after July 1, 1993, a party to
 2488 the review may not raise an issue which was or could have been
 2489 raised in a review of the conceptual permit under this section.

2490 (e) A request for review under this section shall not be a
 2491 precondition to the seeking of judicial review pursuant to s.
 2492 120.68 or the seeking of an administrative determination of rule
 2493 validity pursuant to s. 120.56.

2494 (f) The department ~~Florida Land and Water Adjudicatory~~
 2495 ~~Commission~~ may adopt rules to set forth its procedures for
 2496 reviewing an order or rule of a water management district
 2497 consistent with the provisions of this section.

2498 (g) For the purpose of this section, it shall be presumed
 2499 that activity authorized by an order will not affect resources
 2500 of statewide or regional significance if the proposed activity:

- 2501 1. Occupies an area less than 10 acres in size, and
- 2502 2. Does not create impervious surfaces greater than 2
- 2503 acres in size, and
- 2504 3. Is not located within 550 feet of the shoreline of a
- 2505 named body of water designated as Outstanding Florida Waters,
- 2506 and
- 2507 4. Does not adversely affect threatened or endangered
- 2508 species.

2509

2510 This paragraph shall not operate to hold that any activity that

2511 exceeds these limits is presumed to affect resources of

2512 statewide or regional significance. The determination of whether

2513 an activity will substantially affect resources of statewide or

2514 regional significance shall be made on a case-by-case basis,

2515 based upon facts contained in the record below.

2516 (2) The department shall have the exclusive authority to

2517 review rules of the water management districts, other than rules

2518 relating to internal management of the districts, to ensure

2519 consistency with the water resource implementation rule as set

2520 forth in the rules of the department. Within 30 days after

2521 adoption or revision of any water management district rule, the

2522 department shall initiate a review of such rule pursuant to this

2523 section.

2524 (a) Within 30 days after adoption of a rule, any affected

2525 person may request that a hearing be held before the secretary

2526 of the department, at which hearing evidence and argument may be
 2527 presented relating to the consistency of the rule with the water
 2528 resource implementation rule, by filing a request for hearing
 2529 with the department and serving a copy on the water management
 2530 district.

2531 (b) If the department determines that the rule is
 2532 inconsistent with the water resource implementation rule, it may
 2533 order the water management district to initiate rulemaking
 2534 proceedings to amend or repeal the rule.

2535 (c) An order of the department requiring amendment or
 2536 repeal of a rule may be appealed pursuant to s. 120.68 ~~to the~~
 2537 ~~Land and Water Adjudicatory Commission~~ by the water management
 2538 district or any other party to the proceeding before the
 2539 secretary.

2540 Section 57. Paragraph (c) of subsection (3) of section
 2541 373.139, Florida Statutes, is amended to read:

2542 373.139 Acquisition of real property.—

2543 (3) The initial 5-year work plan and any subsequent
 2544 modifications or additions thereto shall be adopted by each
 2545 water management district after a public hearing. Each water
 2546 management district shall provide at least 14 days' advance
 2547 notice of the hearing date and shall separately notify each
 2548 county commission within which a proposed work plan project or
 2549 project modification or addition is located of the hearing date.

2550 (c) The Secretary of Environmental Protection shall

2551 release acquisition moneys from the appropriate account or trust
2552 fund to a district following receipt of a resolution adopted by
2553 the governing board identifying the lands being acquired and
2554 certifying that such acquisition is consistent with the 5-year
2555 work plan of acquisition and other provisions of this section.
2556 The governing board also shall provide to the Secretary of
2557 Environmental Protection a copy of all certified appraisals used
2558 to determine the value of the land to be purchased. Each parcel
2559 to be acquired must have at least one appraisal. Two appraisals
2560 are required when the estimated value of the parcel exceeds \$1
2561 million. However, when both appraisals exceed \$1 million and
2562 differ significantly, a third appraisal may be obtained. If the
2563 purchase price is greater than the appraisal price, the
2564 governing board shall submit written justification for the
2565 increased price. The Secretary of Environmental Protection may
2566 withhold moneys for any purchase that is not consistent with the
2567 5-year plan or the intent of this section or that is in excess
2568 of appraised value. The governing board may appeal any denial to
2569 the Division of Administrative Hearings ~~Land and Water~~
2570 ~~Adjudicatory Commission pursuant to s. 373.114.~~

2571 Section 58. Subsection (1) of section 373.217, Florida
2572 Statutes, is amended to read:

2573 373.217 Superseded laws and regulations.—

2574 (1) It is the intent of the Legislature to provide a means
2575 whereby reasonable programs for the issuance of permits

2576 | authorizing the consumptive use of particular quantities of
 2577 | water may be authorized by the Department of Environmental
 2578 | Protection, subject to judicial review and also subject to
 2579 | review ~~by the Governor and Cabinet, sitting as the Land and~~
 2580 | ~~Water Adjudicatory Commission~~ as provided in s. 373.114.

2581 | Section 59. Subsections (11) and (13) of section 373.2295,
 2582 | Florida Statutes, are amended to read:

2583 | 373.2295 Interdistrict transfers of groundwater.—

2584 | (11) If, after the final order of the department or final
 2585 | agency action under this section, the proposed use of the site
 2586 | designated in the application for groundwater production,
 2587 | treatment, or transmission facilities does not conform with the
 2588 | existing zoning ordinances, a rezoning application may be
 2589 | submitted. If local authorities deny the application for
 2590 | rezoning, the applicant may appeal this decision to the
 2591 | Department of Economic Opportunity ~~Land and Water Adjudicatory~~
 2592 | ~~Commission~~, which shall authorize a variance or nonconforming
 2593 | use to the existing comprehensive plan and zoning ordinances,
 2594 | unless the Department of Economic Opportunity ~~commission~~
 2595 | determines after notice and hearing that such variance or
 2596 | nonconforming use is contrary to the public interest.

2597 | (13) When a consumptive use permit under this section is
 2598 | granted for water use beyond the boundaries of a local
 2599 | government from which or through which the groundwater is
 2600 | withdrawn or transferred and a local government denies a permit

2601 required under chapter 125 or chapter 153 for a facility or any
 2602 infrastructure which produces, treats, transmits, or distributes
 2603 such groundwater, the person or unit of government applying for
 2604 the permit under chapter 125 or chapter 153 may appeal the
 2605 denial to the Department of Economic Opportunity ~~Land and Water~~
 2606 ~~Adjudicatory Commission~~. The Department of Economic Opportunity
 2607 ~~commission~~ shall review the local government action for
 2608 consistency with this chapter and the interdistrict groundwater
 2609 transfer permit and may reverse, modify, or approve the local
 2610 government's action.

2611 Section 60. Paragraph (b) of subsection (1) of section
 2612 373.4275, Florida Statutes, is amended to read:

2613 373.4275 Review of consolidated orders.—

2614 (1) Beginning on the effective date of the rules adopted
 2615 under s. 373.427(1), review of any consolidated order rendered
 2616 pursuant to s. 373.427(1) shall be governed by the provisions of
 2617 s. 373.114(1). However, the term "party" shall mean any person
 2618 who participated as a party in a proceeding under ss. 120.569
 2619 and 120.57 on the concurrently reviewed authorizations, permits,
 2620 waivers, variances, or approvals, or any affected person who
 2621 submitted to the department, water management district, or board
 2622 of trustees oral or written testimony, sworn or unsworn, of a
 2623 substantive nature which stated with particularity objections to
 2624 or support for the authorization, permit, waiver, variance, or
 2625 approval, provided that such testimony was cognizable within the

2626 scope of this chapter or the applicable provisions of chapter
 2627 161, chapter 253, or chapter 258 when the consolidated notice of
 2628 intent includes an authorization, permit, waiver, variance, or
 2629 approval under those chapters. In such cases, the standard of
 2630 review shall also ensure consistency with the applicable
 2631 provisions and purposes of chapter 161, chapter 253, or chapter
 2632 258 when the consolidated order includes an authorization,
 2633 permit, waiver, variance, or approval under those chapters. If
 2634 the consolidated order subject to review includes approval or
 2635 denial of proprietary authorization to use submerged lands on
 2636 which the board of trustees has previously acted, as described
 2637 in s. 373.427(2), the scope of review under this section shall
 2638 not encompass such proprietary decision, but the standard of
 2639 review shall also ensure consistency with the applicable
 2640 provisions and purposes of chapter 161 when the consolidated
 2641 order includes a permit, waiver, or approval under that chapter.

2642 (b) If a consolidated order includes proprietary
 2643 authorization under chapter 253 or chapter 258 to use submerged
 2644 lands owned by the Board of Trustees of the Internal Improvement
 2645 Trust Fund for an activity for which the authority has been
 2646 delegated to take final agency action without action of the
 2647 board of trustees, the following additional provisions and
 2648 exceptions to s. 373.114(1) apply:

- 2649 1. The Governor and Cabinet shall sit ~~concurrently~~ as the
 2650 ~~Land and Water Adjudicatory Commission~~ and the Board of Trustees

2651 of the Internal Improvement Trust Fund in exercising the
 2652 exclusive authority to review the order;

2653 2. The review may also be initiated by the Governor or any
 2654 member of the Cabinet within 20 days after the rendering of the
 2655 order in which case the other provisions of s. 373.114(1)(a)
 2656 regarding acceptance of a request for review do not apply; and

2657 3. If the Governor and Cabinet find that an authorization
 2658 to use submerged lands is not consistent with chapter 253 or
 2659 chapter 258, any authorization, permit, waiver, or approval
 2660 authorized or granted by the consolidated order must be
 2661 rescinded or modified or the proceeding must be remanded for
 2662 further action consistent with the order issued under this
 2663 section.

