**SB 724 by Diaz de la Portilla (CO-INTRODUCERS) Sobel:** (Identical to H 0989) Domestic Wastewater Discharged Through Ocean Outfalls

**SB 1090 by Richter:** (Identical to CS/H 0483) Uniform Commercial Code

**SB 1112 by Altman:** (Identical to H 4103) Certification of Minority Business Enterprises

**SB 1132 by Hays (CO-INTRODUCERS) Montford:** (Compare to H 1197) Beekeeping

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<tr>
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**SB 1152 by Richter:** (Identical to H 4087) Repeal of a Workers' Compensation Independent Actuarial Peer Review Requirement

**SB 1354 by Detert:** (Identical to H 7003) Environmental Resource Permitting

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**THE FLORIDA SENATE**

**COMMITTEE MEETING EXPANDED AGENDA**

**BUDGET SUBCOMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS**

Senator Hays, Chair

Senator Benacquisto, Vice Chair

**MEETING DATE:** Thursday, February 2, 2012

**TIME:** 8:00 — 9:45 a.m.

**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

**MEMBERS:** Senator Hays, Chair; Senator Benacquisto, Vice Chair; Senators Braynon, Bullard, Diaz de la Portilla, Gibson, Jones, and Latvala

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<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
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<tbody>
<tr>
<td>1</td>
<td>Review and Discussion of Fiscal Year 2012-2013 Budget Issues:</td>
<td>Dept. of Agriculture and Consumer Services Dept. of Business and Professional Regulation Dept. of Citrus Dept. of Environmental Protection Dept. of Financial Services Office of Financial Regulation Office of Insurance Regulation Dept. of Lottery Dept. of Management Services Division of Administrative Hearings Human Relations Commission Northwood Shared Resource Center Public Employees Relations Commission Southwood Shared Resource Center Public Service Commission Fish and Wildlife Conservation Commission Dept. of Revenue</td>
<td>Not Considered</td>
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<tr>
<td>2</td>
<td>SB 724 Diaz de la Portilla (Identical H 989)</td>
<td>Domestic Wastewater Discharged Through Ocean Outfalls; Postponing the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements; providing exceptions; providing that certain utilities that shared a common ocean outfall on a specified date are individually responsible for meeting the reuse requirement; authorizing those utilities to enter into binding agreements to share or transfer responsibility for meeting reuse requirements; revising provisions authorizing the backup discharge of domestic wastewater through ocean outfalls; requiring the Department of Environmental Protection, the South Florida Water Management District, and affected utilities to consider certain information for the purpose of adjusting reuse requirements, etc.</td>
<td>Favorable Yeas 5 Nays 0</td>
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<td>3</td>
<td>SB 1090</td>
<td>Uniform Commercial Code; Revising and providing provisions of the Uniform Commercial Code relating to secured transactions to conform to the revised Article 9 of the Uniform Commercial Code as prepared by the National Conference of Commissioners on Uniform State Laws; revising provisions relating to control of electronic chattel paper; providing rules that apply to certain collateral to which a security interest attaches; providing rules relating to certain financing statements; revising when a record of a mortgage satisfying the requirements of ch. 697, F.S., is effective as a filing statement; creating part VIII of ch. 679, F.S., relating to transition from prior law under the chapter to law under the chapter as amended by the act, etc.</td>
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<td>4</td>
<td>SB 1112</td>
<td>Certification of Minority Business Enterprises; Deleting provisions establishing the Minority Business Certification Task Force, requiring that criteria for the certification of minority business enterprises be approved by the task force, and authorizing the task force to amend the statewide and interlocal agreement for the certification of minority business enterprises, etc.</td>
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<td>5</td>
<td>SB 1132</td>
<td>Beekeeping; Revising definitions relating to the Florida Right to Farm Act to include beekeeping; revising the definition of the term “apiary” and adding a definition for the term “apiculture”; providing that authority to regulate honeybee colonies is preempted to the state, etc.</td>
<td>Fav/CS Yeas 5 Nays 0</td>
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<td>Hays</td>
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<td>6</td>
<td>SB 1152 Richter</td>
<td>Repeal of a Workers’ Compensation Independent Actuarial Peer Review Requirement; Repealing provisions relating to the duty of the Financial Services Commission to contract for a periodic report regarding an actuarial peer review and analysis of the ratemaking process of any licensed rating organization that makes rate filings for workers’ compensation insurance, etc.</td>
<td>Favorable Yeas 5 Nays 0</td>
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<td>7</td>
<td>SB 1354 Detert</td>
<td>Environmental Resource Permitting; Requiring the Department of Environmental Protection, in coordination with the water management districts, to adopt statewide environmental resource permitting rules for activities relating to the management and storage of surface waters; preserving an exemption from causes of action under the “Bert J. Harris, Jr., Private Property Rights Protection Act”; requiring counties, municipalities, and delegated local programs to amend ordinances and regulations within a specified timeframe to conform with the rules; providing a presumption of compliance for specified design, construction, operation, and maintenance of certain stormwater management systems; providing exemptions for specified stormwater management systems and permitted activities, etc.</td>
<td>Favor/CS Yeas 5 Nays 0</td>
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<td>8</td>
<td>Other Related Meeting Documents</td>
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Bill: SB 724

Introducer: Senator Diaz de la Portilla

Subject: Domestic Wastewater Discharged Through Ocean Outfalls

Date: January 30, 2012

ANALYST STAFF DIRECTOR REFERENCE ACTION
1. Uchino Yeatman EP Favorable
2. Uchino Yeatman CA Favorable
3. Pigott DeLoach BGA Favorable

I. Summary:

The bill allows utilities to meet the 60 percent reuse requirement from their entire service areas and extends certain deadlines. It allows utilities to continue to discharge peak flows up to 5 percent of utilities’ baseline flows through ocean outfalls. Additionally, the bill requires utilities to include supplemental information on costs and options in their detailed plans necessary to achieve the requirements of subsection 403.086(9), F.S. Finally, the bill requires the utilities, the Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD) to evaluate the detailed plans and recommend to the Legislature adjustments, if necessary, to the reuse requirements in this subsection.

The bill substantially amends s. 403.086 of the Florida Statutes.

II. Present Situation:

Eliminating Ocean Outfalls and Reuse Requirements

There are six domestic wastewater facilities in Palm Beach, Broward, and Miami-Dade counties discharging approximately 300 million gallons per day of treated domestic wastewater directly into the Atlantic Ocean through ocean outfalls.¹ The ocean outfall providing service to the cities

of Boynton Beach and Delray Beach largely ceased discharges in early 2009. Exceptions for
this facility are allowed to handle peak wet weather flows, during integrity testing of deep well
injection and for emergencies.

Chapter 2008-232, Laws of Florida, prohibits construction of new ocean outfalls and requires
that all six ocean outfalls in Florida cease discharging wastewater by December 31, 2025. In
addition, wastewater facilities that discharged wastewater through an ocean outfall on July 1,
2008, are required to install a reuse system no later than December 31, 2025. The reuse systems
must be capable of providing a minimum of 60 percent of the wastewater facilities actual annual
flow for beneficial reuse. The actual annual flow is calculated using the annual average flow
through a wastewater facility's ocean outfall from 2003 through 2007.

Wastewater facilities operating ocean outfalls may receive a significant portion of their annual
average flow from other wastewater facilities located outside their direct service areas. SB 550,
passed during the 2010 Regular Session, addressed the possibility of certain facilities not being
able to comply with the 60 percent reuse requirement of s. 403.086(9)(c), F.S. The potential
existed that flow received from outside their service areas could be diverted to other wastewater
facilities that do not discharge through ocean outfalls and, therefore, diverting facilities would
not have to comply with the 60 percent beneficial reuse requirement for ocean outfalls. In
addition, current law requires discharges of wastewater through ocean outfalls after
December 31, 2018, must meet advanced wastewater treatment (AWT) standards or equivalent
processes.

Implementation Issues

The first progress report from the DEP was presented to the Governor, President of the Florida
Senate and Speaker of the Florida House of Representatives in June 2010. Although there is
general understanding of the existing requirements, some confusion remains about what current
and future reuse projects count towards the 60 percent reuse threshold. The DEP reports:

The City of Hollywood and Broward County Office of Environmental Services
assumed that reuse projects that were in use during 2003 through 2007 can be
applied to the 60 percent reuse requirement. The department has informed all
ocean outfall permit holders that such existing reuse projects do not count toward
meeting the reuse requirement.

In addition, the Miami-Dade Water and Sewer Department is planning to divert flows from its
two ocean outfalls to other facilities to support reuse projects located near those sites. The DEP
has had discussions with utilities personnel that s. 403.086(9)(c), F.S., does not allow existing

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2 Christine Stapleton, Delray Beach to stop dumping wastewater in ocean, The Palm Beach Post, Mar. 31, 2009, available at
http://www.palmbeachpost.com/localnews/content/local_news/epaper/2009/03/31/0331_delrayoutfall.html (last visited
12/16/2011).
3 Section 403.086(9)(c), F.S.
4 Ch. 2010-205, s. 38, Laws of Fla.
5 Section 403.086(9)(b), F.S.
6 Supra note 2.
7 See supra note 2, at 17.
8 See supra note 2, at 18.
reuse projects to count towards meeting the 60 percent reuse requirement, “since one of the primary goals of the Act is to beneficially reuse wastewater flows that are discharged through the outfalls and, therefore, increase the amount of new reuse in Southeast Florida.”

III. **Effect of Proposed Changes:**

Section 1 amends s. 403.086, F.S., to extend compliance deadlines by which ocean outfalls must meet AWT standards from 2018 to 2020. It also extends the date for submission of a plan by the discharging permit holder from 2013 to 2014.

The bill allows utilities to comply with the 60 percent reuse requirement from their entire service areas rather than just from ocean outfalls by 2025. This provision will allow utilities the flexibility to find the most cost-effective method to achieve a 60 percent reuse for their service areas. However, it may also reduce the percentage of reuse derived from ocean outfalls. The bill specifies that only facilities which shared a common ocean outfall as of July 1, 2008, are required to meet the 60 percent reuse requirement individually but may contract to share or transfer this responsibility with other utilities.

The bill allows utilities to continue backup discharges through ocean outfalls that are part of a functioning reuse system or other wastewater management system authorized by the DEP. Utilities may make backup discharges that:

- Do not cumulatively exceed 5 percent of total baseline flows measured as a five-year rolling average;
- Are subject to applicable secondary waste treatment and water-quality-based effluent limitations specified in department rules; and
- Are deemed to meet AWT when in compliance with the effluent limitations.

The bill defines “baseline flow” as “the annual average flow of domestic wastewater discharging through the facility’s ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.”

The bill updates the requirements for the detailed plans that utilities must develop by October 2014 instead of July 2013. The new information included in the plan must identify:

- The technical, environmental and economic feasibility of various reuse options;
- An analysis of costs necessary for utilities to meet state and local water quality criteria; and
- A comparative cost estimate of achieving reuse requirements from ocean outfalls and other sources.

The plan must evaluate the demand for reuse in the context of future regional water supply demands, the availability of traditional sources of water, the need for alternative water supplies, the offset reuse will have on potable supplies and other factors contained in the SFWMD’s Lower East Coast Regional Water Supply Plan. The plan is due to the Legislature by October 2014 with an update due by July 2018.

