

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/SB 1112

INTRODUCER: Community Affairs Committee and Senator Bennett

SUBJECT: Licensing

DATE: February 7, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CA	Fav/CS
2.	_____	_____	GO	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute (CS) requires state agencies to include a citation to the applicable rule, statute, or both if applicable, on which the issuance or denial of a license is based in the agencies' written notice to the applicant. It requires a local government to provide written notice to each applicant for a license of its intended action on the application. The notice must also state with particularity the grounds or basis, including a citation to the applicable ordinance or other legal authority, on which the local government will issue or deny the license. The CS defines the term "license".

This CS amends section 120.60 of the Florida Statutes. It also creates sections 125.022 and 166.033, of the Florida Statutes.

II. Present Situation:

Local governments issue various licenses and permits to regulate different types of activities such as the following: contractors, construction, signs, irrigation, landscaping, specialty permits, environmental, business activities, and special events. Applications are available from the local government. If the applicant meets the requirements of the ordinance that governs the permit or license, the local government may issue the permit or license. Currently, there is no statutory requirement that a local government provides written notice to the applicant of its intent to issue or deny an application for a license or permit. There is also no requirement that the local government provide written documentation to the applicant which specifies the ordinance or other legal authority relied on by the local government in determining whether to issue or deny the permit or license.

Section 120.60, F.S., provides requirements relating to licensing for agencies subject to the Administrative Procedure Act. For purposes of ch. 120, F.S., the term “license” means a “franchise, permit, certification, registration, charter, or similar form of authorization required by law,” but does not include a license issued primarily for revenue and for which the issuance is a ministerial act.¹ Section 120.60, F.S., prescribes timeframes for reviewing an application, requesting additional information, and taking action on the application. This provision requires an agency to provide written notice to each applicant for a license that the agency intends to grant or deny, or has granted or denied, the application.² The required written notice must state with particularity the grounds or basis for the issuance or denial of the license, except when the issuance is a ministerial act.³

III. Effect of Proposed Changes:

Section 1 amends s. 120.60, F.S., to require those agencies that are subject to ch. 120, F.S., to include a citation to the applicable rule, statute, or both if applicable, on which the issuance or denial of a license is based in the written notice of intended agency action sent to the applicant.

Section 2 amends s. 125.022, F.S., to require a county to provide written notice to each applicant for a license of its intended action on the application. The notice must state with particularity the grounds or basis, including a citation to the applicable ordinance or other legal authority, on which the county will issue or deny the license. The term “license” is defined as a permit, certification, registration, or similar form of authorization required by the county, but does not include a license required primarily for revenue purposes which is issued merely as a ministerial act.

Section 3 amends s. 166.033, F.S., contains the same provisions as section 3 of this CS, but these provisions apply to municipalities.

Section 4 provides this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ S. 120.52(9), Fla. Stat. (2005). The term “ministerial” refers to an action that does not involve discretion.

² S. 120.60(3), Fla. Stat. (2005).

³ S. 120.60(3), Fla. Stat. (2005).

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

This CS may provide a cost savings to those seeking streamlined permitting for various activities. Because a local government or state agency must specify the legal authority that is the basis for its intended action on an application, the applicant may be able to correct any compliance issues sooner.

C. Government Sector Impact:

This CS requires state agencies subject to ch. 120, F.S., to include a citation to the applicable rule, statute, or both if applicable, that is the basis for the issuance or denial of a license. Because ch. 120, F.S., already requires an agency to send written notice to the applicant of its intended action on the application, there is likely no additional cost as the result of this CS.

Under this CS, local governments must provide written notice to an applicant of its intended action on an application for a license, including a citation to the ordinance or other legal authority on which the issuance or denial is based. Some local governments do not currently provide the applicant with a written notice of their intent to issue or deny the license. The cost of providing such notice has not been determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