2664 Section 61. Subsection (6) of section 373.703, Florida
 2665 Statutes, is amended to read:

2666 373.703 Water production; general powers and duties.—In
 2667 the performance of, and in conjunction with, its other powers
 2668 and duties, the governing board of a water management district
 2669 existing pursuant to this chapter:

2670 (6) May provide water and financial assistance to regional
 2671 water supply authorities, but may not provide water to counties
 2672 and municipalities which are located within the area of such
 2673 authority without the specific approval of the authority or, in
 2674 the event of the authority's disapproval, the approval of the
 2675 Governor and Cabinet ~~sitting as the Land and Water Adjudicatory~~

2676 ~~Commission~~. The district may supply water at rates and upon
2677 terms mutually agreed to by the parties or, if they do not
2678 agree, as set by the governing board and specifically approved
2679 by the department ~~Governor and Cabinet sitting as the Land and~~
2680 ~~Water Adjudicatory Commission~~.

2681 Section 62. Paragraph (c) of subsection (1) of section
2682 377.2425, Florida Statutes, is amended to read:

2683 377.2425 Manner of providing security for geophysical
2684 exploration, drilling, and production.—

2685 (1) Prior to granting a permit to conduct geophysical
2686 operations; drilling of exploratory, injection, or production
2687 wells; producing oil and gas from a wellhead; or transporting
2688 oil and gas through a field-gathering system, the department
2689 shall require the applicant or operator to provide surety that
2690 these operations will be conducted in a safe and environmentally
2691 compatible manner.

2692 (c) An applicant for a drilling or operating permit for
2693 operations planned in coastal waters that by their nature
2694 warrant greater surety shall provide surety only in accordance
2695 with paragraph (a), or similar proof of financial responsibility
2696 other than as provided in paragraph (b). For all such
2697 applications, including applications pending at the effective
2698 date of this act and notwithstanding the provisions of paragraph
2699 (b), ~~the Governor and Cabinet in their capacity as the~~
2700 ~~Administration Commission, at the recommendation of the~~

2701 Department of Environmental Protection, shall set a reasonable
 2702 amount of surety required under this subsection. The surety
 2703 amount shall be based on the projected cleanup costs and natural
 2704 resources damages resulting from a maximum oil spill and adverse
 2705 hydrographic and atmospheric conditions that would tend to
 2706 transport the oil into environmentally sensitive areas, as
 2707 determined by the Department of Environmental Protection.

2708 Section 63. Subsection (1) of section 380.031, Florida
 2709 Statutes, is amended to read:

2710 380.031 Definitions.—As used in this chapter:

2711 ~~(1) "Administration commission" or "commission" means the~~
 2712 ~~Governor and the Cabinet; and for purposes of this chapter the~~
 2713 ~~commission shall act on a simple majority.~~

2714 Section 64. Paragraph (b) of subsection (2) of section
 2715 380.032, Florida Statutes, is amended to read:

2716 380.032 State land planning agency; powers and duties.—The
 2717 state land planning agency shall have the power and the duty to:

2718 (2)

2719 (b) Within 20 days following adoption, any substantially
 2720 affected party may initiate review of any rule adopted by the
 2721 state land planning agency interpreting the guidelines and
 2722 standards by filing a request for review with the Division of
 2723 Administrative Hearings ~~Administration Commission~~ and serving a
 2724 copy on the state land planning agency. Filing a request for
 2725 review shall stay the effectiveness of the rule pending a

2726 decision by the Division of Administrative Hearings
2727 ~~Administration Commission~~. Within 45 days following receipt of a
2728 request for review, the Division of Administrative Hearings
2729 ~~commission~~ shall either reject the rule or approve the rule,
2730 with or without modification.

2731 Section 65. Subsections (3), (4), and (5) of section
2732 380.045, Florida Statutes, are amended to read:

2733 380.045 Resource planning and management committees;
2734 objectives; procedures.—

2735 (3) Not later than 12 months after its appointment by the
2736 Governor, the committee shall either adopt a proposed voluntary
2737 resource planning and management program for the area under
2738 study or recommend that a voluntary resource planning and
2739 management program not be adopted. The proposed voluntary
2740 resource planning and management program shall contain the
2741 committee findings with respect to problems that endanger those
2742 resources, facilities, and areas described in s. 380.05(2) and
2743 shall contain detailed recommendations for state, regional, and
2744 local governmental actions necessary to resolve current and
2745 prevent future problems identified by the committee. A major
2746 objective of the proposed voluntary resource planning and
2747 management program shall be the effective coordination of state,
2748 regional, and local planning; program implementation; and
2749 regulatory activities for comprehensive resource management. The
2750 committee shall submit the proposed voluntary resource planning

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2751 and management program to the head of the state land planning
2752 agency at the Department of Economic Opportunity, ~~who shall~~
2753 ~~transmit the program along with the recommendations of the~~
2754 ~~agency for monitoring and enforcing the program, as well as any~~
2755 ~~other recommendations deemed appropriate, to the Administration~~
2756 ~~Commission.~~

2757 (4) The Department of Economic Opportunity Administration
2758 ~~Commission~~ shall by resolution approve, approve as modified, or
2759 reject the proposed voluntary resource planning and management
2760 program and state land planning agency recommendations; and the
2761 Department of Economic Opportunity Administration ~~Commission~~
2762 shall request each state or regional agency that is responsible
2763 for implementing a portion of an approved program to conduct its
2764 programs and regulatory activities in a manner consistent with
2765 the approved program. Each state and regional agency involved in
2766 implementing the program shall cooperate to the maximum extent
2767 possible in ensuring that the program is given full effect.

2768 (5) The state land planning agency shall monitor ~~report to~~
2769 ~~the Administration Commission within 12 months of the approval~~
2770 ~~of the program by the commission concerning the implementation~~
2771 and the effects of the approved voluntary resource planning and
2772 management program, which. ~~The report~~ shall include, but shall
2773 not be limited to:

2774 (a) An assessment of state agency compliance with the
2775 program, including the degree to which the program

2776 recommendations have been integrated into agency planning,
 2777 program implementation, regulatory activities, and rules;

2778 (b) An assessment of the compliance by each affected local
 2779 government with the program;

2780 (c) An evaluation of state, regional, and local monitoring
 2781 and enforcement activities and recommendations for improving
 2782 such activities; and

2783 (d) A determination ~~recommendation~~ as to whether ~~or not~~
 2784 all or any portion of the study area should be designated an
 2785 area of critical state concern pursuant to s. 380.05.

2786
 2787 The state land planning agency may engage in additional
 2788 monitoring ~~make such other reports to the commission~~ as it deems
 2789 necessary, including determining ~~recommending~~ that all or any
 2790 portion of the study area be designated an area of critical
 2791 state concern because of special circumstances in the study area
 2792 or in the implementation of the approved voluntary resource
 2793 planning and management program.

2794 Section 66. Subsections (1), (3), (4), (5), (8), (9),
 2795 (10), (11), (12), (15), and (22) of section 380.05, Florida
 2796 Statutes, are amended to read:

2797 380.05 Areas of critical state concern.—

2798 (1)(a) The state land planning agency may from time to
 2799 time determine ~~recommend to the Administration Commission~~
 2800 specific areas of critical state concern. In its determination

2801 ~~recommendation~~, the agency shall include recommendations and
 2802 findings with respect to the purchase of lands situated within
 2803 the boundaries of the proposed area as environmentally
 2804 endangered lands and outdoor recreation lands under the Land
 2805 Conservation Program. The agency also shall include any report
 2806 or recommendation of a resource planning and management
 2807 committee appointed pursuant to s. 380.045; the dangers that
 2808 would result from uncontrolled or inadequate development of the
 2809 area and the advantages that would be achieved from the
 2810 development of the area in a coordinated manner; a detailed
 2811 boundary description of the proposed area; specific principles
 2812 for guiding development within the area; an inventory of lands
 2813 owned by the state, federal, county, and municipal governments
 2814 within the proposed area; and a list of the state agencies with
 2815 programs that affect the purpose of the designation. The agency
 2816 shall recommend actions which the local government and state and
 2817 regional agencies must accomplish in order to implement the
 2818 principles for guiding development. These actions may include,
 2819 but need not be limited to, revisions of the local comprehensive
 2820 plan and adoption of land development regulations, density
 2821 requirements, and special permitting requirements.

2822 (b) Within 45 days following completion of its
 2823 determination ~~receipt of a recommendation from the agency~~, the
 2824 Department of Economic Opportunity ~~commission~~ shall either
 2825 reject the determination ~~recommendation~~ as tendered or adopt the

2826 determination ~~recommendation~~ with or without modification and by
 2827 rule designate the area of critical state concern. Any rule that
 2828 designates an area of critical state concern must include:

- 2829 1. A detailed boundary description of the area.
- 2830 2. Principles for guiding development.
- 2831 3. A clear statement of the purpose for the designation.
- 2832 4. A precise checklist of actions which, when implemented,
 2833 will result in repeal of the designation by the Department of
 2834 Economic Opportunity Administration ~~Commission~~, and the agencies
 2835 or entities responsible for taking those actions.
- 2836 5. A list of those issues or programs for which mechanisms
 2837 must be in place to assure ongoing implementation of the actions
 2838 taken to result in repeal of the designation.
- 2839 6. A list of the state agencies which, in addition to
 2840 those specified in subsection (22), administer programs that
 2841 affect the purpose of the designation.

2842
 2843 The rule shall become effective 20 days after being filed with
 2844 the Secretary of State, except that an emergency rule adopted by
 2845 the Department of Economic Opportunity ~~commission~~ and
 2846 designating an area of critical state concern shall become
 2847 effective immediately on being filed. Any rule adopted pursuant
 2848 to this paragraph shall be presented to the Legislature for
 2849 review pursuant to paragraph (c). A statement of estimated
 2850 regulatory costs prepared pursuant to s. 120.541 shall not be a

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2851 ground for a challenge of the rule; however, a landowner shall
2852 not be precluded from using adverse economic results as grounds
2853 for challenge. Such principles for guiding development shall
2854 apply to any development undertaken subsequent to the
2855 legislative review pursuant to paragraph (c) of the designation
2856 of the area of critical state concern with or without
2857 modification but prior to the adoption of land development rules
2858 and regulations or a local comprehensive plan for the critical
2859 area pursuant to subsections (6) and (8). No boundaries or
2860 principles for guiding development shall be adopted without a
2861 specific finding by the department ~~commission~~ that the
2862 boundaries or principles are consistent with the purpose of the
2863 designation. The department ~~commission~~ is not authorized to
2864 adopt any rule that would provide for a moratorium on
2865 development in any area of critical state concern.