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9 *See supra* note 2, at 3.
Finally, the bill requires the DEP, the SFWMD and affected utilities to evaluate the detailed plans and recommend to the Legislature adjustments, if necessary, to the reuse requirements in this bill. The report is due to the Legislature by February 2015.

Section 2 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Water utility customers will benefit from the cost saving provisions in this bill for wastewater utilities. While the savings are indeterminate, they will likely be insignificant on an individual basis when spread over time for customers served by their utilities.

C. Government Sector Impact:

Wastewater utilities may see significant cost reductions in implementing the 60 percent reuse requirements for ocean outfalls by utilizing their entire service areas rather than only flows discharged through ocean outfalls. Allowing utilities to continue backup discharges up to five percent of their peak flows will also save costs. Finally, exempting five percent of utilities’ peak flows from AWT standards if those discharges meet statutory requirements and the DEP rules on effluent limitations may also result in significant savings. The City of Hollywood, Broward county and Miami-Dade county have estimated that allowing peak flow discharges of 5 percent will save on capital costs of $142 million, $600 million, and $867 million, respectively.

In addition, the two-year extension may allow for more favorable economic conditions and bond markets to develop. However, any benefits and risks of this potential are too remote to calculate.
The bill requires the DEP to submit a report to the Legislature by February 15, 2015, containing recommendations for any necessary changes to the reuse requirements. The DEP has indicated this will not have a fiscal impact on the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   None.

B. Amendments:

   None.
A bill to be entitled
An act relating to domestic wastewater discharged
through ocean outfalls; amending s. 403.086, F.S.;
postponing the dates by which domestic wastewater
facilities must meet more stringent treatment and
management requirements; providing exceptions;
revising the definition of the term "functioning reuse
system"; changing the term "facility's actual flow on
an annual basis" to "baseline flow"; revising plan
requirements for the elimination of ocean outfalls;
providing that certain utilities that shared a common
ocean outfall on a specified date are individually
responsible for meeting the reuse requirement;
authorizing those utilities to enter into binding
agreements to share or transfer responsibility for
meeting reuse requirements; revising provisions
authorizing the backup discharge of domestic
wastewater through ocean outfalls; requiring a holder
of a department permit authorizing the discharge of
domestic wastewater through an ocean outfall to submit
certain information; requiring the Department of
Environmental Protection, the South Florida Water
Management District, and affected utilities to
consider certain information for the purpose of
adjusting reuse requirements; requiring the department
to submit a report to the Legislature; providing an
effective date.

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

Section 1. Subsection (9) of section 403.086, Florida
Statutes, is amended to read:
403.086 Sewage disposal facilities; advanced and secondary
waste treatment.—

(9) The Legislature finds that the discharge of domestic
wastewater through ocean outfalls wastes valuable water supplies
that should be reclaimed for beneficial purposes to meet public
and natural systems demands. The Legislature also finds that
discharge of domestic wastewater through ocean outfalls
compromises the coastal environment, quality of life, and local
economies that depend on those resources. The Legislature
declares that more stringent treatment and management
requirements for such domestic wastewater and the subsequent,
timely elimination of ocean outfalls as a primary means of
domestic wastewater discharge are in the public interest.

(a) The construction of new ocean outfalls for domestic
wastewater discharge and the expansion of existing ocean
outfalls for this purpose, along with associated pumping and
piping systems, are prohibited. Each domestic wastewater ocean
outfall shall be limited to the discharge capacity specified in
the department permit authorizing the outfall in effect on July
1, 2008, which discharge capacity shall not be increased.

Maintenance of existing, department-authorized domestic
wastewater ocean outfalls and associated pumping and piping
systems is allowed, subject to the requirements of this section.
The department is directed to work with the United States
Environmental Protection Agency to ensure that the requirements
of this subsection are implemented consistently for all domestic
wastewater facilities in Florida which discharge through ocean outfalls.

(b) The discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements by December 31, 2020. For purposes of this subsection, the term "advanced wastewater treatment and management requirements" means the advanced waste treatment requirements set forth in subsection (4), a reduction in outfall baseline loadings of total nitrogen and total phosphorus which is equivalent to that which would be achieved by the advanced waste treatment requirements in subsection (4), or a reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008, and December 31, 2025, which is equivalent to that which would be achieved if the advanced waste treatment requirements in subsection (4) were fully implemented beginning December 31, 2020, and continued through December 31, 2025. The department shall establish the average baseline loadings of total nitrogen and total phosphorus for each outfall using monitoring data available for calendar years 2003 through 2007 and shall establish required loading reductions based on this baseline. The baseline loadings and required loading reductions of total nitrogen and total phosphorus shall be expressed as an annual average daily loading value. The advanced wastewater treatment and management requirements of this paragraph shall be deemed to be met for any domestic wastewater facility discharging through an ocean outfall on July 1, 2008, which has been installed by no later than December 31, 2018, a fully automatic, operational reuse system comprising 100 percent of the facility’s annual average daily flow for reuse activities authorized by the department.

(c) Each utility that had a permit for a domestic wastewater facility that discharged domestic wastewater through an ocean outfall on July 1, 2008, must install a functioning reuse system by December 31, 2025. For purposes of this subsection, a "functioning reuse system" means an environmentally, economically, and technically feasible system that provides a minimum of 60 percent of the facility’s baseline actual flow or, for utilities operating more than one facility, 60 percent of the utility's entire wastewater system flow on an annual basis on December 31, 2025. Reuse may be on an annual basis for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the department. For purposes of this subsection, the term "baseline flow" means the annual average flow of domestic wastewater discharging through the facility’s ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.

2. Flows diverted from facilities to other facilities that provide 100 percent reuse of the diverted flows before December 31, 2008, are considered to contribute to meeting the 60 percent reuse requirement. For utilities operating more than one outfall, the reuse requirement may be apportioned between the outfalls if the combined actual reuse flows from facilities served by the outfalls is at least 60 percent of the facility's annual average daily flow.
percent of the sum of the total actual flows from the facilities, including flows diverted to other facilities for 100 percent reuse before December 31, 2025. Utilities that shared a common ocean outfall for the discharge of domestic wastewater on July 1, 2008, regardless of which utility operates the ocean outfall, are individually responsible for meeting the reuse requirement and may enter into binding agreements to share or transfer such responsibility among the utilities. If in the event treatment in addition to the advanced wastewater treatment and management requirements described in paragraph (b) is needed in order to support a functioning reuse system, the such treatment must be fully operational by no later than December 31, 2025.

(d) The discharge of domestic wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system or other wastewater management system authorized by the department as provided for in paragraph (c). Except as otherwise provided in this subsection, a backup discharge may occur only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, or as the result of peak flows from other wastewater management systems, and must comply with the advanced wastewater treatment and management requirements of paragraph (b). Peak flow backup discharges from other wastewater management systems may not cumulatively exceed 5 percent of a facility’s baseline flow, measured as a 5-year rolling average, and are subject to applicable secondary waste treatment and water-quality-based effluent limitations specified in department rules. When in compliance with the effluent limitations, the peak flow backup discharges shall be deemed to meet the advanced wastewater treatment and management requirements of this subsection.

(e) The holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, shall submit the following to the secretary of the department:

1. A detailed plan to meet the requirements of this subsection, including the identification of the technical, environmental, and economic feasibility of various reuse options; the identification of all land acquisition and facilities necessary to provide for reuse of the domestic wastewater; an analysis of the costs to meet the requirements, including the level of treatment necessary to satisfy state water quality requirements and local water quality considerations and a cost comparison of reuse using flows from ocean outfalls and flows from other domestic wastewater sources; and a financing plan for meeting the requirements, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, other charges, or other financing mechanisms. The plan must evaluate reuse demand in the context of future regional water supply demands, the availability of alternative water supplies, the degree to which various reuse options offset potable water supplies, and other factors considered in the South Florida Water Management District’s Lower East Coast Regional Water Supply Plan. The plan must include a detailed schedule for the completion of all necessary
actions and shall be accompanied by supporting data and other
documentation. The plan must be submitted by October 1,
2014 no later than July 1, 2013.

2. By July 1, 2018 no later than July 1, 2016, an update of
the plan required in subparagraph 1. documenting any refinements
or changes in the costs, actions, or financing necessary to
eliminate the ocean outfall discharge in accordance with this
subsection or a written statement that the plan is current and
accurate.

(f) By December 31, 2009, and by December 31 every 5 years
thereafter, the holder of a department permit authorizing the
discharge of domestic wastewater through an ocean outfall shall
submit to the secretary of the department a report summarizing
the actions accomplished to date and the actions remaining and
proposed to meet the requirements of this subsection, including
progress toward meeting the specific deadlines set forth in
paragraphs (b) through (e). The report shall include the
detailed schedule for and status of the evaluation of reuse and
disposal options, preparation of preliminary design reports,
preparation and submittal of permit applications, construction
initiation, construction progress milestones, construction
completion, initiation of operation, and continuing operation
and maintenance.

(g) No later than July 1, 2010, and by July 1 every 5 years
thereafter, the department shall submit a report to the
Governor, the President of the Senate, and the Speaker of the
House of Representatives on the implementation of this
subsection. The report shall summarize progress to date,
including the increased amount of reclaimed water provided and
potable water offsets achieved, and identify any obstacles to
continued progress, including all instances of substantial
noncompliance.

(h) By February 1, 2012, the department shall submit a
report to the Governor and Legislature detailing the results and
recommendations from phases 1 through 3 of its ongoing study on
reclaimed water use.

(i) The renewal of each permit that authorizes the
discharge of domestic wastewater through an ocean outfall as of
July 1, 2008, shall be accompanied by an order in accordance
with s. 403.088(2)(e) and (f) which establishes an enforceable
compliance schedule consistent with the requirements of this
subsection.

(j) An entity that diverts wastewater flow from a receiving
facility that discharges domestic wastewater through an ocean
outfall must meet the 60 percent reuse requirement of paragraph
(c). Reuse by the diverting entity of the diverted flows shall
be credited to the diverting entity. The diverted flow shall
also be correspondingly deducted from the receiving facility's
baseline actual flow on an annual basis from which the required
reuse is calculated pursuant to paragraph (c), and the receiving
facility's reuse requirement shall be recalculated accordingly.

The department, the South Florida Water Management District, and
the affected utilities must consider the information in the
detailed plan under paragraph (e) for the purpose of adjusting,
as necessary, the reuse requirements of this subsection. The
department shall submit a report to the Legislature by February
15, 2015, containing recommendations for any changes necessary
Section 2. This act shall take effect July 1, 2012.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 2.2.12

Topic Domestic Wastewater Discharge

Name Angela Pico

Job Title Legislative assistant

Address 2108 Centennial Pl

Tallahassee FL 32308

Bill Number SB 724

Amendment Barcode (if applicable)

Phone 850-222-0730

E-mail apico@lawfla.com

Speaking: X For □ Against □ Information

Representing Diving Equipment & Marketing Assoc.

Appearing at request of Chair: □ Yes X No

Lobbyist registered with Legislature: □ Yes X No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.2.12
Meeting Date

Topic
DOMESTIC WASTEWATER DISCHARGE

Bill Number SB 724
(if applicable)

Name Bob Harris

Amendment Barcode
(if applicable)

Job Title

Address
2108 Centennial Pl
Tallahassee, FL 32308

Phone 222-0720

E-mail bharris@lawra.com

Speaking: ☑ For ■ Against ■ Information

Representing Diving Equipment & Marketing Assoc

Appearing at request of Chair: ■ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ■ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
2/2/12
Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic Domestic Wastewater

Name Ryan Matthews

Job Title Leg. Advocate

Address PO Box 1757
Street Tallahassee
City FL State 32302 Zip

Speaking: [ ] For [ ] Against [ ] Information

Representing FL League of Cities

Bill Number 724 [if applicable]

Amendment Barcode [if applicable]

Phone 850 222 9084

E-mail rmatthews@flcites.com

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic

Name Susan Harbin

Job Title Leg Coordinator

Address 115 S. Andrews Ave

City Ft. Lauderdale, FL 33301

Street

State

Zip

Bill Number 724

(If applicable)

Amendment Barcode

(If applicable)

Phone 954-599-8088

E-mail Sharbin@broward.org

Speaking: ✔ For ☐ Against ☐ Information

Representing Broward County

Appearing at request of Chair: ☐ Yes ✔ No

Lobbyist registered with Legislature: ✔ Yes ☐ No

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S-001 (10/20/11)
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 2/2/12

Topic OCEAN OUTHUS

Name STEPHEN M. JAMES

Job Title

Address 100 S. MONROE

Street TALLAHASSEE

City STATE FL

Zip

Phone 922-4300

E-mail

Speaking: □ For □ Against □ Information

Representing FL.ASOC. OF COUNTIES

 Appearing at request of Chair: □ Yes □ No

Lobbyist registered with Legislature: □ Yes □ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 2-2-12

Topic: Ocean Outfalls

Name: Lee Killinger

Job Title: 

Address: 324 E. Virginia St

City: Tallahassee

State: FL

Zip: 32301

Phone: 850-522-8807

E-mail: lee@anfieldflorida.com

Speaking: [ ] For  [ ] Against  [ ] Information

Representing: Florida AWWA

Appearing at request of Chair: [ ] Yes  [ ] No

Lobbyist registered with Legislature: [ ] Yes  [ ] No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 22, 2012
Meeting Date

Topic          Clean Outfalls
Bill Number    724
(if applicable)

Name          Edgar Fernandez
Amendment Barcode
(if applicable)

Job Title      Governmental Affairs

Address        3071 SW 38 Ave
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Street
City           Miami
State         FL
Zip            33146
E-mail        egf@MiamiDade
Representing  MIAMI DADE WATER & SEWER

Speaking:  For  [] Against  [] Information
Applying at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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This form is part of the public record for this meeting.
I. Summary:

SB 1090 adopts the 2010 amendment to Article 9 of the Uniform Commercial Code (UCC). The bill provides the following changes to Article 9: revises statute as it relates to governing the name of a debtor for purposes of filing a financing statement; modifies definitions; revises s. 679.301, F.S., relating to the location of debtors; modifies provisions relating to guidelines for the continued perfection of security interests that were perfected according to the law of another jurisdiction; provides rules for transition to the proposed version of Article 9; and makes numerous stylistic and grammatical changes.


II. Present Situation:

Background

The Uniform Commercial Code (UCC) is a set of uniform laws regulating various business transactions and trade. The drafts of the code are developed by the Uniform Law Commissioners (ULC), who are members of the National Conference of Commissioners on Uniform State Laws, a group of scholars and business representatives. “Conference members must be lawyers, qualified to practice law. They are practicing lawyers, judges, legislators and legislative staff and
law professors, who have been appointed by state governments, as well as the District of Columbia, Puerto Rico and the U.S Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.”¹ The term “uniform” refers to how the separate states of the Union have separately enacted the various parts of the Uniform Commercial Code in laws that are uniform to one another.

Participation in the conference is not limited to lawyers since “stakeholder” meetings are held, where the opinions of all groups concerned with a particular area can be heard.² Every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands is assessed a specific amount for the maintenance of the ULC based upon state population. Florida’s assessment for 2009-2010 is $96,700.³

Article 9 of the UCC governs secured transactions in personal property. A secured transaction is a “business arrangement by which a buyer or borrower gives collateral to the seller or lender to guarantee payment of an obligation.”⁴ In 1998, Article 9 was substantially revised and adopted by all states and U.S. territories, except Puerto Rico, where it is currently being considered.⁵ In 2010, the commission drafted and adopted amendments to Article 9.

The 2010 Amendments to Article 9 modify the existing statute to respond to filing issues and address other matters that have arisen in practice following passage of the 1998 version of Article 9. The Article 9 amendments have been adopted in Connecticut, Indiana, Minnesota, Nebraska, Nevada, North Dakota, Rhode Island, Texas, and Washington. They are also currently being considered in a number of other states and U.S. territories.⁶

Issues Concerning Filing

Identifying the Debtor

The purpose of the UCC filing system is to give notice to creditors and other interested parties that there is a valid, perfected security interest in property of the debtor.⁷ A security interest is a “property interest created by agreement or by operation of law to secure performance of an obligation” (i.e. payment of a debt).⁸ An individual or entity files a financial statement to notify third parties — typically prospective buyers and lenders — of a secured party’s security interest in goods or real property. Financing statements are indexed under the name of the debtor;

³ 2009 Annual Report of the Florida Commissioners to the National Conference on Uniform State Laws, (January 2010) (report prepared by the Office of Legislative Services for submission to the Governor and both houses of the Legislature through their respective presiding officers.).
⁴ Black’s Law Dictionary (9th ed. 2009).
⁵ Article is codified in Florida law in ch. 679, F.S. It was adopted in 2001 by ch. 2001-198 L.O.F.
therefore, an individual looking for a specific financing statement will search for it under the debtor’s name.

Section 679.5031(1), F.S., explains what constitutes the debtor’s name for purposes of a financing statement where the debtor is a registered organization, a decedent’s estate, or a trust or trustee acting with regard to property held in trust. Under current law, a financing statement sufficiently provides the name of a debtor that is a registered organization if it provides the name as indicated on the public record of the jurisdiction where the debtor organized. If the debtor is a decedent’s estate, the financing statement must provide the decedent’s name and indicate that the debtor is an estate. If the debtor is a trust or trustee acting with regard to property held in trust, the financing statement must:

- Provide the name for the trust in its organic record or, if no name is specified, the settlor's name and additional information to distinguish the debtor from other trusts with one or more of the same settlors; and
- Indicate in the debtor’s name or otherwise that the debtor is a trust or trustee acting for trust property.

In other cases, if the debtor has a name, current law requires the financing statement to provide the debtor’s individual or organizational name. If the debtor does not have a name, it must provide the names of the partners, members, associates, or other persons comprising the debtor.

**Claim Concerning Inaccurate or Wrongfully Filed Record**

Current law authorizes the debtor to file a correction statement: a claim that a financing statement filed against it was in fact unauthorized. While this filing has no legal effect on the underlying claim, it does put in the public record the debtor's claim that the financing statement was wrongfully filed.

**Perfection of Security Interests**

“Perfection of a security interest gives constructive notice to the world of the claim or interest of the one asserting it.” Article 9 provides guidelines for the continued perfection of security interests that have been perfected according to the law of another jurisdiction. Generally, a security interest perfected according to another jurisdiction’s or state’s law is not automatically “unperfected.” Current law provides that a security interest perfected by filing continues for 4 months after the jurisdiction in which the debtor is located changes. However, this temporary period of perfection applies only with respect to collateral owned by the debtor at the time of the change. Even if the security interest attaches to after-acquired collateral, there is currently no perfection with respect to such new collateral, unless and until the secured party perfects pursuant to the law of the new jurisdiction.

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9 Current law provides that a registered organization is “an organization organized solely under the law of a single state or the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized.” See. S. 679.1021(1)(qqq), F.S.
10 Section 679.518, F.S.
12 Section 679.3161, F.S.
**Control of Electronic Chattel Paper**

Current law provides that control of electronic chattel paper is the functional equivalent of possession of tangible chattel paper. “Chattel paper” is a record or records that show both a monetary obligation and a security interest in specific goods.\(^{13}\) “Electronic chattel paper” is “chattel paper evidenced by record or records consisting of information stored in an electronic medium.”\(^{14}\) Current law provides that a secured party has control of electronic chattel paper if the record comprising the chattel paper are created, stored and assigned according to six requirements.\(^{15}\)

**III. Effect of Proposed Changes:**

Section 1 amends s. 679.1021, F.S., to revise the definitions of “authenticate” and “certificate of title,” as well as insert a new definition for “public organic record.”

The definition for “authenticate” will now mean to sign or, “with the present intent, to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.”

“Certificate of title” is also amended to specify that the “term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest at issue to be indicated on the record as a condition or result of the security interest’s obtaining priority over the rights of a lien creditor with respect to the collateral.”

Lastly, this section defines a “public organic record” as follows: a record that is available to the public for inspection that is as follows: a record consisting of the record initially filed with or issued by a state or the United States (U.S.) to form or organize an organization and any record filed with or issued by the state or the United States. that amends or restates the initial record; an organic record of a business trust consisting of the record initially filed with a state and any record filed with the state that amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or a record consisting of legislation enacted by the Legislature of a state or U.S. Congress that forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States that amends or restates the name of the organization.

Section 2 amends s. 679.1051, F.S., to specify that a secured party has control of electronic chattel paper if a system employed for evidencing the transfer or interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

Additionally, copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party. Also, all references to “revisions” are replaced with the term “amendments.”

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\(^{13}\) Section 679.1021(1)(k), F.S.  
\(^{14}\) Section 679.1021(1)(ee), F.S.  
\(^{15}\) See s. 679.1051, F.S.
Section 3 amends s. 679.3071, F.S., to specify that an organization may designate its state of location by designating its main office, home office, or other comparable office.

Section 4 amends s. 679.3111, F.S., by clarifying the requirement of a certificate of title under current law when the statute of a particular jurisdiction requires such a document as a condition to filing.

Section 5 amends s. 679.3161, F.S., by revising the law as it relates to the effect of a change in governing law to the collateral of a security interest within 4 months after a debtor changes its location to another jurisdiction.

As such, a financing statement filed before the change of the debtor’s location pursuant to the law of the jurisdiction designated is effective to perfect a security interest in the collateral if the financing statement would have been effective had the debtor not changed its location. In such cases, if a security interest that is perfected becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated or the 4 month period, then it remains perfected. However, if the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

Additionally, if a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated and the new debtor is located in another jurisdiction, then the financing statement is effective to perfect a security interest in collateral in which the new debtor has or acquires right within 4 months after the new debtor becomes bound. This rule is subject to the condition that the financing statement would have been effective to perfect a security interest in the collateral if the collateral had been acquired by the original debtor.

Similarly, a security interest for a new debtor that is perfected by the financing statement and that becomes perfected under the law of the other jurisdiction before the earlier of the expiration of the 4 month period or the time the financing statement would have become ineffective under the law of the jurisdiction designated remains perfected. Conversely, a security interest that is perfected by the financing statement, but that does not become perfected under the law of the other jurisdiction before the earlier time or event, becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

Section 6 amends s. 679.3171, F.S., by referring to accounts, electronic chattel paper, electronic documents, general intangibles, or investment property as collateral. As such, a licensee of a general intangible or a buyer, but not a secured party, of collateral other than tangible chattel paper, tangible documents, goods, instruments, or a certified security takes free of a security interest, if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

Section 7 amends s. 679.326, F.S., to provide that a security interest that is created by a new debtor in collateral for which the new debtor has or acquires rights and is perfected by a filed financing statement that would be ineffective to perfect the security interest but for the
application of some other specified statute found in this chapter is subordinate to a security interest in the same collateral that is perfected other than by such a filed financing statement.