2866 (c) A rule adopted by the department ~~commission~~ pursuant
2867 to paragraph (b) designating an area of critical state concern
2868 and principles for guiding development shall be submitted to the
2869 President of the Senate and the Speaker of the House of
2870 Representatives for review no later than 30 days prior to the
2871 next regular session of the Legislature. The Legislature may
2872 reject, modify, or take no action relative to the adopted rule.
2873 In its deliberations, the Legislature may consider, among other
2874 factors, whether a resource planning and management committee
2875 has established a program pursuant to s. 380.045. In addition to

2876 any other data and information required pursuant to this
2877 chapter, each rule presented to the Legislature shall include a
2878 detailed legal description of the boundary of the area of
2879 critical state concern, proposed principles for guiding
2880 development, and a detailed statement of how the area meets the
2881 criteria for designation as provided in subsection (2).

2882 (d) If, after the repeal of the boundary designation of an
2883 area of critical state concern pursuant to subsection (15), the
2884 state land planning agency determines that the administration of
2885 the local land development regulations or a local comprehensive
2886 plan within a formerly designated area is inadequate to protect
2887 the former area of critical state concern, then the state land
2888 planning agency may redesignate it ~~recommend to the commission~~
2889 ~~that the area be redesignated~~ as an area of critical state
2890 concern. ~~Within 45 days following the receipt of the~~
2891 ~~recommendation from the agency, the commission shall either~~
2892 ~~reject the recommendation as tendered or adopt the same with or~~
2893 ~~without modification.~~ The Department of Economic Opportunity
2894 ~~commission~~ may, by rule, make such redesignation effective
2895 immediately, at which time the boundaries, regulations, and
2896 plans in effect at the time the previous designation was
2897 repealed shall be reinstated. Within 90 days of such
2898 redesignation, the department ~~commission~~ shall begin rulemaking
2899 procedures to designate the area an area of critical state
2900 concern under paragraph (b).

2901 (3) Each regional planning agency may recommend to the
 2902 state land planning agency from time to time areas wholly or
 2903 partially within its jurisdiction that meet the criteria for
 2904 areas of critical state concern as defined in this section. Each
 2905 regional planning agency shall solicit from the local
 2906 governments within its jurisdiction suggestions as to areas to
 2907 be recommended. A local government in an area where there is no
 2908 regional planning agency may recommend to the state land
 2909 planning agency from time to time areas wholly or partially
 2910 within its jurisdiction that meet the criteria for areas of
 2911 critical state concern as defined in this section. If the state
 2912 land planning agency does not recommend to the department
 2913 ~~commission~~ as an area of critical state concern an area
 2914 substantially similar to one that has been recommended, it shall
 2915 respond in writing as to its reasons therefor.

2916 (4) Prior to making a determination ~~submitting any~~
 2917 ~~recommendation to the commission~~ under subsection (1), the state
 2918 land planning agency shall give notice to any committee
 2919 appointed pursuant to s. 380.045 and to all local governments
 2920 and regional planning agencies that include within their
 2921 boundaries any part of any area of critical state concern
 2922 proposed to be designated by the rule, in addition to any notice
 2923 otherwise required under chapter 120.

2924 (5) After the Department of Economic Opportunity
 2925 ~~commission~~ adopts a rule designating the boundaries of, and

2926 principles for guiding development in, an area of critical state
 2927 concern and within 180 days of such adoption, the local
 2928 government having jurisdiction may submit to the state land
 2929 planning agency its existing land development regulations and
 2930 local comprehensive plan for the area, if any, or shall prepare,
 2931 adopt, and submit the new or modified regulations and plan, the
 2932 local government taking into consideration the principles set
 2933 forth in the rule designating the area.

2934 (8) If any local government fails to submit land
 2935 development regulations or a local comprehensive plan, or if the
 2936 regulations or plan or plan amendment submitted do not comply
 2937 with the principles for guiding development set out in the rule
 2938 designating the area of critical state concern, within 120 days
 2939 after the adoption of the rule designating an area of critical
 2940 state concern, or within 120 days after the issuance of a
 2941 recommended order on the compliance of the plan or plan
 2942 amendment pursuant to s. 163.3184, or within 120 days after the
 2943 effective date of an order rejecting a proposed land development
 2944 regulation, the state land planning agency shall determine
 2945 ~~submit to the commission recommended~~ land development
 2946 regulations and a local comprehensive plan or portions thereof,
 2947 with or without modification, applicable to that local
 2948 government's portion of the area of critical state concern.
 2949 ~~Within 45 days following receipt of the recommendation from the~~
 2950 ~~agency, the commission shall either reject the recommendation as~~

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2951 ~~tendered or adopt the recommendation with or without~~
2952 ~~modification, and by rule establish land development regulations~~
2953 ~~and a local comprehensive plan applicable to that local~~
2954 ~~government's portion of the area of critical state concern.~~
2955 However, such rule shall not become effective prior to
2956 legislative review of an area of critical state concern pursuant
2957 to paragraph (1)(c). In the rule, the Department of Economic
2958 Opportunity ~~commission~~ shall specify the extent to which its
2959 land development regulations, plans, or plan amendments will
2960 supersede, or will be supplementary to, local land development
2961 regulations and plans. Notice of any proposed rule issued under
2962 this section shall be given to all local governments and
2963 regional planning agencies in the area of critical state
2964 concern, in addition to any other notice required under chapter
2965 120. The land development regulations and local comprehensive
2966 plan adopted by the Department of Economic Opportunity
2967 ~~commission~~ under this section may include any type of regulation
2968 and plan that could have been adopted by the local government.
2969 Any land development regulations or local comprehensive plan or
2970 plan amendments adopted by the Department of Economic
2971 Opportunity ~~commission~~ under this section shall be administered
2972 by the local government as part of, or in the absence of, the
2973 local land development regulations and local comprehensive plan.
2974 (9) If, within 12 months after the Department of Economic
2975 Opportunity ~~commission~~ adopts a rule designating an area of

2976 | critical state concern, land development regulations or local
 2977 | comprehensive plans for the area have not become effective under
 2978 | either subsection (6) or subsection (8), the designation of the
 2979 | area as an area of critical state concern terminates. No part of
 2980 | such area may be recommended for redesignation until at least 12
 2981 | months after the date the designation terminates pursuant to
 2982 | this subsection. The running of the 12-month period subsequent
 2983 | to the initial designation shall be tolled upon challenge
 2984 | pursuant to the provisions of chapter 120 to either the
 2985 | designation of the area of critical state concern or the
 2986 | adoption of land development regulations and local comprehensive
 2987 | plans under subsection (6) or subsection (8).

2988 | (10) At any time after the adoption of land development
 2989 | regulations and plans by the Department of Economic Opportunity
 2990 | ~~commission~~ under this section, a local government may propose
 2991 | land development regulations or a local comprehensive plan
 2992 | which, if approved by the state land planning agency as provided
 2993 | in subsection (6), will supersede any regulations or plans
 2994 | adopted under subsection (8).

2995 | (11) Land development regulations or a local comprehensive
 2996 | plan submitted by a local government in an area of critical
 2997 | state concern and approved pursuant to subsection (6) may be
 2998 | amended or rescinded by the local government, but the amendment
 2999 | or rescission becomes effective only upon approval thereof by
 3000 | the state land planning agency. The state land planning agency

3001 shall either approve or reject the requested changes within 60
3002 days of receipt thereof. Land development regulations or local
3003 comprehensive plans for an area of critical state concern
3004 adopted by the Department of Economic Opportunity ~~commission~~
3005 under subsection (8) may be amended or rescinded by rule by the
3006 Department of Economic Opportunity ~~commission~~ in the same manner
3007 as for original adoption.

3008 (12) Upon the request of a substantially interested person
3009 pursuant to s. 120.54(7), a local government or regional
3010 planning agency within the designated area, or the state land
3011 planning agency, the Department of Economic Opportunity
3012 ~~commission~~ may by rule remove, contract, or expand any
3013 designated boundary. Boundary expansions are subject to
3014 legislative review pursuant to paragraph (1)(c). No boundary may
3015 be modified without a specific finding by the Department of
3016 Economic Opportunity ~~commission~~ that such changes are consistent
3017 with necessary resource protection. The total boundaries of an
3018 entire area of critical state concern shall not be removed by
3019 the Department of Economic Opportunity ~~commission~~ unless a
3020 minimum time of 1 year has elapsed from the adoption of
3021 regulations and a local comprehensive plan pursuant to
3022 subsection (1), subsection (6), subsection (8), or subsection
3023 (10). Before totally removing such boundaries, the Department of
3024 Economic Opportunity ~~commission~~ shall make findings that the
3025 regulations and plans adopted pursuant to subsection (1),

3026 subsection (6), subsection (8), or subsection (10) are being
 3027 effectively implemented by local governments within the area of
 3028 critical state concern to protect the area and that adopted
 3029 local government comprehensive plans within the area have been
 3030 conformed to principles for guiding development for the area.

3031 (15) Any rule adopted pursuant to this section designating
 3032 the boundaries of an area of critical state concern and the
 3033 principles for guiding development therein shall be repealed by
 3034 the Department of Economic Opportunity ~~commission~~ no earlier
 3035 than 12 months and no later than 3 years after approval by the
 3036 state land planning agency or adoption by the Department of
 3037 Economic Opportunity ~~commission~~ of all land development
 3038 regulations and local comprehensive plans pursuant to subsection
 3039 (6), subsection (8), or subsection (10), and the implementation
 3040 of all the actions listed in the designation rule for repeal of
 3041 the designation. Any repeal pursuant to this subsection may be
 3042 limited to any portion of the area of critical state concern.
 3043 The repeal must be contingent upon approval by the state land
 3044 planning agency of local land development regulations and plans
 3045 pursuant to subsection (6) or subsection (10) and upon such
 3046 regulations and plans being effective for a period of 12 months.

3047 (22) All state agencies with rulemaking authority for
 3048 programs that affect a designated area of critical state concern
 3049 shall review those programs for consistency with the purpose of
 3050 the designation and principles for guiding development, and

3051 shall adopt specific permitting standards and criteria
3052 applicable in the designated area, or otherwise amend the
3053 program, as necessary to further the purpose of the designation.

3054 (a)1. Within 6 months after the effective date of the rule
3055 or statute that designates an area of critical state concern,
3056 and at any time thereafter as directed by the Department of
3057 Economic Opportunity Administration Commission, the Department
3058 of Environmental Protection, the Department of Health, the water
3059 management districts with jurisdiction over any portion of the
3060 area of critical state concern, and any other state agency
3061 specified in the designation rule, shall each submit a report to
3062 the Department of Economic Opportunity Administration
3063 ~~Commission, and a copy of the report to the state land planning~~
3064 ~~agency~~. The report shall evaluate the effect of the reporting
3065 agency's programs upon the purpose of the designation.

3066 2. If different permitting standards or criteria, or other
3067 changes to the program, are necessary in order to further the
3068 purpose of the designation, the report shall recommend rules
3069 which further that purpose and which are consistent with the
3070 principles for guiding development. The report shall explain and
3071 justify the reasons for any different permitting standards or
3072 criteria that may be recommended. The Department of Economic
3073 Opportunity ~~commission~~ shall reject the agency's recommendation,
3074 or accept it with or without modification and direct the agency
3075 to adopt rules, including any changes. Any rule adopted pursuant

3076 to this paragraph shall be consistent with the principles for
 3077 guiding development, and shall apply only within the boundary of
 3078 the designated area. The agency shall file a copy of the adopted
 3079 rule with the Department of Economic Opportunity Administration
 3080 ~~Commission~~ and the state land planning agency.

3081 3. If statutory changes are required in order to implement
 3082 the permitting standards or criteria that are necessary to
 3083 further the purpose of the designation, the report shall
 3084 recommend statutory amendments. The Department of Economic
 3085 Opportunity Administration ~~Commission~~ shall submit any report
 3086 that recommends statutory amendments to the President of the
 3087 Senate and the Speaker of the House of Representatives, together
 3088 with the department's ~~Administration Commission's~~ recommendation
 3089 on the proposed amendments.

3090 (b) The Department of Economic Opportunity Administration
 3091 ~~Commission~~ has authority to adopt rules pursuant to ss.
 3092 120.536(1) and 120.54 to implement the provisions of this
 3093 subsection.

3094 Section 67. Subsections (3) and (4) of section 380.055,
 3095 Florida Statutes, are amended to read:

3096 380.055 Big Cypress Area.—

3097 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The
 3098 "Big Cypress Area," as defined in this subsection, is hereby
 3099 designated as an area of critical state concern. "Big Cypress
 3100 Area" means the area generally depicted on the map entitled

3101 "Boundary Map, Big Cypress National Freshwater Reserve,
 3102 Florida," numbered BC-91,001 and dated November 1971, which is
 3103 on file and available for public inspection in the office of the
 3104 National Park Service, Department of the Interior, Washington,
 3105 D.C., and in the office of the Board of Trustees of the Internal
 3106 Improvement Trust Fund, which is the area proposed as the
 3107 Federal Big Cypress National Freshwater Reserve, Florida, and
 3108 that area described as follows: Sections 1, 2, 11, 12 and 13 in
 3109 Township 49 South, Range 31 East; and Township 49 South, Range
 3110 32 East, less Sections 19, 30 and 31; and Township 49 South,
 3111 Range 33 East; and Township 49 South, Range 34 East; and
 3112 Sections 1 through 5 and 10 through 14 in Township 50 South,
 3113 Range 32 East; and Sections 1 through 18 and 20 through 25 in
 3114 Township 50 South, Range 33 East; and Township 50 South, Range
 3115 34 East, less Section 31; and Sections 1 and 2 in Township 51
 3116 South, Range 34 East; All in Collier County, Florida, which
 3117 described area shall be known as the "Big Cypress National
 3118 Preserve Addition, Florida," together with such contiguous land
 3119 and water areas as are ecologically linked with the Everglades
 3120 National Park, certain of the estuarine fisheries of South
 3121 Florida, or the freshwater aquifer of South Florida, the
 3122 definitive boundaries of which shall be set in the following
 3123 manner: Within 120 days following the effective date of this
 3124 act, the state land planning agency shall determine ~~recommend~~
 3125 definitive boundaries for the Big Cypress Area ~~to the~~

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3126 ~~Administration Commission,~~ after giving notice to all local
3127 governments and regional planning agencies which include within
3128 their boundaries any part of the area proposed to be included in
3129 the Big Cypress Area and holding such hearings as the state land
3130 planning agency deems appropriate. Within 45 days after the
3131 conclusion of such hearings ~~following receipt of the recommended~~
3132 ~~boundaries,~~ the Department of Economic Opportunity
3133 ~~Administration Commission~~ shall adopt, modify, or reject the
3134 recommendation and shall by rule establish the boundaries of the
3135 area defined as the Big Cypress Area.

3136 (4) ADOPTION OF LAND DEVELOPMENT REGULATIONS.—The
3137 provisions of s. 380.05(5)-(11), (17), and (20) shall not apply
3138 to the Big Cypress Area. All other provisions of this chapter
3139 shall apply to the Big Cypress Area. Any provision of this
3140 chapter to the contrary notwithstanding, the state land planning
3141 agency has the right, and its duty shall be, to determine the
3142 ~~submit recommended~~ land development regulations applicable to
3143 the Big Cypress Area ~~to the Administration Commission~~ concurrent
3144 with the boundaries determined ~~recommended~~ pursuant to
3145 subsection (3). The Department of Economic Opportunity may adopt
3146 such determination ~~Administration Commission shall either reject~~
3147 ~~the recommendation as tendered or adopt the same~~ by rule with or
3148 without modification. The Department of Economic Opportunity
3149 ~~commission~~ shall specify the extent to which regulations adopted
3150 pursuant to this section supersede local land development

3151 regulations.

3152 Section 68. Subsection (4) and paragraph (b) of subsection
3153 (9) of section 380.0552, Florida Statutes, are amended to read:

3154 380.0552 Florida Keys Area; protection and designation as
3155 area of critical state concern.—

3156 (4) REMOVAL OF DESIGNATION.—

3157 (a) The designation of the Florida Keys Area as an area of
3158 critical state concern under this section may be recommended for
3159 removal upon fulfilling the legislative intent under subsection
3160 (2) and completion of all the work program tasks specified in
3161 rules of the Department of Economic Opportunity Administration
3162 ~~Commission~~.

3163 (b) ~~Beginning November 30, 2010,~~ The state land planning
3164 agency shall annually submit a written report to the Governor
3165 ~~Administration Commission~~ describing the progress of the Florida
3166 Keys Area toward completing the work program tasks specified in
3167 the Department of Economic Opportunity's ~~commission~~ rules. The
3168 land planning agency shall recommend removing the Florida Keys
3169 Area from being designated as an area of critical state concern
3170 to the Governor ~~commission~~ if it determines that:

3171 1. All of the work program tasks have been completed,
3172 including construction of, operation of, and connection to
3173 central wastewater management facilities pursuant to s.
3174 403.086(11) and upgrade of onsite sewage treatment and disposal
3175 systems pursuant to s. 381.0065(4)(1);

3176 2. All local comprehensive plans and land development
 3177 regulations and the administration of such plans and regulations
 3178 are adequate to protect the Florida Keys Area, fulfill the
 3179 legislative intent specified in subsection (2), and are
 3180 consistent with and further the principles guiding development;
 3181 and

3182 3. A local government has adopted a resolution at a public
 3183 hearing recommending the removal of the designation.

3184 (c) After receipt of the state land planning agency report
 3185 and recommendation, the Governor ~~Administration Commission~~ shall
 3186 determine whether the requirements have been fulfilled and may
 3187 remove the designation of the Florida Keys as an area of
 3188 critical state concern. If the Governor ~~commission~~ removes the
 3189 designation, the Department of Economic Opportunity ~~it~~ shall
 3190 initiate rulemaking to repeal any rules relating to such
 3191 designation within 60 days. If, after receipt of the state land
 3192 planning agency's report and recommendation, the Governor
 3193 ~~commission~~ finds that the requirements for recommending removal
 3194 of designation have not been met, the Department of Economic
 3195 Opportunity ~~commission~~ shall provide a written report to the
 3196 local governments within 30 days after the Governor makes ~~making~~
 3197 such a finding detailing the tasks that must be completed by the
 3198 local government.

3199 (d) The Governor's ~~Administration Commission's~~
 3200 determination concerning the removal of the designation of the

3201 Florida Keys as an area of critical state concern may be
 3202 reviewed pursuant to chapter 120. All proceedings shall be
 3203 conducted by the Division of Administrative Hearings and must be
 3204 initiated within 30 days after the Governor ~~commission~~ issues
 3205 his or her ~~its~~ determination.