**Section 8** amends s. 679.4061, F.S., to provide that the limitations reflected in subparagraph (4) do not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under s. 679.610, F.S., or an acceptance of collateral under s. 679.620, F.S.

**Section 9** amends s. 679.4081, F.S., to provide that restrictions on assignments of promissory notes concerning health-care insurance receivable apply only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under s. 679.610, F.S., or an acceptance of collateral, under s. 679.620, F.S.

**Section 10** amends 679.5021, F.S., to specify that the record of a mortgage satisfies the requirements for a financing statement, although it need not indicate that it is to be filed in the real property records, and provides the individual name of the debtor or the surname and first personal name of the debtor.

**Section 11** amends s. 679.5031, F.S., to provide that a financing statement sufficiently provides the name of the debtor when the debtor is a registered organization or the collateral is held in a trust that is a registered organization only if the financing statement provides the registered organization’s name on the public organic record most recently filed with, issued, or enacted by the registered organization’s jurisdiction of organization that purports to state, amend, or restate the registered organization’s name.

Similarly, if the collateral is being administered by the personal representative of a decedent, the financing statement is sufficient if it provides, as the name of the debtor, the name of the decedent, and in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative.

In contrast, if the collateral is held in a trust that is not a registered organization, a financing statement will sufficiently provide the name of the debtor if the financing statement provides for the name of the trust as reflected in the organic record or, if the name is not specified, then the name of the settlor or testator. Additionally, a document will also be considered sufficient if in a separate part of the financing statement the name is provided indicating that that the collateral is held in trust or provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlor or the same testator, which indicates that their collateral is held in a trust.

Additionally, a financing statement will sufficiently provide the name of the debtor if the debtor is an individual to whom this state has issued a driver license or personal identification card that has not expired and that name matches the one reflected in the financing statement. Also, if the individual does not have a driver license or personal identification card, then the financing statement will be sufficient if it provides the individual name of the debtor or the surname and first personal name of the debtor and, in the case of an organization, the organization’s name. Likewise, if the debtor does not have a name, then a financing statement will sufficiently provide the name of the debtor if it provides the names of the partners, members, associates, or other
persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

Finally, the name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the name of the decedent. Also, if the state has issued to an individual more than one driver license or personal identification card, then the one most recently issued is the one to be used.

As used in this section the term “name of settlor” means a registered organization, the name of the registered organization indicated on the public organic record filed with or issued or enacted by the registered organization’s jurisdiction of organizational or, in other cases, the name of the settler or testator indicated in the trust’s organic record.

Section 12 amends s. 679.5071, F.S., to provide that if the name in a filed financing statement provided for a debtor becomes insufficient as the name of the debtor, then the financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the filed financing statement becomes seriously misleading. Similarly, the financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the filed financing statement becomes seriously misleading, unless an amendment which renders the financing statement not seriously misleading is filed within 4 months after that event.

Section 13 amends s. 679.515, F.S., to provide that if a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

Section 14 amends s. 679.516, F.S., to replace the term “correction statement” with “information statement.” Furthermore, filing does not occur with respect to a record that a filing office refuses to accept because, in the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not provide a mailing address for the debtor or indicate whether the name provided as the name of the debtor is the name of an individual or an organization.

Section 15 amends s. 679.518, F.S., to update references to “information statement,” as well as provide that a person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so.

Additionally, an information statement under this section must do the following: identify the record to which it relates by file number assigned to the initial financing; indicate that it is an information statement; and provide the basis for the person’s belief that the record is inaccurate and indicate the manner in which the person believes the basis for the person’s belief that the record was wrongfully filed.

Section 16 amends s. 679.607, F.S., to specify that a secured party’s sworn affidavit in recordable form stating that a default has occurred with respect to the obligation secured by the
mortgage, among other things, is required in order to enforce a mortgage nonjudicially outside this state.


Section 678.801, F.S., creates a saving clause stating that, except as otherwise provided in this part, this part applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before July 1, 2013. Amendments to this chapter by this act do not affect an action, case, or proceeding commenced before July 1, 2013.

Section 679.802, F.S., provides that a security interest that is a perfected security interest immediately before July 1, 2013, is a perfected security interest under this chapter, on July 1, 2013, if the applicable requirements for attachment and perfection under this chapter are satisfied without further action. Note that if the applicable requirements for perfection under this chapter are not satisfied on July 1, 2013, then the security remains perfected thereafter only if the applicable requirements for perfection are satisfied no later than July 1, 2014.

Section 679.803, F.S., specifies that a security interest that is an unperfected security interest immediately before July 1, 2013, becomes a perfected security interest without further action on July 1, 2013, if the applicable requirements for perfection under this chapter are satisfied or when the applicable requirements for perfection are satisfied, if the requirements are satisfied after that time.

Section 679.804, F.S., provides that the filing of a financing statement before July 1, 2013, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this chapter. Amendments to this chapter do not render ineffective an effective financing statement that was filed before July 1, 2013, and satisfied the applicable requirements for perfection under the law of the jurisdiction governing perfection as it existed before July 1, 2013.

However, except as otherwise provided, the financing statement ceases to be effective under the following circumstances: the financing statement is filed in this state, at the time the financing statement would have ceased to be effective had this act not taken effect; or if the financing statement is filed in another jurisdiction, at the earlier of, the time the financing statement would have ceased to be effective under the law of that jurisdiction or by June 30, 2018.

Note that the June 30, 2018, filing date applies to a financing statement that was filed before July 1, 2013, against a transmitting utility that satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this chapter as it existed before July 1, 2013, to the extent that this chapter provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

The filing of a continuation statement on or after July 1, 2013, does not continue the effectiveness of the financing statement filed before July 1, 2013. However, on the timely filing of a continuation statement on or after July 1, 2013, and in accordance with the law of the
jurisdiction governing perfection, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2013, continues for the period provided by the law of that jurisdiction.

A financing statement that includes a financing statement filed before July 1, 2013, or a continuation statement filed on or after July 1, 2013, is effective only to the extent that it satisfies the requirements of part V, as amended by this act, for an initial financing statement. A financing statement that indicates that the debtor is a decedent’s estate indicates that the collateral is being administered by a personal representative. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust, as amended by this act.

Section 679.805, F.S., provides that the filing of an initial financing statement with the Clerk of Court or Florida Secured Transaction Registry continues the effectiveness of a financing statement filed before July 1, 2013, under the following circumstances: the filing of an initial financing statement in that office would be effective to perfect a security interest under this chapter; the financing statement filed before July 1, 2013, was filed in an office in another state; and the initial financing statement satisfied certain requirements.

To be effective, an initial financing statement must meet the following additional requirements: satisfy the requirements of part IV, as amended by this act, for an initial financing statement; identify the filing statement filed before July 1, 2013, by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and indicate that the financing statement filed before July 1, 2013, remains ineffective.

The filing of an initial financing statement continues the effectiveness of the financing statement filed before July 1, 2013: the initial financing statement is filed before July 1, 2013, for the period provided in the statute, as it existed before its amendment by this act, with respect to an initial financing statement and the initial financing statement is filed on or after July 1, 2013, for the period provided in this act with respect to an initial financing statement.

Section 679.806, F.S., provides that on or after July 1, 2013, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a financing statement only filed before July 1, 2013, in accordance with the law of the jurisdiction governing perfection as provided in this chapter. However, the effectiveness of a financing statement filed before July 1, 2013, also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

Unless as otherwise provided, if the law of this state governs perfection of a security interest, the information in a financing statement filed before July 1, 2013, may be amended after July 1, 2013, only as follows: the financing statement is filed before July 1, 2013, and an amendment is filed with the Clerk of Court or the Florida Secured Transaction Registry; an amendment is filed in that office concurrently with, or after the filing in that office, of an initial financing statement.
that satisfies s. 679.805(3), F.S., or an initial financing statement that provides the information as amended and satisfies s. 679.805(3), F.S., is filed in the office.

Lastly, if the law of this state governs perfection of a security interest, the effectiveness of a financing statement filed before July 1, 2013, may be continued only under s. 679.804(3) and (5), F.S., or s. 679.805, F.S. Irrespective of whether or not the law of this state governs perfection of a security interest, the effectiveness of a financing statement filed in this state before July 1, 2013, may be terminated on or after July 1, 2013, by filing a termination statement in the office in which the financing statement filed before July 1, 2013, is filed, unless an initial financing statement that satisfied s. 679.805(3), F.S., has been filed in the office specified by the law of the jurisdiction governing perfection as provided in this chapter as the office in which to file a financing statement.

Section 679.807, F.S., specifies that a person may file an initial financing statement or a continuation statement under this part to continue the effectiveness of a financing statement filed before July 1, 2013, or perfect or continue the perfection of a security interest.

Section 679.808, F.S., states that this part and the amendments to this chapter made by this act determine the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before July 1, 2013, this chapter as it existed before July 1, 2013, determines priority.

Section 18 amends s. 680.1031, F.S., to correct a cross-reference.

Section 19 creates an undesignated section directing the Division of Statutory Revision to replace the phrase “this act” wherever it occurs in certain enumerated sections within the assigned chapter number of the act.

Section 20 provides that this act shall take effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.
V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled

An act relating to the Uniform Commercial Code;
revising and providing provisions of the Uniform
Commercial Code relating to secured transactions to
conform to the revised Article 9 of the Uniform
Commercial Code as prepared by the National Conference
of Commissioners on Uniform State Laws; amending s.
679.1021, F.S.; revising and providing definitions;
amending s. 679.1051, F.S.; revising provisions
relating to control of electronic chattel paper;
amending s. 679.3071, F.S.; revising provisions
relating to the location of debtors; amending s.
679.3111, F.S.; making editorial changes; amending s.
679.3161, F.S.; providing rules that apply to certain
collateral to which a security interest attaches;
providing rules relating to certain financing
statements; amending s. 679.3171, F.S.; revising
provisions relating to interests that take priority
over or take free of a security interest or
agricultural lien; amending s. 679.326, F.S.; revising
priority of security interests created by a new
debtor; amending ss. 679.4061 and 679.4081, F.S.;
revising application; amending s. 679.5021, F.S.;
revising when a record of a mortgage satisfying the
requirements of ch. 697, F.S., is effective as a
filing statement; amending s. 679.5031, F.S.; revising
when a financing statement sufficiently provides the
name of the debtor; amending s. 679.5071, F.S.;
revising the effect of certain events on the
effectiveness of a financing statement; amending s.
679.515, F.S.; revising the duration and effectiveness
of a financing statement; amending s. 679.516, F.S.;
revising instances when filing does not occur with
respect to a record that a filing office refuses to
accept; amending s. 679.518, F.S.; revising
requirements for claims concerning an inaccurate or
wrongfully filed record; amending s. 679.607, F.S.;
revising recording requirements for the enforcement of
mortgages nonjudicially outside this state; creating
part VIII of ch. 679, F.S., relating to transition
from prior law under the chapter to law under the
chapter as amended by the act; creating s. 679.801,
F.S.; providing scope of application and limitations;
creating s. 679.802, F.S.; providing that security
interests perfected under prior law that also satisfy
the requirements for perfection under the act remain
effective; creating s. 679.803, F.S.; providing that
security interests unperfected under prior law but
that satisfy the requirements for perfection under
this act will become effective July 1, 2013; creating
s. 679.804, F.S.; providing when financing statements
effective under prior law in a different jurisdiction
remain effective; creating s. 679.805, F.S.; requiring
the recording of a financing statement in lieu of a
continuation statement under certain conditions;
providing for the continuation of the effectiveness of
a financing statement filed before the effective date
of the act under certain conditions; creating s.
Florida Senate - 2012 SB 1090

- Words stricken are deletions; words underlined are additions.