3206 (e) After removal of the designation of the Florida Keys
 3207 as an area of critical state concern, the state land planning
 3208 agency shall review proposed local comprehensive plans, and any
 3209 amendments to existing comprehensive plans, which are applicable
 3210 to the Florida Keys Area, the boundaries of which were described
 3211 in chapter 28-29, Florida Administrative Code, as of January 1,
 3212 2006, for compliance as defined in s. 163.3184. All procedures
 3213 and penalties described in s. 163.3184 apply to the review
 3214 conducted pursuant to this paragraph.

3215 (f) The Department of Economic Opportunity ~~Administration~~
 3216 ~~Commission~~ may adopt rules or revise existing rules as necessary
 3217 to administer this subsection.

3218 (9) MODIFICATION TO PLANS AND REGULATIONS.—

3219 (b) The state land planning agency, after consulting with
 3220 the appropriate local government, may, no more than once per
 3221 year, recommend to the Governor ~~Administration Commission~~ the
 3222 enactment, amendment, or rescission of a land development
 3223 regulation or element of a local comprehensive plan. Within 45
 3224 days following the receipt of such recommendation, the Governor
 3225 ~~commission~~ shall reject the recommendation, or accept it with or

3226 | without modification and the Department of Economic Opportunity
 3227 | shall adopt it by rule, including any changes. Such local
 3228 | development regulation or plan must be in compliance with the
 3229 | principles for guiding development.

3230 | Section 69. Subsections (4) and (9) and paragraph (f) of
 3231 | subsection (10) of section 380.0555, Florida Statutes, are
 3232 | amended to read:

3233 | 380.0555 Apalachicola Bay Area; protection and designation
 3234 | as area of critical state concern.—

3235 | (4) REMOVAL OF DESIGNATION.—The state land planning agency
 3236 | may recommend to the Governor ~~Administration Commission~~ the
 3237 | removal of the designation from all or part of the area
 3238 | specified in subsection (3), if it determines that all local
 3239 | land development regulations and local comprehensive plans and
 3240 | the administration of such regulations and plans are adequate to
 3241 | protect the Apalachicola Bay Area, continue to carry out the
 3242 | legislative intent set forth in subsection (2), and are in
 3243 | compliance with the principles for guiding development set forth
 3244 | in subsection (7). If the Governor ~~Administration Commission~~
 3245 | concurs with the recommendations of the state land planning
 3246 | agency to remove any area from the designation, the Department
 3247 | of Economic Opportunity ~~it~~ shall, within 45 days after receipt
 3248 | of the recommendation, initiate rulemaking to remove the
 3249 | designation. The state land planning agency shall make
 3250 | recommendations to the Governor ~~Administration Commission~~

3251 annually.

3252 (9) MODIFICATION TO PLANS AND REGULATIONS.—Any land
 3253 development regulation or element of a local comprehensive plan
 3254 in the Apalachicola Bay Area may be enacted, amended, or
 3255 rescinded by a local government, but the enactment, amendment,
 3256 or rescission becomes effective only upon the approval thereof
 3257 by the state land planning agency. The state land planning
 3258 agency shall review the proposed change to determine if it
 3259 complies with the principles for guiding development specified
 3260 in subsection (7) and must approve or reject the requested
 3261 change as provided in s. 380.05. Further, the state land
 3262 planning agency, after consulting with the appropriate local
 3263 government, may, from time to time, determine ~~recommend~~ the
 3264 enactment, amendment, or rescission of a land development
 3265 regulation or element of a comprehensive plan. Within 45 days
 3266 following the determination ~~receipt of such recommendation~~ by
 3267 the state land planning agency or enactment, amendment, or
 3268 rescission by a local government the Department of Economic
 3269 Opportunity ~~commission~~ shall reject the determination
 3270 ~~recommendation~~, enactment, amendment, or rescission or accept it
 3271 with or without modification and adopt, by rule, any changes.
 3272 Any such local land development regulation or comprehensive plan
 3273 or part of such regulation or plan may be adopted by the
 3274 Department of Economic Opportunity ~~commission~~ if it finds that
 3275 it is in compliance with the principles for guiding development.

3276 (10) REQUIREMENTS; LOCAL GOVERNMENTS.—

3277 (f) Franklin County and the municipalities within it
 3278 shall, beginning 12 months from June 18, 1985, prepare
 3279 semiannual reports on the implementation of paragraphs (b)-(e)
 3280 on the environmental status of the Apalachicola Bay Area. The
 3281 state land planning agency may prescribe additional detailed
 3282 information required to be reported. Each report shall be
 3283 delivered to the resource planning and management committee and
 3284 the state land planning agency for review and recommendations.
 3285 The state land planning agency shall review each report and
 3286 consider such reports when making a determination
 3287 ~~recommendations to the Administration Commission~~ pursuant to
 3288 subsection (9).

3289 Section 70. Subsection (2) and paragraph (b) of subsection
 3290 (11) of section 380.06, Florida Statutes, are amended to read:

3291 380.06 Developments of regional impact.—

3292 (2) STATEWIDE GUIDELINES AND STANDARDS.—The statewide
 3293 guidelines and standards and the exemptions specified in s.
 3294 380.0651 and the statewide guidelines and standards adopted by
 3295 the Department of Economic Opportunity ~~Administration Commission~~
 3296 and codified in chapter 73 ~~chapter 28-24~~, Florida Administrative
 3297 Code, must be used in determining whether particular
 3298 developments are subject to the requirements of subsection (12).
 3299 The statewide guidelines and standards previously adopted by the
 3300 Department of Economic Opportunity ~~Administration Commission~~ and

3301 approved by the Legislature shall remain in effect unless
 3302 superseded or repealed by statute. The statewide guidelines and
 3303 standards shall be applied as follows:

3304 (a) A development that is below 100 percent of all
 3305 numerical thresholds in the statewide guidelines and standards
 3306 is not subject to subsection (12).

3307 (b) A development that is at or above 100 percent of any
 3308 numerical threshold in the statewide guidelines and standards is
 3309 subject to subsection (12).

3310 (11) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

3311 (b) If requested by the owner, developer, or local
 3312 government, the development-of-regional-impact development order
 3313 must be abandoned by the local government having jurisdiction
 3314 upon a showing that all required mitigation related to the
 3315 amount of development which existed on the date of abandonment
 3316 has been completed or will be completed under an existing permit
 3317 or equivalent authorization issued by a governmental agency as
 3318 defined in s. 380.031 ~~s. 380.031(6)~~, provided such permit or
 3319 authorization is subject to enforcement through administrative
 3320 or judicial remedies. All development following abandonment must
 3321 be fully consistent with the current comprehensive plan and
 3322 applicable zoning.

3323 Section 71. Section 380.07, Florida Statutes, is amended
 3324 to read:

3325 380.07 State Land Planning and Areas of Critical State

3326 Concern Florida Land and Water Adjudicatory Commission.—

3327 (1) ~~There is hereby created the Florida Land and Water~~
 3328 ~~Adjudicatory Commission, which shall consist of the~~
 3329 ~~Administration Commission.~~ The Department of Economic
 3330 Opportunity ~~commission~~ may adopt rules necessary to ensure
 3331 compliance with the area of critical state concern program.

3332 (2) Whenever any local government issues any development
 3333 order in any area of critical state concern, or in regard to the
 3334 abandonment of any approved development of regional impact,
 3335 copies of such orders as prescribed by rule by the state land
 3336 planning agency shall be transmitted to the state land planning
 3337 agency, the regional planning agency, and the owner or developer
 3338 of the property affected by such order. The state land planning
 3339 agency shall adopt rules describing development order rendition
 3340 and effectiveness in designated areas of critical state concern.
 3341 Within 45 days after the order is rendered, the owner, the
 3342 developer, or the state land planning agency may appeal the
 3343 order to the Division of Administrative Hearings ~~Florida Land~~
 3344 ~~and Water Adjudicatory Commission~~ by filing a petition alleging
 3345 that the development order is not consistent with this part.

3346 (3) Notwithstanding any other provision of law, an appeal
 3347 of a development order in an area of critical state concern by
 3348 the state land planning agency under this section may include
 3349 consistency of the development order with the local
 3350 comprehensive plan.

3351 (4) The appellant shall furnish a copy of the notice of
 3352 appeal to the opposing party, as the case may be, and to the
 3353 local government that issued the order. The filing of the notice
 3354 of appeal stays the effectiveness of the order until after the
 3355 completion of the appeal process.

3356 (5) Before issuing a recommended ~~an~~ order, the Division of
 3357 Administrative Hearings ~~Florida Land and Water Adjudicatory~~
 3358 ~~Commission~~ shall hold a hearing pursuant to chapter 120. The
 3359 Division of Administrative Hearings ~~commission~~ shall encourage
 3360 the submission of appeals on the record made pursuant to
 3361 subsection (7) in cases in which the development order was
 3362 issued after a full and complete hearing before the local
 3363 government or an agency thereof.

3364 (6) After receipt of a recommended order from the Division
 3365 of Administrative Hearings, the Department of Economic
 3366 Opportunity ~~The Florida Land and Water Adjudicatory Commission~~
 3367 shall issue a final order pursuant to s. 120.57 ~~decision~~
 3368 ~~granting or denying permission to develop pursuant to the~~
 3369 ~~standards of this chapter and may attach conditions and~~
 3370 ~~restrictions to its decisions.~~

3371 (7) If an appeal is filed with respect to any issues
 3372 within the scope of a permitting program authorized by chapter
 3373 161, chapter 373, or chapter 403 and for which a permit or
 3374 conceptual review approval has been obtained before the issuance
 3375 of a development order, any such issue shall be specifically

3376 identified in the notice of appeal which is filed pursuant to
3377 this section, together with other issues that constitute grounds
3378 for the administrative review appeal. The administrative
3379 proceeding appeal may proceed with respect to issues within the
3380 scope of permitting programs for which a permit or conceptual
3381 review approval has been obtained before the issuance of a
3382 development order only after the administrative law judge issues
3383 an order ~~commission determines by majority vote at a regularly~~
3384 ~~scheduled commission meeting~~ that statewide or regional
3385 interests may be adversely affected by the development. In
3386 making this determination, there is a rebuttable presumption
3387 that statewide and regional interests relating to issues within
3388 the scope of the permitting programs for which a permit or
3389 conceptual approval has been obtained are not adversely
3390 affected.

3391 Section 72. Subsection (2) of section 380.115, Florida
3392 Statutes, is amended to read:

3393 380.115 Vested rights and duties; changes in statewide
3394 guidelines and standards.—A development that has received a
3395 development-of-regional-impact development order pursuant to s.
3396 380.06 but is no longer required to undergo development-of-
3397 regional-impact review by operation of law may elect to rescind
3398 the development order pursuant to the following procedures:

3399 (2) If requested by the developer or landowner, the
3400 development-of-regional-impact development order shall be

3401 rescinded by the local government having jurisdiction upon a
3402 showing that all required mitigation related to the amount of
3403 development that existed on the date of rescission has been
3404 completed or will be completed under an existing permit or
3405 equivalent authorization issued by a governmental agency as
3406 defined in s. 380.031(5) ~~s. 380.031(6)~~, if such permit or
3407 authorization is subject to enforcement through administrative
3408 or judicial remedies.

3409 Section 73. Paragraph (1) of subsection (4) of section
3410 381.0065, Florida Statutes, as amended by section 7, ch. 2020-
3411 150, Laws of Florida, is amended to read:

3412 381.0065 Onsite sewage treatment and disposal systems;
3413 regulation.—

3414 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
3415 not construct, repair, modify, abandon, or operate an onsite
3416 sewage treatment and disposal system without first obtaining a
3417 permit approved by the department. The department may issue
3418 permits to carry out this section, except that the issuance of a
3419 permit for work seaward of the coastal construction control line
3420 established under s. 161.053 shall be contingent upon receipt of
3421 any required coastal construction control line permit from the
3422 department. A construction permit is valid for 18 months after
3423 the date of issuance and may be extended by the department for
3424 one 90-day period under rules adopted by the department. A
3425 repair permit is valid for 90 days after the date of issuance.

3426 An operating permit must be obtained before the use of any
3427 aerobic treatment unit or if the establishment generates
3428 commercial waste. Buildings or establishments that use an
3429 aerobic treatment unit or generate commercial waste shall be
3430 inspected by the department at least annually to assure
3431 compliance with the terms of the operating permit. The operating
3432 permit for a commercial wastewater system is valid for 1 year
3433 after the date of issuance and must be renewed annually. The
3434 operating permit for an aerobic treatment unit is valid for 2
3435 years after the date of issuance and must be renewed every 2
3436 years. If all information pertaining to the siting, location,
3437 and installation conditions or repair of an onsite sewage
3438 treatment and disposal system remains the same, a construction
3439 or repair permit for the onsite sewage treatment and disposal
3440 system may be transferred to another person, if the transferee
3441 files, within 60 days after the transfer of ownership, an
3442 amended application providing all corrected information and
3443 proof of ownership of the property. A fee is not associated with
3444 the processing of this supplemental information. A person may
3445 not contract to construct, modify, alter, repair, service,
3446 abandon, or maintain any portion of an onsite sewage treatment
3447 and disposal system without being registered under part III of
3448 chapter 489. A property owner who personally performs
3449 construction, maintenance, or repairs to a system serving his or
3450 her own owner-occupied single-family residence is exempt from

3451 registration requirements for performing such construction,
3452 maintenance, or repairs on that residence, but is subject to all
3453 permitting requirements. A municipality or political subdivision
3454 of the state may not issue a building or plumbing permit for any
3455 building that requires the use of an onsite sewage treatment and
3456 disposal system unless the owner or builder has received a
3457 construction permit for such system from the department. A
3458 building or structure may not be occupied and a municipality,
3459 political subdivision, or any state or federal agency may not
3460 authorize occupancy until the department approves the final
3461 installation of the onsite sewage treatment and disposal system.
3462 A municipality or political subdivision of the state may not
3463 approve any change in occupancy or tenancy of a building that
3464 uses an onsite sewage treatment and disposal system until the
3465 department has reviewed the use of the system with the proposed
3466 change, approved the change, and amended the operating permit.

3467 (1) For the Florida Keys, the department shall adopt a
3468 special rule for the construction, installation, modification,
3469 operation, repair, maintenance, and performance of onsite sewage
3470 treatment and disposal systems which considers the unique soil
3471 conditions and water table elevations, densities, and setback
3472 requirements. On lots where a setback distance of 75 feet from
3473 surface waters, saltmarsh, and buttonwood association habitat
3474 areas cannot be met, an injection well, approved and permitted
3475 by the department, may be used for disposal of effluent from

3476 onsite sewage treatment and disposal systems. The following
3477 additional requirements apply to onsite sewage treatment and
3478 disposal systems in Monroe County:

3479 1. The county, each municipality, and those special
3480 districts established for the purpose of the collection,
3481 transmission, treatment, or disposal of sewage shall ensure, in
3482 accordance with the specific schedules adopted ~~by the~~
3483 ~~Administration Commission under~~ s. 380.0552, the completion of
3484 onsite sewage treatment and disposal system upgrades to meet the
3485 requirements of this paragraph.

3486 2. Onsite sewage treatment and disposal systems must cease
3487 discharge by December 31, 2015, or must comply with department
3488 rules and provide the level of treatment which, on a permitted
3489 annual average basis, produces an effluent that contains no more
3490 than the following concentrations:

3491 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

3492 b. Suspended Solids of 10 mg/l.

3493 c. Total Nitrogen, expressed as N, of 10 mg/l or a
3494 reduction in nitrogen of at least 70 percent. A system that has
3495 been tested and certified to reduce nitrogen concentrations by
3496 at least 70 percent shall be deemed to be in compliance with
3497 this standard.

3498 d. Total Phosphorus, expressed as P, of 1 mg/l.

3499 In addition, onsite sewage treatment and disposal systems
3500 discharging to an injection well must provide basic disinfection

3501 as defined by department rule.

3502 3. In areas not scheduled to be served by a central
 3503 sewerage system, onsite sewage treatment and disposal systems
 3504 must, by December 31, 2015, comply with department rules and
 3505 provide the level of treatment described in subparagraph 2.

3506 4. In areas scheduled to be served by a central sewerage
 3507 system by December 31, 2015, if the property owner has paid a
 3508 connection fee or assessment for connection to the central
 3509 sewerage system, the property owner may install a holding tank
 3510 with a high water alarm or an onsite sewage treatment and
 3511 disposal system that meets the following minimum standards:

3512 a. The existing tanks must be pumped and inspected and
 3513 certified as being watertight and free of defects in accordance
 3514 with department rule; and

3515 b. A sand-lined drainfield or injection well in accordance
 3516 with department rule must be installed.

3517 5. Onsite sewage treatment and disposal systems must be
 3518 monitored for total nitrogen and total phosphorus concentrations
 3519 as required by department rule.

3520 6. The department shall enforce proper installation,
 3521 operation, and maintenance of onsite sewage treatment and
 3522 disposal systems pursuant to this chapter, including ensuring
 3523 that the appropriate level of treatment described in
 3524 subparagraph 2. is met.

3525 7. The authority of a local government, including a

3526 special district, to mandate connection of an onsite sewage
 3527 treatment and disposal system is governed by s. 4, chapter 99-
 3528 395, Laws of Florida.

3529 8. Notwithstanding any other law, an onsite sewage
 3530 treatment and disposal system installed after July 1, 2010, in
 3531 unincorporated Monroe County, excluding special wastewater
 3532 districts, that complies with the standards in subparagraph 2.
 3533 is not required to connect to a central sewerage system until
 3534 December 31, 2020.

3535 Section 74. Paragraph (c) of subsection (2) of section
 3536 388.4111, Florida Statutes, is amended to read:

3537 388.4111 Public lands; arthropod control.—

3538 (2)

3539 (c) If the land management agency and the local arthropod
 3540 control agency are unable to agree on a public lands control
 3541 plan, the Florida Coordinating Council on Mosquito Control may
 3542 recommend a control plan to the department, which shall propose
 3543 a recommended public lands control plan. If the land management
 3544 agency and the local arthropod control agency fail to agree to
 3545 such recommended public lands control plan within 30 days of the
 3546 rendering of such plan, either agency may petition the Division
 3547 of Administrative Hearings ~~Land and Water Adjudicatory~~
 3548 ~~Commission~~ to determine whether the proposed control plan
 3549 employs methods which are the minimum necessary and economically
 3550 feasible to abate a public health or nuisance problem and which

3551 impose the least hazard to fish, wildlife, and other natural
3552 resources protected or managed in such areas. Unless both
3553 parties waive their right to a hearing, the Division of
3554 Administrative Hearings ~~Land and Water Adjudicatory Commission~~
3555 shall direct a hearing officer to hold a hearing within the
3556 jurisdiction of the local arthropod control agency pursuant to
3557 the provisions of ss. 120.569 and 120.57 and submit a
3558 recommended order. The Department of Economic Opportunity
3559 ~~commission~~ shall, within 60 days of receipt of the recommended
3560 order, issue a final order adopting a public lands control plan.
3561 Consistent with s. 120.57(1)(1), the Department of Economic
3562 Opportunity ~~commission~~ may adopt or modify the proposed control
3563 plan. The Department of Economic Opportunity ~~commission~~ shall
3564 adopt rules on the conduct of appeals before the department
3565 ~~commission~~.

3566 Section 75. Effective July 1, 2021, paragraph (b) of
3567 subsection (1) of section 397.333, Florida Statutes, is amended
3568 to read:

3569 397.333 Statewide Drug Policy Advisory Council.—

3570 (1)

3571 (b) The following state officials shall be appointed to
3572 serve on the advisory council:

3573 1. The Attorney General, or his or her designee.