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

Section 1. Paragraphs (ooo) through (aaaa) of subsection (1) of section 679.1021, Florida Statutes, are redesignated as paragraphs (ppp) through (bbbb), respectively, a new paragraph (ooo) is added to that subsection, and present paragraphs (g), (j), (xx), and (qqq) of subsection (1) of that section are amended to read:

679.1021 Definitions and index of definitions.—
(1) In this chapter, the term:
(g) “Authenticate” means:
1. To sign; or
2. To execute or otherwise adopt a symbol, or encrypt or similarly processo a record in whole or in part. With the present intent of the authenticating person to identify the person and adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.

Certificate of title” means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest’s obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest’s obtaining priority over the rights of a lien creditor with respect to the collateral.

“Jurisdiction of organization,” with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

“Public organic record” means a record that is available to the public for inspection and that is:
1. A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States that amends or restates the initial record;
2. An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state that amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or
3. A record consisting of legislation enacted by the Legislature of a state or the Congress of the United States that forms or organizes an organization, any record amending the...
(rrr) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by and as to which the state or the United States must maintain a public record showing the organization to have been organized. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

Section 2. Section 679.1051, Florida Statutes, is amended to read:

679.1051 Control of electronic chattel paper.—
(1) A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.
(2) A system satisfies subsection (1), and a secured party has control of electronic chattel paper, if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

(a) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in paragraphs (d), (e), and (f) subsections (1), (5), and (6), unalterable;
(b) The authoritative copy identifies the secured party

Section 3. Subsection (6) of section 679.3071, Florida Statutes, is amended to read:

679.3071 Location of debtor.—
(6) Except as otherwise provided in subsection (9), a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located:

(a) In the state that the law of the United States designates, if the law designates a state of location;
(b) In the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location, including by designating its main office, home office, or other comparable office; or
(c) In the District of Columbia, if neither paragraph (a)

Section 4. Paragraph (c) of subsection (1) of section...
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679.311, Florida Statutes, is amended to read:

679.311 Perfection of security interests in property
subject to certain statutes, regulations, and treaties.—

(1) Except as otherwise provided in subsection (4), the
filing of a financing statement is not necessary or effective to
perfect a security interest in property subject to:

(c) A certificate of title statute of another jurisdiction
which provides for a security interest to be indicated on a certificate of title as a condition or result of the security
interest’s obtaining priority over the rights of a lien creditor
with respect to the property.

Section 5. Subsections (8) and (9) are added to section
679.3161, Florida Statutes, to read:

679.3161 Effect of continued perfection of security interest
following change in governing law.—

(8) The following rules apply to collateral to which a
security interest attaches within 4 months after the debtor
changes its location to another jurisdiction:

(a) A financing statement filed before the change of the
debtor’s location pursuant to the law of the jurisdiction
designated in s. 679.3011(1) or s. 679.3051(3) is effective to
perfect a security interest in the collateral if the financing
statement would have been effective to perfect a security
interest in the collateral if the debtor had not changed its
location.

(b) If a security interest that is perfected by a financing
statement that is effective under paragraph (a) becomes
perfected under the law of the other jurisdiction before the
earlier of the time the financing statement would have become
ineffective under the law of the jurisdiction designated in s.
679.3011(1) or s. 679.3051(3) or the expiration of the 4-month
period, it remains perfected thereafter. If the security
interest does not become perfected under the law of the other
jurisdiction before the earlier time or event, it becomes
unperfected and is deemed never to have been perfected as
against a purchaser of the collateral for value.

(9) If a financing statement naming an original debtor is
filed pursuant to the law of the jurisdiction designated in s.
679.3011(1) or s. 679.3051(3) and the new debtor is located in
another jurisdiction, the following rules apply:

(a) The financing statement is effective to perfect a
security interest in collateral in which the new debtor has or
acquires rights before or within 4 months after the new debtor
becomes bound under s. 679.2031(4), if the financing statement
would have been effective to perfect a security interest in the
collateral if the collateral had been acquired by the original
debtor.

(b) A security interest that is perfected by the financing
statement and that becomes perfected under the law of the other
jurisdiction before the earlier of the expiration of the 4-month
period or the time the financing statement would have become
ineffective under the law of the jurisdiction designated in s.
679.3011(1) or s. 679.3051(3) remains perfected thereafter. A
security interest that is perfected by the financing statement
but that does not become perfected under the law of the other
jurisdiction before the earlier time or event becomes
unperfected and is deemed never to have been perfected as
against a purchaser of the collateral for value.
Section 6. Subsections (2) and (4) of section 679.3171, Florida Statutes, are amended to read:

679.3171 Interests that take priority over or take free of security interest or agricultural lien.—

(2) Except as otherwise provided in subsection (5), a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a certified security certificate, takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(4) A licensee of a general intangible or a buyer, other than a secured party, of collateral accounts, electronic chattel paper, electronic documents, general intangibles, or investment property other than tangible chattel paper, tangible documents, goods, instruments, or a certified security certificate takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

Section 7. Section 679.326, Florida Statutes, is amended to read:

679.326 Priority of security interests created by new debtor.—

(1) Subject to subsection (2), a security interest that is created by a new debtor in collateral in which the new debtor has or acquires rights and which is perfected by a filed financing statement that would be ineffective to perfect the security interest but for the application of s. 679.508 or ss. 679.508 and 679.3161(9)(a) is effective solely under s. 679.508 in collateral in which a new debtor has or acquires rights is subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement that is effective solely under s. 679.508.

(2) The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements described in subsection (1) that are effective solely under s. 679.508.

However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor’s having become bound.

Section 8. Subsection (5) of section 679.4061, Florida Statutes, is amended to read:

679.4061 Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.—

(5) Subsection (4) does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under s. 679.610 or an acceptance of collateral under s. 679.620.

Section 9. Subsection (2) of section 679.4081, Florida Statutes, is amended to read:

679.4081 Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.—

(2) Subsection (1) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or...
promissory note, other than a sale pursuant to a disposition under s. 679.610 or an acceptance of collateral under s. 679.620.

Section 10. Subsection (3) of section 679.5021, Florida Statutes, is amended to read:

679.5021 Contents of financing statement; record of mortgage as financing statement; time of filing financing statement.—

(3) A record of a mortgage satisfying the requirements of chapter 697 is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(a) The record of a mortgage indicates the goods or accounts that it covers;

(b) The goods are or are to become fixtures related to the real property described in the record of a mortgage or the collateral is related to the real property described in the mortgage and is as-extracted collateral or timber to be cut;

(c) The record of a mortgage satisfies comply with the requirements for a financing statement in this section, although:

1. The record of a mortgage need not indicate other than an indication that it is to be filed in the real property records; and

2. The record of a mortgage sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom s.
1. Provides, as the name of the debtor:
   a. If the organic record of the trust specifies a name, if
      any, specified for the trust, the in its organic documents or,
      if no name so is specified; or
   b. If the organic record of the trust does not specify a
      name for the trust, provides the name of the settlor or testator
      and additional information sufficient to distinguish a debtor
      from other trusts having one or more of the same settlors; and
   2. In a separate part of the financing statement:
      a. If the name is provided in accordance with sub-
         subparagraph 1.a., indicates, in the debtor’s name or otherwise,
         that the collateral debtor is held in a trust or is a trustee
         acting with respect to property held in trust; or
      b. If the name is provided in accordance with sub-
         subparagraph 1.b., provides additional information sufficient to
         distinguish the trust from other trusts having one or more of
         the same settlors or the same testator and indicates that the
         collateral is held in a trust, unless the additional information
         so indicates;
   (d) Subject to subsection (7), if the debtor is an
      individual to whom this state has issued a driver license that
      has not expired or to whom the agency of this state that issues
      driver licenses has issued, in lieu of a driver license, a
      personal identification card that has not expired, only if the
      financing statement provides the name of the individual that is
      indicated on the driver license or personal identification card;
   (e) If the debtor is an individual to whom paragraph (d)
      does not apply, only if the financing statement provides the
      individual name of the debtor or the surname and first personal

CODING: Words stricken are deletions; words underlined are additions.
(b) In other cases, the name of the settlor or testator indicated in the trust’s organic record.

Section 12. Subsection (3) of section 679.5071, Florida Statutes, is amended to read:

679.5071 Effect of certain events on effectiveness of financing statement.—

(3) If the debtor so changes its name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under s. 679.5031(1) so that the financing statement becomes seriously misleading under the standard set forth in s. 679.5061:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the filed financing statement becomes seriously misleading change; and

(b) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the filed financing statement becomes seriously misleading change, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within 4 months after that event the change.

Section 13. Subsection (6) of section 679.515, Florida Statutes, is amended to read:

679.515 Duration and effectiveness of financing statement; effect of lapsed financing statement.—

(6) If a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

3. In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor’s surname last name and first personal name;

4. In the case of a record filed or recorded in the filing organization’s jurisdiction of organization; or

(b) In other cases, the name of the settlor or testator indicated in the trust’s organic record.

Section 12. Subsection (3) of section 679.5071, Florida Statutes, is amended to read:

679.5071 Effect of certain events on effectiveness of financing statement.—

(3) If the debtor so changes its name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under s. 679.5031(1) so that the financing statement becomes seriously misleading under the standard set forth in s. 679.5061:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the filed financing statement becomes seriously misleading change; and

(b) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the filed financing statement becomes seriously misleading change, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within 4 months after that event the change.

Section 13. Subsection (6) of section 679.515, Florida Statutes, is amended to read:

679.515 Duration and effectiveness of financing statement; effect of lapsed financing statement.—

(6) If a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

3. In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor’s surname last name and first personal name;

or
(d) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide an organization’s name or, if an individual, the individual’s last name and first name and mailing address for the secured party of record;

(e) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

1. Provide a mailing address for the debtor; or

2. Indicate whether the name provided as the name of the debtor is the name of an individual or an organization; or

3. If the financing statement indicates that the debtor is an organization, provides:
   a. A type of organization for the debtor;
   b. A jurisdiction of organization for the debtor; or
   c. An organizational identification number for the debtor or indicate that the debtor has none;

(f) In the case of an assignment reflected in an initial financing statement under s. 679.514(1) or an amendment filed under s. 679.514(2), the record does not provide an organization’s name or, if an individual, the individual’s last name and first name and mailing address for the assignee;

(g) In the case of a continuation statement, the record is not filed within the 6-month period prescribed by s. 679.515(4);

(h) In the case of an initial financing statement or an amendment, which amendment requires the inclusion of a collateral statement but the record does not provide any, the record does not provide a statement of collateral; or

   (i) The record does not include the notation required by s. 201.22 indicating that the excise tax required by chapter 201 had been paid or is not required.

Section 15. Section 679.518, Florida Statutes, is amended to read:

[Redacted text]

(1) A person may file in the filing office an information statement with respect to a record indexed there under the person’s name if the person believes that the record is inaccurate or was wrongfully filed.