3574 2. The executive director of the Department of Law
3575 Enforcement, or his or her designee.

3576 3. The Secretary of Children and Families, or his or her
3577 designee.

3578 4. The director of the Office of Planning and Budgeting in
3579 the Executive Office of the Governor, or his or her designee.

3580 5. The Secretary of Corrections, or his or her designee.

3581 6. The Secretary of Juvenile Justice, or his or her
3582 designee.

3583 7. The Commissioner of Education, or his or her designee.

3584 8. The Secretary ~~executive director of the Department of~~
3585 Highway Safety and Motor Vehicles, or his or her designee.

3586 9. The Adjutant General of the state as the Chief of the
3587 Department of Military Affairs, or his or her designee.

3588 Section 76. Subsection (35) of section 403.061, Florida
3589 Statutes, is amended to read:

3590 403.061 Department; powers and duties.—The department
3591 shall have the power and the duty to control and prohibit
3592 pollution of air and water in accordance with the law and rules
3593 adopted and promulgated by it and, for this purpose, to:

3594 (35) Adopt rules which may include stricter permitting and
3595 enforcement provisions within Outstanding Florida Waters,
3596 aquatic preserves, areas of critical state concern, and areas
3597 subject to chapter 380 resource management plans adopted by rule
3598 by the Department of Economic Opportunity Administration
3599 ~~Commission~~, when the plans for an area include waters that are
3600 particularly identified as needing additional protection, which

3601 provisions are not inconsistent with the applicable rules
 3602 adopted for the management of such areas by the department and
 3603 the Department of Economic Opportunity ~~Governor and Cabinet~~.

3604
 3605 The department shall implement such programs in conjunction with
 3606 its other powers and duties and shall place special emphasis on
 3607 reducing and eliminating contamination that presents a threat to
 3608 humans, animals or plants, or to the environment.

3609 Section 77. Subsection (4) of section 581.217, Florida
 3610 Statutes, is amended to read:

3611 581.217 State hemp program.—

3612 (4) FEDERAL APPROVAL.—The department shall seek approval
 3613 of the state plan for the regulation of the cultivation of hemp
 3614 with the United States Secretary of Agriculture in accordance
 3615 with 7 U.S.C. s. 1639p within 30 days after adopting rules. If
 3616 the state plan is not approved by the United States Secretary of
 3617 Agriculture, the Commissioner of Agriculture, in consultation
 3618 with and with final approval from the Governor ~~Administration~~
 3619 ~~Commission~~, shall develop a recommendation to amend the state
 3620 plan and submit the recommendation to the Legislature.

3621 Section 78. Subsection (3) of section 624.509, Florida
 3622 Statutes, is amended to read:

3623 624.509 Premium tax; rate and computation.—

3624 (3) Notwithstanding other provisions of law, the
 3625 distribution of the premium tax and any penalties or interest

3626 collected thereunder shall be made to the General Revenue Fund
 3627 in accordance with rules adopted by the Department of Revenue
 3628 ~~and approved by the Administration Commission.~~

3629 Section 79. Effective July 1, 2021, paragraph (b) of
 3630 subsection (1) of section 943.0313, Florida Statutes, is amended
 3631 to read:

3632 943.0313 Domestic Security Oversight Council.—The
 3633 Legislature finds that there exists a need to provide executive
 3634 direction and leadership with respect to terrorism prevention,
 3635 preparation, protection, response, and recovery efforts by state
 3636 and local agencies in this state. In recognition of this need,
 3637 the Domestic Security Oversight Council is hereby created. The
 3638 council shall serve as an advisory council pursuant to s.
 3639 20.03(7) to provide guidance to the state's regional domestic
 3640 security task forces and other domestic security working groups
 3641 and to make recommendations to the Governor and the Legislature
 3642 regarding the expenditure of funds and allocation of resources
 3643 related to counter-terrorism and domestic security efforts.

3644 (1) MEMBERSHIP.—

3645 (b) In addition to the members designated in paragraph
 3646 (a), the council may invite other ex officio, nonvoting members
 3647 to attend and participate in council meetings. Those nonvoting
 3648 members may include, but need not be limited to:

3649 1. The Secretary ~~executive director of the Department of~~
 3650 Highway Safety and Motor Vehicles.

- 3651 2. The Secretary of Health Care Administration.
- 3652 3. The Secretary of Environmental Protection.
- 3653 4. The director of the Division of Law Enforcement within
- 3654 the Fish and Wildlife Conservation Commission.
- 3655 5. A representative of the Commission on Human Relations.
- 3656 6. A representative of the United States Coast Guard.
- 3657 7. A United States Attorney from a federal judicial
- 3658 circuit within this state.
- 3659 8. A special agent in charge from an office of the Federal
- 3660 Bureau of Investigation within this state.

3661 Section 80. Effective July 1, 2021, subsection (1) of
 3662 section 943.06, Florida Statutes, is amended to read:

3663 943.06 Criminal and Juvenile Justice Information Systems
 3664 Council.—There is created a Criminal and Juvenile Justice
 3665 Information Systems Council within the department.

3666 (1) The council shall be composed of 15 members,
 3667 consisting of the Attorney General or a designated assistant;
 3668 the executive director of the Department of Law Enforcement or a
 3669 designated assistant; the secretary of the Department of
 3670 Corrections or a designated assistant; the chair of the Florida
 3671 Commission on Offender Review or a designated assistant; the
 3672 Secretary of Juvenile Justice or a designated assistant; the
 3673 Secretary ~~executive director of the Department~~ of Highway Safety
 3674 and Motor Vehicles or a designated assistant; the Secretary of
 3675 Children and Families or a designated assistant; the State

3676 Courts Administrator or a designated assistant; one ± public
 3677 defender appointed by the Florida Public Defender Association,
 3678 Inc.; one ± state attorney appointed by the Florida Prosecuting
 3679 Attorneys Association, Inc.; and five ∓ members, to be appointed
 3680 by the Governor, consisting of two ∓ sheriffs, two ∓ police
 3681 chiefs, and one ± clerk of the circuit court.

3682 Section 81. Subsections (4) through (7) of section
 3683 945.6035, Florida Statutes, are amended to read:

3684 945.6035 Dispute resolution.—

3685 (4) If, at the end of the 40-day period, no resolution has
 3686 been reached, the authority is authorized to appeal to the
 3687 Division of Administrative Hearings ~~Administration Commission~~
 3688 for a review and resolution of the dispute between the
 3689 department and the authority.

3690 (5) The authority, within 30 days after receiving written
 3691 notice of the action of the secretary or, if no response is
 3692 received, within 30 days after the secretary's response is due
 3693 pursuant to subsection (3), may file an appeal by petition to
 3694 the Division of Administrative Hearings ~~Administration~~
 3695 ~~Commission~~, filed with the ~~Secretary of the Administration~~
 3696 ~~Commission~~. The petition shall set forth the issues in
 3697 controversy between the authority and the department, in the
 3698 form and manner prescribed by the Division of Administrative
 3699 Hearings ~~Administration Commission~~, and shall contain the
 3700 reasons for the appeal. The department has 5 days after delivery

3701 of a copy of any such petition to file its reply with the
 3702 Division of Administrative Hearings ~~Secretary of the~~
 3703 ~~Administration Commission~~, and the department shall also deliver
 3704 a copy of its reply to the authority.

3705 (6) The issues which may be raised by the authority on
 3706 appeal to the Division of Administrative Hearings ~~Administration~~
 3707 ~~Commission~~ are:

3708 (a) Adoption or implementation by the department of a
 3709 health care standard which does not conform to the standard of
 3710 care generally accepted in the professional health community at
 3711 large.

3712 (b) Failure of the department to comply with an adopted
 3713 health care standard.

3714 (c) Failure to timely file a corrective action plan
 3715 regarding all deficiencies which are determined by the authority
 3716 to exist at an institution, as required pursuant to s. 945.6031.

3717 (d) Failure to implement a corrective action plan filed
 3718 pursuant to s. 945.6031.

3719 (7) Within 30 days after receipt of a petition from the
 3720 authority, the Division of Administrative Hearings ~~Secretary of~~
 3721 ~~the Administration Commission, or his or her designee,~~ shall
 3722 conduct an informal hearing to consider the matters presented in
 3723 the petition and the reply, and after the informal hearing shall
 3724 promptly submit a report of the findings ~~and recommendations to~~
 3725 ~~the Administration Commission~~. Within 30 days after the informal

3726 hearing, the Division of Administrative Hearings ~~Administration~~
 3727 ~~Commission~~ shall approve either the position of the authority or
 3728 that of the department. If the position of the authority is
 3729 approved, the Division of Administrative Hearings ~~Administration~~
 3730 ~~Commission~~ shall set forth whatever remedial measures it deems
 3731 appropriate and the department shall implement such remedial
 3732 measures. ~~The decision of the Administration Commission is final~~
 3733 ~~and binding on the authority and the department and shall not be~~
 3734 ~~subject to appeal pursuant to s. 120.68.~~

3735 Section 82. Section 945.6036, Florida Statutes, is amended
 3736 to read:

3737 945.6036 Enforcement.—

3738 (1) If the department fails to substantially comply with
 3739 the dispute resolution decision of the Division of
 3740 Administrative Hearings ~~Administration Commission~~ or fails to
 3741 implement required remedial action within 45 days after such
 3742 decision or within the time period set by the Division of
 3743 Administrative Hearings ~~Administration Commission~~, whichever
 3744 period is longer, the authority is authorized to petition the
 3745 Circuit Court in Leon County for an order requiring the
 3746 department to comply. For the purposes of this section,
 3747 "substantial compliance" means a firm effort to comply fully
 3748 with the decision without omitting any essential part, and that
 3749 any omission consists solely of an unimportant defect.

3750 (2) If the authority fails to initiate a circuit court

3751 proceeding pursuant to this section, an inmate has the right to
 3752 file a verified petition with the authority requesting that such
 3753 a proceeding be initiated. The petition shall set forth with
 3754 particularity the manner in which the department has failed to
 3755 implement the decision of the Division of Administrative
 3756 Hearings ~~Administration Commission~~, including any required
 3757 remedial actions. The authority has 45 days after receipt of a
 3758 verified petition to either initiate an action in circuit court
 3759 pursuant to this section or advise the inmate in writing of the
 3760 reason such an action will not be initiated.

3761 (3) Within 30 days after service of the written decision
 3762 of the authority setting forth its reason why an action will not
 3763 be initiated by the authority pursuant to this section, an
 3764 inmate may initiate an appropriate proceeding in the Circuit
 3765 Court in Leon County to require the department to substantially
 3766 comply with the decision of the Division of Administrative
 3767 Hearings ~~Administration Commission~~.

3768 Section 83. Paragraph (p) of subsection (9) of section
 3769 1002.33, Florida Statutes, is amended to read:

3770 1002.33 Charter schools.—

3771 (9) CHARTER SCHOOL REQUIREMENTS.—

3772 (p)1. Each charter school shall maintain a website that
 3773 enables the public to obtain information regarding the school;
 3774 the school's academic performance; the names of the governing
 3775 board members; the programs at the school; any management

3776 | companies, service providers, or education management
3777 | corporations associated with the school; the school's annual
3778 | budget and its annual independent fiscal audit; the school's
3779 | grade pursuant to s. 1008.34; and, on a quarterly basis, the
3780 | minutes of governing board meetings.

3781 | 2. Each charter school's governing board must appoint a
3782 | representative to facilitate parental involvement, provide
3783 | access to information, assist parents and others with questions
3784 | and concerns, and resolve disputes. The representative must
3785 | reside in the school district in which the charter school is
3786 | located and may be a governing board member, a charter school
3787 | employee, or an individual contracted to represent the governing
3788 | board. If the governing board oversees multiple charter schools
3789 | in the same school district, the governing board must appoint a
3790 | separate representative for each charter school in the district.
3791 | The representative's contact information must be provided
3792 | annually in writing to parents and posted prominently on the
3793 | charter school's website. The sponsor may not require governing
3794 | board members to reside in the school district in which the
3795 | charter school is located if the charter school complies with
3796 | this subparagraph.

3797 | 3. Each charter school's governing board must hold at
3798 | least two public meetings per school year in the school district
3799 | where the charter school is located. The meetings must be
3800 | noticed, open, and accessible to the public, and attendees must

3801 be provided an opportunity to receive information and provide
3802 input regarding the charter school's operations. The appointed
3803 representative and charter school principal or director, or his
3804 or her designee, must be physically present at each meeting.
3805 Members of the governing board may attend in person or by means
3806 of communications media technology used in accordance with rules
3807 adopted by the Department of Education Administration Commission
3808 under s. 120.54(5).

3809 Section 84. Paragraph (e) of subsection (4) of section
3810 1002.36, Florida Statutes, is amended to read:

3811 1002.36 Florida School for the Deaf and the Blind.—

3812 (4) BOARD OF TRUSTEES.—

3813 (e) The board of trustees is invested with full power and
3814 authority to:

3815 1. Appoint a president, faculty, teachers, and other
3816 employees and remove the same as in its judgment may be best and
3817 fix their compensation.

3818 2. Procure professional services, such as medical, mental
3819 health, architectural, and engineering.

3820 3. Procure legal services without the prior written
3821 approval of the Attorney General.

3822 4. Determine eligibility of students and procedure for
3823 admission.

3824 5. Provide for the students of the school necessary
3825 bedding, clothing, food, and medical attendance and such other

3826 | things as may be proper for the health and comfort of the
 3827 | students without cost to their parents, except that the board of
 3828 | trustees may set tuition and other fees for nonresidents.

3829 | 6. Provide for the proper keeping of accounts and records
 3830 | and for budgeting of funds.

3831 | 7. Enter into contracts.

3832 | 8. Sue and be sued.

3833 | 9. Secure public liability insurance.

3834 | 10. Do and perform every other matter or thing requisite
 3835 | to the proper management, maintenance, support, and control of
 3836 | the school at the highest efficiency economically possible, the
 3837 | board of trustees taking into consideration the purposes of the
 3838 | establishment.

3839 | 11. Receive gifts, donations, and bequests of money or
 3840 | property, real or personal, tangible or intangible, from any
 3841 | person, firm, corporation, or other legal entity. However, the
 3842 | board of trustees may not obligate the state to any expenditure
 3843 | or policy that is not specifically authorized by law. If the
 3844 | bill of sale, will, trust indenture, deed, or other legal
 3845 | conveyance specifies terms and conditions concerning the use of
 3846 | such money or property, the board of trustees shall observe such
 3847 | terms and conditions.

3848 | 12. Deposit outside the State Treasury such moneys as are
 3849 | received as gifts, donations, or bequests and may disburse and
 3850 | expend such moneys, upon its own warrant, for the use and

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3851 benefit of the Florida School for the Deaf and the Blind and its
3852 students, as the board of trustees deems to be in the best
3853 interest of the school and its students. Such money or property
3854 does not constitute and may not be considered a part of any
3855 legislative appropriation.

3856 13. Sell or convey by bill of sale, deed, or other legal
3857 instrument any property, real or personal, received as a gift,
3858 donation, or bequest, upon such terms and conditions as the
3859 board of trustees deems to be in the best interest of the school
3860 and its students.

3861 14. Invest such moneys in securities enumerated under s.
3862 215.47(1), (2)(c), (3), (4), and (10), and in The Common Fund,
3863 an Investment Management Fund exclusively for nonprofit
3864 educational institutions.

3865 15. After receiving approval from the Department of
3866 Economic Opportunity Administration ~~Commission~~, exercise the
3867 power of eminent domain in the manner provided in chapter 73 or
3868 chapter 74.

3869 Section 85. Section 1013.25, Florida Statutes, is amended
3870 to read:

3871 1013.25 When university or Florida College System
3872 institution board of trustees may exercise power of eminent
3873 domain.—Whenever it becomes necessary for the welfare and
3874 convenience of any of its institutions or divisions to acquire
3875 private property for the use of such institutions, and this

3876 cannot be acquired by agreement satisfactory to a university or
3877 Florida College System institution board of trustees and the
3878 parties interested in, or the owners of, the private property,
3879 the board of trustees may exercise the power of eminent domain
3880 after receiving approval therefor from the Department of
3881 Economic Opportunity Administration Commission and may then
3882 proceed to condemn the property in the manner provided by
3883 chapter 73 or chapter 74.

3884 Section 86. (1) Subject to an appropriation, the Office
3885 of Program Policy Analysis and Government Accountability
3886 (OPPAGA) shall contract for a review of the Department of Law
3887 Enforcement.

3888 (2) The contractor selected by OPPAGA must have experience
3889 in reviewing large, statewide, or federal law enforcement
3890 agencies.

3891 (3) The contractor shall perform a comprehensive review of
3892 the Department of Law Enforcement and determine whether the
3893 programs, functions, and services provided by the department are
3894 consistent with its mission. For each program, function, and
3895 service performed by the department, the contractor shall review
3896 the number of users, cost, and effectiveness by geographical
3897 location and service. The review shall make recommendations
3898 regarding the department's scope of programs, functions, and
3899 services, including, but not limited to, identifying any
3900 program, function, or service which should be expanded,

3901 eliminated, or transferred to another entity.

3902 (4) As part of its review, the contractor shall
3903 investigate and make specific findings and recommendations on
3904 all of the following:

3905 (a) A review of the department's crime laboratories and
3906 forensic analysis processes, including:

3907 1. Accreditation and qualifications of the crime
3908 laboratories and employees.

3909 2. The number and type of forensic analyses performed.

3910 3. The average length of time for each type of forensic
3911 analysis to be completed.

3912 4. Whether there is an existing backlog on forensic
3913 analysis.

3914 5. A comparison to crime laboratories in similar
3915 jurisdictions in scope of service, accreditation, and sample
3916 processing time.

3917 6. Whether any of the forensic analysis performed by the
3918 department should be transferred to another state or local
3919 agency, and if there are any barriers to transferring such
3920 duties to another agency.

3921 (b) Any programs operated by the department which are
3922 primarily used in a limited geographic area of the state and the
3923 following information:

3924 1. The number of users, cost, and effectiveness of the
3925 programs.

3926 2. Whether the programs should be expanded statewide,
3927 eliminated, or transferred to another state or local agency, and
3928 if there are any barriers to transferring such programs to
3929 another agency.

3930 (c) Each accreditation earned by the department and
3931 whether any additional accreditation is recommended.

3932 (d) The number and types of cases investigated by the
3933 department and whether criminal charges were filed as a result
3934 of the investigation.

3935 (e) The number of cases involving cybersecurity and
3936 related technology issues that were investigated by the
3937 department and whether criminal charges were filed as a result
3938 of each investigation.

3939 (f) Any responsibilities of the department that can be
3940 transferred to another state or local agency that would result
3941 in improved efficiency or accountability.

3942 (5) Notwithstanding any other law to the contrary, the
3943 department must provide the contractor with access to any and
3944 all information requested by the contractor to complete its
3945 review. Information or records obtained by the contractor which
3946 are otherwise exempt or confidential and exempt shall retain
3947 such exempt or confidential and exempt status, and the
3948 contractor may not disclose any such information or records.

3949 (6) The contractor shall submit its report to the
3950 Governor, the Attorney General, the Chief Financial Officer, the

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3951 Commissioner of Agriculture, the President of the Senate, and
3952 the Speaker of the House of Representatives by January 1, 2022.

3953 (7) This section shall take effect July 1, 2021.

3954 Section 87. Except as otherwise expressly provided in this
3955 act and except for this section, which shall take effect upon
3956 this act becoming a law, this act shall take effect October 1,
3957 2021.