(2) An information correction statement under subsection (1) must:

(a) Identify the record to which it relates by the file number assigned to the initial financing statement, the debtor, and the secured party of record to which the record relates;

(b) Indicate that it is an information correction statement; and

(c) Provide the basis for the person’s belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person’s belief that the record was wrongfully filed.

(3) A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing.
subsection (3) must:
(a) Identify the record to which it relates by file number
assigned to the initial financing statement to which the record relates;
(b) Indicate that it is an information statement; and
(c) Provide the basis for the person’s belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person’s belief that the record was wrongfully filed.

(5) The filing of an information correction statement does not affect the effectiveness of an initial financing statement or other filed record.

Section 16. Subsection (2) of section 679.607, Florida Statutes, is amended to read:
679.607 Collection and enforcement by secured party.—
(2) If necessary to enable a secured party to exercise under paragraph (1)(c) the right of a debtor to enforce a mortgage nonjudicially outside this state, the secured party may record in the office in which a record of the mortgage is recorded:
(a) A copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and
(b) The secured party’s sworn affidavit in recordable form stating that:

1. A default has occurred with respect to the obligation secured by the mortgage; and
2. The secured party is entitled to enforce the mortgage nonjudicially outside this state.

Section 17. Part VIII of chapter 679, Florida Statutes, consisting of sections 679.801, 679.802, 679.803, 679.804, 679.805, 679.806, 679.807, and 679.808, Florida Statutes, is created to read:
679.801 Saving clause.—
(1) Except as otherwise provided in this part, this part applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before July 1, 2013.
(2) The amendments to this chapter by this act do not affect an action, case, or proceeding commenced before July 1, 2013.

679.802 Security interest perfected before effective date.—
(1) A security interest that is a perfected security interest immediately before July 1, 2013, is a perfected security interest under this chapter, as amended by this act, on July 1, 2013, if the applicable requirements for attachment and perfection under this chapter, as amended by this act, are satisfied without further action.
(2) Except as otherwise provided in s. 679.804, if a security interest is a perfected security interest immediately before July 1, 2013, but the applicable requirements for perfection under this chapter, as amended by this act, are not satisfied on July 1, 2013, the security interest remains perfected thereafter only if the applicable requirements for perfection are satisfied on or before July 1, 2013.
perfection under this chapter, as amended by this act, are satisfied no later than July 1, 2014.

679.803 Security interest unperfected before effective date. A security interest that is an unperfected security interest immediately before July 1, 2013, becomes a perfected security interest:

(1) Without further action, on July 1, 2013, if the applicable requirements for perfection under this chapter, as amended by this act, are satisfied before or at that time; or

(2) When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

679.804 Effectiveness of action taken before effective date.—

(1) The filing of a financing statement before July 1, 2013, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this chapter, as amended by this act.

(2) The amendments to this chapter by this act do not render ineffective an effective financing statement that was filed before July 1, 2013, and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this chapter as it existed before July 1, 2013. However, except as otherwise provided in subsections (3) and (4) and s. 679.805, the financing statement ceases to be effective:

(a) If the financing statement is filed in this state, at the time the financing statement would have ceased to be effective had this act not taken effect; or

(b) If the financing statement is filed in another jurisdiction, at the earlier of:

1. The time the financing statement would have ceased to be effective under the law of that jurisdiction; or


(3) The filing of a continuation statement on or after July 1, 2013, does not continue the effectiveness of the financing statement filed before July 1, 2013. However, on the timely filing of a continuation statement on or after July 1, 2013, and in accordance with the law of the jurisdiction governing perfection as provided in this chapter, as amended by this act, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2013, continues for the period provided by the law of that jurisdiction.

(4) Subparagraph (2)(b)2., applies to a financing statement that was filed before July 1, 2013, against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this chapter as it existed before July 1, 2013, only to the extent that this chapter, as amended by this act, provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(5) A financing statement that includes a financing statement filed before July 1, 2013, or a continuation statement filed on or after July 1, 2013, is effective only to the extent that it satisfies the requirements of part V, as amended by this act, for an initial financing statement. A financing statement that indicates that the debtor is a decedent’s estate indicates
that the collateral is being administered by a personal representative within the meaning of s. 679.5031(1)(b), as amended by this act. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of s. 679.5031(1)(c), as amended by this act.

679.805 When initial financing statement suffices to continue effectiveness of financing statement.—

(1) The filing of an initial financing statement in the office specified in s. 679.5011 continues the effectiveness of a financing statement filed before July 1, 2013, if:
   (a) The filing of an initial financing statement in that office would be effective to perfect a security interest under this chapter, as amended by this act;
   (b) The financing statement filed before July 1, 2013, was filed in an office in another state; and
   (c) The initial financing statement satisfies subsection (3).

(2) The filing of an initial financing statement under subsection (1) continues the effectiveness of the financing statement filed before July 1, 2013, if:
   (a) The initial financing statement is filed before July 1, 2013, for the period provided in s. 679.515, as it existed before its amendment by this act, with respect to an initial financing statement; and
   (b) The initial financing statement is filed on or after July 1, 2013, for the period provided in s. 679.515, as amended by this act, with respect to an initial financing statement.

(3) To be effective for purposes of subsection (1), an initial financing statement must:
   (a) Satisfy the requirements of part IV, as amended by this act, for an initial financing statement;
   (b) Identify the financing statement filed before July 1, 2013, by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and
   (c) Indicate that the financing statement filed before July 1, 2013, remains effective.

679.806 Amendment of financing statement filed before July 1, 2013.—

(1) On or after July 1, 2013, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a financing statement only filed before July 1, 2013, in accordance with the law of the jurisdiction governing perfection as provided in this chapter, as amended by this act. However, the effectiveness of a financing statement filed before July 1, 2013, also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(2) Except as otherwise provided in subsection (3), if the law of this state governs perfection of a security interest, the information in a financing statement filed before July 1, 2013, may be amended after July 1, 2013, only if:
   (a) The financing statement filed before July 1, 2013, and any amendment are filed in the office specified in s. 679.5011;
(b) An amendment is filed in the office specified in s. 679.5011 concurrently with, or after the filing in that office of, an initial financing statement that satisfies s. 679.805(3); or

(c) An initial financing statement that provides the information as amended and satisfies s. 679.805(3) is filed in the office specified in s. 679.5011.

(3) If the law of this state governs perfection of a security interest, the effectiveness of a financing statement filed before July 1, 2013, may be continued only under s. 679.804(3) and (5) or s. 679.805.

(4) Whether or not the law of this state governs perfection of a security interest, the effectiveness of a financing statement filed in this state before July 1, 2013, may be terminated on or after July 1, 2013, by filing a termination statement in the office in which the financing statement filed before July 1, 2013, is filed, unless an initial financing statement that satisfies s. 679.805(3) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in this chapter, as amended by this act, or as the office in which to file a financing statement.

679.807 Person entitled to file initial financing statement or continuation statement.—A person may file an initial financing statement or a continuation statement under this part if:

1. The secured party of record authorizes the filing; and
2. The filing is necessary under this part:
   a. To continue the effectiveness of a financing statement filed before July 1, 2013; or

Section 18. Paragraph (m) of subsection (3) of section 680.1031, Florida Statutes, is amended to read:

"Pursuant to a commitment,” s. 679.1021(1)(ppp) or s. 679.1021(1)(ooo)."

Section 19. The Division of Statutory Revision is directed to replace the phrase “this act” wherever it occurs in sections 679.801, 679.802, 679.803, 679.804, 679.805, 679.806, 679.807, and 679.808, Florida Statutes, with the assigned chapter number of this act.

Section 20. This act shall take effect July 1, 2013.
January 27, 2012

Honorable Alan Hays, Chair
Committee on General Government Appropriations
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Hays:

Senate Bill 1090, related to revising the Uniform Commercial Code, has been referred to General Government Appropriations as its third committee of reference. The bill has passed its two previous committee stops by unanimous vote. I would appreciate the placing of this bill on the committee’s next agenda.

Thank you for your consideration.

Sincerely,

Garrett Richter

cc: Jamie DeLoach, Staff Director
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 2-2-2012

Bill Number SB 1090

Topic UCC

Bill Number (if applicable)

Name BILL WILEY

Amendment Barcode (if applicable)

Job Title ATTORNEY

Phone 850-545-9438

Address 1647 LEITJIA LANE

E-mail wbwmiley@billwileylaw.com

TALLAHASSEE, FL 32312 Zip

Speaking: [ ] For [ ] Against [ ] Information

Representing BUSINESS LAW SECTION, THE FLORIDA BAR

Appearing at request of Chair: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)
The Florida Senate

Appearance Record

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12

Meeting Date

Topic 1090-UCC Art. 9

Bill Number 1090

(name applicable)

Name Kim Siomkos

Amendment Barcode

(Job Title applicable)

Job Title Asst. V P of Gov Relations

Phone 801-317-4704

Address Thomasville Rd Suite 201

E-mail KSIOMKOS@FloridaBankers.com

Street Tallahassee

City State Zip 32302

Speaking: [ ] For [ ] Against [ ] Information

Representing Florida Bankers Association

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
I. **Summary:**

SB 1112 deletes provisions that provide for the establishment and responsibilities of the Minority Business Certification Task Force (task force). The task force is a statutorily created advisory group attached to the Office of Supplier Diversity within the Department of Management Services (DMS). The task force has fulfilled its statutory responsibility to propose uniform minority business certification criteria. The Florida Advisory Council on Small and Minority Business Development can pursue reciprocal agreements with other certification entities under its existing statutory authority, and has already provided input and guidance in this context to the Office of Supplier Diversity.

Abolishing the task force was recommended by the Office of Program Policy Analysis & Government Accountability as part of its sunset review of DMS.

There is no fiscal impact associated with the abolishment of the non-operational task force.

This bill substantially amends s. 287.0943, F.S.

II. **Present Situation:**

During the 2010 Regular Session, the Department of Management Services was among the departments that the Legislature reviewed under the Florida Government Accountability Act.\(^1\)\(^2\)

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\(^2\) See s. 11.905, F.S. (2010).
The act previously subjected most state agencies to a sunset review process to determine whether the agency should be retained, modified, or abolished. Part of that review included an examination of agency advisory committees. ³

Two statutorily created advisory committees, the Florida Advisory Council on Small and Minority Business Development and the Minority Business Certification Task Force, are assigned to the Office of Supplier Diversity within the Department of Management Services (DMS) to assist in specified responsibilities. ⁴

The Minority Business Certification Task Force (task force) was created in s. 287.0943, F.S., to propose uniform criteria and procedures by which participating entities and organizations can qualify businesses to participate in procurement or contracting programs as certified minority business enterprises. ⁵,⁶ The primary purpose of the task force is to propose a final list of the criteria and procedures for consideration by the Secretary of DMS. The task force is authorized to seek technical assistance from qualified providers of technical, business, and managerial expertise to ensure the reliability of the certification criteria developed.

The 19-member task force is intended to be regionally balanced and primarily comprised of officials representing governmental entities who administer programs to assist minority businesses procure or develop government-sponsored programs. Six organizations (Florida League of Cities, Florida Association of Counties, Florida School Boards Association, Association of Special Districts, Florida Association of Minority Business Enterprise Officials, and Florida Association of Government Purchasing Officials) are each authorized to appoint two members to the task force. The Office of Supplier Diversity within DMS appoints seven members, consisting of three representatives of minority business enterprises, two office representatives, and two at-large members.

The task force has fulfilled its statutory responsibility to propose uniform minority business certification criteria. DMS placed the criteria in the Florida Administrative Code over 14 years ago. ⁷ According to the Office of Supplier Diversity, the task force has not met in recent years primarily because the use of reciprocal agreements (agreements to accept a business’s certified minority enterprise status issued by other entities) ended in 2003. ⁸ Although the Secretary of DMS wishes to reestablish reciprocal agreements with other certification entities, such as cities

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³ See s. 11.906, F.S. (2010).
⁴ The Office of Supplier Diversity’s function is to improve business and economic opportunities for Florida minority, women, and service-disabled veteran business enterprises. To accomplish this goal the primary functions of the office include certification of business enterprises, advocacy and outreach, and matchmaking activities. See DMS website for information on the responsibilities of the office at http://www.dms.myflorida.com/other_programs/office_of_supplier_diversity_osd.
⁵ See ch. 94-322, L.O.F.
⁶ Pursuant to s. 20.03(8), F.S., a task force created by specific statutory enactment is, by definition, limited to “a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.”
⁸ Id. This information was also confirmed by Mr. Thad Fortune, Certification Administrator (Senior Manager), Office of Supplier Diversity, DMS, via telephone on January 13, 2012.
and school districts, it is not necessary to reconvene the task force to pursue such agreements. Instead, the Florida Advisory Council on Small and Minority Business Development can pursue reciprocal agreements with other certification entities under its existing statutory authority to advise and assist DMS in this general context.\(^9\)

Abolishing the task force was recommended by the Office of Program Policy Analysis & Government Accountability as part of its sunset review of DMS.\(^{10}\)

### III. Effect of Proposed Changes:

The bill abolishes the Minority Business Certification Task Force. Abolishment will have no effect since the statutory responsibility of the task force has been fulfilled, the task force has not been functional for several years, and the statutory authority of the Florida Advisory Council on Small and Minority Business Development permits the council to provide guidance and assistance to the Office of Supplier Diversity in this context.\(^{11}\)

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

\(^{10}\) OPPAGA Sunset Review Report, at 4.
\(^{11}\) According to the Office of Supplier Diversity, the office has begun reaching out to local governments for reciprocal agreements, now referred to as certification agreements. The office has already received some guidance from the Florida Advisory Council on Small and Minority Business Development relating to reciprocal agreements. This information was confirmed by Mr. Thad Fortune at DMS via telephone on January 13, 2012. Mr. Fortune advised that the renewal of use of the task force had been discussed but not pursued by DMS.
C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) and paragraph (e) of subsection (3) of section 287.0943, Florida Statutes, are amended to read:

287.0943 Certification of minority business enterprises.—
(2) (a) The office is hereby directed to convene a "Minority Business Certification Task Force." The task force shall meet as often as necessary, but no less frequently than annually.

(b) The task force shall be regionally balanced and comprised of officials representing the department, counties, municipalities, school boards, special districts, and other political subdivisions of the state who administer programs to assist minority businesses in procurement or development in government-sponsored programs. The following organizations may appoint two members each of the task force who fit the description above:

1. The Florida League of Cities, Inc.
2. The Florida Association of Counties.
3. The Florida School Boards Association, Inc.
4. The Association of Special Districts.
5. The Florida Association of Minority Business Enterprise Officials.

In addition, the Office of Supplier Diversity shall appoint seven members consisting of three representatives of minority business enterprises, one of whom should be a woman business owner, two officials of the office, and two at-large members to ensure balance. A quorum shall consist of one-third of the current members, and the task force may take action by majority vote. Any vacancy may only be filled by the organization or agency originally authorized to appoint the position.

(c) The purpose of the task force will be to propose uniform criteria and procedures by which participating entities and organizations can qualify businesses to participate in procurement or contracting programs as certified minority business enterprises in accordance with the certification criteria established by law.

(d) A final list of the criteria and procedures proposed by the task force shall be considered by the secretary. The task force may seek technical assistance from qualified providers of technical, business, and managerial expertise to ensure the reliability of the certification criteria developed.

(a)(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:
1. Link ownership by a minority person as defined in s. 288.703, or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying minority owner, and to demonstrated expertise or licensure of a minority owner in any trade or profession that the minority business enterprise will offer to the state when certified. Businesses must comply with all state licensing requirements before becoming certified as a minority business enterprise.

2. If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2 consecutive years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement does not apply to minority persons who are otherwise eligible who take a 51-percent-or-greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the firm when certified. A transfer made within a related immediate family group from a nonminority person to a minority person in order to establish ownership by a minority person is shall be deemed to be have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds $1 million. For purposes of this subparagraph, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

3. Require that prospective certified minority business enterprises be currently performing or seeking to perform a useful business function. For purposes of this subparagraph, the term A "useful business function" means as defined as a business function that which results in the provision of materials, supplies, equipment, or services to customers. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. As used in this section, the term "acting as a conduit" means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought, kept in stock, and regularly sold to the public in the usual course of business. Brokers, manufacturer’s representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practices dictate.

(b) If when a business receives payments or awards exceeding $100,000 in any one fiscal year, a review of its certification status or an audit must will be conducted within 2 years. In addition, the Office of Supplier Diversity may, as it deems appropriate, require that random reviews or audits will be conducted as deemed appropriate by the Office of Supplier Diversity.

(c) The certification criteria approved by the task forces and adopted by the Department of Management Services shall be included in a statewide and interlocal agreement as defined in s. 287.09431 and, in accordance with s. 163.01, shall be
executed according to the terms included therein.

(d) The certification procedures should allow an applicant seeking certification to designate on the application form the information the applicant considers to be proprietary, confidential business information. As used in this paragraph, "proprietary, confidential business information" includes, but is not limited to, any information that would be exempt from public inspection pursuant to the provisions of chapter 119; trade secrets; internal auditing controls and reports; contract costs; or other information the disclosure of which would injure the affected party in the marketplace or otherwise violate s. 286.041. The executor in receipt of the application shall issue written and final notice of any information for which noninspection is requested but not provided for by law.

(e) A business that is certified under the provisions of the statewide and interlocal agreement is deemed a certified minority enterprise in all jurisdictions or organizations where the agreement is in effect, and that business is deemed available to do business as such within any such jurisdiction or with any such organization statewide. All state agencies must accept minority business enterprises certified in accordance with the statewide and interlocal agreement of s. 287.09431, and that business is also deemed a "certified minority business enterprise" as defined in s. 288.703. However, any governmental jurisdiction or organization that administers a minority business purchasing program may reserve the right to establish further certification procedures necessary to comply with federal law.

(f) The statewide and interlocal agreement shall be guided by the terms and conditions found therein and may be amended at any meeting of the task force and subsequently adopted by the secretary of the Department of Management Services. The amended agreement must be enacted, initiated, and legally executed by at least two-thirds of the certifying entities party to the existing agreement and adopted by the state as originally executed in order to bind the certifying entity.

The task force shall meet for the first time no later than 45 days after the effective date of this act.

Any participating program receiving three or more challenges to its certification decisions pursuant to subsection (4) from other organizations that are executors to the statewide and interlocal agreement, is subject to a review by the office, as provided in paragraphs (a) and (b), of the organization's capacity to perform under such agreement and in accordance with the certification core criteria established by the task force. The office shall submit a report to the secretary of the Department of Management Services regarding the results of the review.

Section 2. This act shall take effect July 1, 2012.
1. Summary:

This bill revises definitions in the Florida Right to Farm Act for “farm operation” and “farm product” so that the definitions include honeybee and aquaculture activities and the placement and operation of an apiary. It revises the definition of “apiary” to allow honeybee hives to be placed on agricultural land or land integral to a beekeeping operation, and creates a definition for “apiculture.” The bill grants the Department of Agriculture and Consumer Services (DACS) exclusive authority to regulate, inspect, permit, and determine placement of managed honeybee colonies and authorizes the DACS to adopt rules for this purpose after consulting with local governments and other affected stakeholders.

The bill creates a definition for “farm sign” and exempts a farm sign from the Florida Building Code and any county or municipal code or fee.

This bill substantially amends sections 604.50, 823.14, 586.02, and 586.10 of the Florida Statutes.

1 See s. 823.14(3), F.S., for definitions.
II. Present Situation:

Beekeeping

The Bureau of Plant & Apiary Inspection of the DACS plays a vital role in Florida agriculture as inspectors work to prevent the introduction and establishment of honey bee pests and diseases. Florida’s honey industry ranks among the top five in the nation with an annual worth of $13 million. Seventeen million pounds of honey are produced in Florida each year. Additionally, honeybee operations benefit the state’s fruit and vegetable industry by providing an estimated $20 million in increased production numbers created by managed pollination services for over 100 varieties of popular fruits and vegetables. Florida Apiary Inspectors certify movement of honey bee colonies throughout the state and the nation. The DACS has the most comprehensive state program (e.g., number of inspectors and traps) to prevent the accidental introduction of the unwanted Africanized honey bee.  

The Florida Legislature first provided for inspection and “certification of honey” in 1953 by authorizing the then Commissioner of Agriculture to establish standards of grade and quality to qualify for the label of “certified honey” and further gave the commissioner authority to make rules and regulations as necessary to implement a certification program. This function was transferred to the DACS upon its creation in a 1969 reorganization of the executive branch of government. The laws regulating honey certification were substantially reworded in 1986 and expanded to include regulation of honeybees and honeybee products at which time the Honeybee Technical Council was also created. Currently, chapter 586, F.S., gives the DACS the powers and duties to regulate honeybees, honeybee pests, honeybee products, and beekeeping equipment. Beekeepers are required to register their hives and submit to an annual inspection. Based on inspection programs and inspection results, the DACS also has authority to regulate the certification and labeling of Florida-produced honey and the issuance of certificates of registration and inspection.

Researchers at the University of Florida’s Institute of Food and Agriculture Sciences estimate that as much as 30 percent of all foods in the human diet depend upon pollination by honey bees. In addition, these insects pollinate livestock forage crops such as alfalfa and clover and are also important for dairy, poultry and swine production for that reason.

Florida Right to Farm Act

The Florida Right to Farm Act (act) makes legislative findings that agricultural production is a major contributor to the economy of the state and that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of farm land from agricultural use. The act also prohibits local government from adopting any ordinance, regulation, rule, or

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3 L.O.F. 28167.
4 L.O.F. 69-106.
5 L.O.F. 86-62
7 Section 823.14, F.S.
policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, DACS, or water management districts and adopted under chapter 120 as a part of a statewide or regional program. The definition of “farm operation” in the act does not include honeybee or aquaculture products or the placement of an apiary. Further the definition of “farm product” includes animals useful to humans, but not insects. The act defines apiary, but not apiculture, and is silent as to where an apiary may be located.

Some local governments greatly restrict or ban honey bee colony placement within their jurisdictions with the consequence of reducing pollination of plants and creating a more favorable environment for unwanted, more aggressive African honey bees to colonize. Additionally, honey bees, honey bee products, and aquaculture products are being produced in farming operations but may not be included in the current law as farm products.

### Farm Signs

Section 604.50, F.S., specifies that any nonresidential farm building or farm fence is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products. “Nonresidential farm building” means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c), F.S., or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, F.S., and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house. A farm sign is not specifically exempted from complying with the provisions of s. 604.50, F.S.

### III. Effect of Proposed Changes:

**Section 1** amends s. 823.14, F.S., to revise the definition of “farm operation” to include honeybee and aquaculture activities and to, additionally, include the placement and operation of an apiary. It expands the definition of “farm product” to include “insects” useful to humans.

**Section 2** amends s. 586.02, F.S., to revise the definition of “apiary” to specify that an apiary may be located on land classified as agriculture under s. 193.461, F.S., or on land that is integral to a beekeeping operation. It provides a definition for “apiculture” which is the raising, caring, and breeding of honeybees.

**Section 3** amends s. 586.10, F.S., to preempt to the state the authority to regulate, inspect, and permit managed honeybee colonies and to adopt rules regarding the placement and location of managed colonies which would supersede any local ordinances regarding these matters. It makes

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8 DACS bill analysis for SB 1132, January 10, 2012, on file with the Senate Agriculture Committee.
9 Id.
10 Section 823.14, F.S.
DACS’s enumerated powers and duties mandatory and gives the DACS authority to adopt rules to implement this section after consulting with local governments and other affected stakeholders.

Section 4 defines “farm sign” as a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or service sold, produced, manufactured, or furnished on the farm. It exempts a “farm sign” from the Florida Building Code and any county or municipal code or fee except for code provisions implementing local, state, or federal floodplain management regulations.

Section 5 provides that this act shall take effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 18, Article VII of the State Constitution limits the power of the Legislature to enact laws impacting certain revenues and expenditures of municipalities and counties. The mandates provision appears to apply because the bill exempts farm signs from any county or municipal code or fee, and preempts the regulation of honeybee activities to the state; however, this provision appears to have a fiscal impact of less than $1.9 million statewide on counties and municipalities and is deemed an insignificant fiscal impact, and thus an exemption for the purposes of Section 18, Article VII of the Constitution appears to apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Local governments may suffer a revenue loss due to being preempted from regulating honeybee activities and farm signs. Although the fiscal impact is indeterminate, it is likely to be insignificant.

B. Private Sector Impact:

This bill may have a positive fiscal impact of an indeterminate amount on the private sector as there is the ability to construct farm signs without being subject to fees or fines and the potential for elimination of duplicate regulation.
C. Government Sector Impact:

The fiscal impact to local governments due to the loss of revenue arising from the regulation of honeybee activities and farm signs is indeterminate, but it is likely insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Budget Subcommittee on General Government Appropriations on February 2, 2012:

The committee substitute differs from the original bill by adding a definition for farm signs and exempting farm signs from the Florida Building Code and any county or municipal code or fee. It also adds a provision giving the DACS rulemaking authority to implement the provisions of the bill related to beekeeping after consultation with local governments and other affected shareholders.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Budget Subcommittee on General Government Appropriations (Hays) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 51 and 52 insert:

(1) After consulting with local governments and other affected stakeholders, adopt rules to administer this section.

---------- T I T L E A M E N D M E N T ----------

And the title is amended as follows:

Delete line 9 and insert:

... to the state; requiring that the Department of
13 Agriculture and Consumer Services adopt rules after consulting with local governments and other affected stakeholders; providing an effective date.
The Committee on Budget Subcommittee on General Government Appropriations (Hays) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 145 and 146

insert:

Section 4. Section 604.50, Florida Statutes, is reordered and amended to read:

604.50 Nonresidential farm buildings, and farm fences, and farm signs.—

(1) Notwithstanding any other law to the contrary, any nonresidential farm building, or farm fence, or farm sign is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing
local, state, or federal floodplain management regulations.

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

(a) Nonresidential farm building” means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(9)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

(b) “Farm” has the same meaning as provided in s. 823.14.

(b) “Farm sign” means a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or service sold, produced, manufactured, or furnished on the farm.
to the state; reordering and amending s. 604.50, F.S.;
providing an exemption from the Florida Building Code
for farm signs; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (b) and (c) of subsection (3) of section 823.14, Florida Statutes, are amended to read:

(b) "Farm operation" means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm products, aquaculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

(c) "Farm product" means any plant, as defined in s. 581.011, or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom.

Section 2. Subsection (1) of section 586.02, Florida Statutes, is amended, present subsections (2) through (14) of that section are redesignated as subsections (3) through (15), respectively, and a new subsection (2) is added to that section, to read:

586.02 Definitions.—As used in this chapter:

1. "Apiary" means a beeyard or site where honeybee hives, honeybees, or honeybee equipment is located. The beeyard or site may be located on land classified as agricultural under s. 193.461 or on land that is integral to a beekeeping operation.

2. "Apiiculture" means the raising, caring, and breeding of honeybees.

3. "Apiculture" means the raising, caring, and breeding of honeybees.

4. "Apiculture" means the raising, caring, and breeding of honeybees.

5. "Apiculture" means the raising, caring, and breeding of honeybees.

6. "Apiculture" means the raising, caring, and breeding of honeybees.

7. "Apiculture" means the raising, caring, and breeding of honeybees.

8. "Apiculture" means the raising, caring, and breeding of honeybees.

9. "Apiculture" means the raising, caring, and breeding of honeybees.

10. "Apiculture" means the raising, caring, and breeding of honeybees.

11. "Apiculture" means the raising, caring, and breeding of honeybees.

12. "Apiculture" means the raising, caring, and breeding of honeybees.

13. "Apiculture" means the raising, caring, and breeding of honeybees.

14. "Apiculture" means the raising, caring, and breeding of honeybees.

Section 3. Section 586.10, Florida Statutes, is amended to read:

586.10 Powers and duties of department.—The authority to regulate, inspect, and permit managed honeybee colonies and to adopt rules on the placement and location of registered inspected managed honeybee colonies is preempted to the state through the department and supersedes any related ordinance adopted by a county, municipality, or political subdivision thereof. The department shall have the powers and duties to:

1. Administer and enforce the provisions of this chapter.

2. Adopt rules necessary to the enforcement of this chapter.

3. Adopt rules relating to standard grades for honey and other honeybee products.

4. Enter upon any public or private premise or carrier during regular business hours for the purpose of inspection,
(5) Declare a honeybee pest or unwanted race of honeybees to be a nuisance to the beekeeping industry as well as any honeybee or other article infested or infected article therewith that has been exposed to infestation or infection in a manner believed likely to communicate the infection or infestation.

(6) Declare a quarantine against any area, place, or political unit within this state or other states, territories, or foreign countries, or portion thereof, in reference to honeybees or unwanted races of honeybees and prohibit the movement within this state from other states, territories, or foreign countries of all honeybees, honeybee products, used beekeeping equipment, or other articles from such quarantined places or areas which are likely to carry honeybees or unwanted races of honeybees if the quarantine is determined, after due investigation, to be necessary in order to protect this state’s beekeeping industry, honeybees, and the public. In such cases, the quarantine may be made absolute or rules may be adopted prescribing the method and manner under which the prohibited articles may be moved into or within, sold in, or otherwise disposed of in this state.

(7) Enter into cooperative arrangements with any person, municipality, county, or other department of this state or any agency, officer, or authority of other states or the United States Government, including the United States Department of Agriculture, for inspection of honeybees, honeybee pests, or unwanted races of honeybees and products thereof and the control of honeybee pests and regulated articles.

(8) Carry on investigations of methods of control, eradication, and prevention of dissemination of honeybee pests or unwanted races of honeybees.

(9) Inspect or cause to be inspected all apiaries in the state at such intervals as it may deem best and to keep a complete, accurate, and current list of all inspected apiaries to include the:

(a) Name of the apiary.
(b) Name of the owner of the apiary.
(c) Mailing address of the apiary owner.
(d) Location of the apiary.
(e) Number of hives in the apiary.
(f) Pest problems associated with the apiary.
(g) Brands used by beekeepers where applicable.
(h) Collect or accept from other agencies or individuals specimens of arthropods, nematodes, fungi, bacteria, or other organisms for identification.
(i) Confiscate, destroy, or make use of abandoned beehives or beekeeping equipment.
(j) Require the identification of ownership of apiaries.
(k) Enter into a compliance agreement with any person engaged in purchasing, assembling, exchanging, processing, utilizing, treating, or moving beekeeping equipment or honeybees.
(l) Make and issue to beekeepers certificates of registration and inspection, following proper inspection and
certification of their honeybee colonies.

(15) Revoke or suspend a beekeeper’s or honeybee product processor’s certificate of inspection or the use of a certificate or permit issued by the department if the department determines that the beekeeper or honeybee product processor is selling or offering for sale or is distributing or offering to distribute honeybees, honeybee products, or beekeeping equipment in violation of this chapter or rules adopted under this chapter, or has aided or abetted in such the violation, the department may revoke or suspend her or his certificate of inspection or the use of any certificate or permit issued by the department.

(16) The department may Refuse the certification of any honeybees, honeybee products, or beekeeping equipment if it is determined that an unwanted race of honeybees exists, or honeybee pests exist on honeybees, honeybee products, or beekeeping equipment, or that the condition of the apiary inhibits a thorough and efficient inspection by the department.

(17) The department is authorized to Conduct, supervise, or cause the fumigation, destruction, or treatment of honeybees, including unwanted races of honeybees, honeybee products, and used beekeeping equipment or other articles infested or infected by honeybee pests or unwanted races of honeybees or so exposed to infection or infestation that it is reasonably believed that infection or infestation could exist.

(18) The department may Require the removal from this state of any honeybees or beekeeping equipment that has been brought into the state in violation of this chapter or the rules adopted under this chapter.

Section 4. This act shall take effect July 1, 2012.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12
Meeting Date

Topic BEEKEEPING

Bill Number SB 1132
(if applicable)

Name KEYNA CARY

Amendment Barcode (if applicable)

Job Title SENIOR LOBBYIST

Address 110 E. COLLEGE AVE

Phone 850 681-1065

City TALLAHASSEE

E-mail Keynacary@paconsultants.com

State FL

Zip 32301

Speaking: □ For □ Against □ Information

Representing

Appearing at request of Chair: □ Yes □ No

Lobbyist registered with Legislature: □ Yes □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)
THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/2/2012
Meeting Date

Topic __________________________________________________________________________________________
Bee Keeping

Bill Number _______ 1132 __________________________ (if applicable)

Name _________________________________________________________________________________________
Ben Parks

Amendment Barcode ____________________________________________________________ (if applicable)

Job Title __________________________________________________________________________________________
Legislative Director

Phone ___________________________ 222-2557 ____________________________

Address ________________________________________________________________________________________
315 South Calhoun St. #850

E-mail __________________________ bgparks@hotmail.com

Tallahassee FL 32301

City ___________________________________________ State ______ Zip

Speaking:  [ ] For [ ] Against [ ] Information

Representing ________________________________
Florida Farm Bureau

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: ✔ Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 2/24/12

Topic _Beekeeping_  Bill Number _1132_

Name _Ryan Matthews_  (if applicable)

Job Title _Leg Advocate_  Amendment Barcode

Address _PO Box 1757_  Phone _850 272 9689_

Street _Tallahassee_  E-mail _r.matthews@flcities.com_

City _FL_  Zip _32302_

Speaking:  □ For  □ Against  □ Information

Representing _FL League of Cities_

Appearing at request of Chair:  □ Yes  □ No

Lobbyist registered with Legislature:  □ Yes  □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
I. Summary:

Under Section 627.285, F.S., the Financial Services Commission (commission) is required to contract every other year for an independent actuarial peer review of the ratemaking processes for any licensed rating organization that makes rate filings for workers’ compensation insurance. The final report must be submitted to the commission, the President of the Senate, and the Speaker of the House of Representatives by February 1st.

Senate Bill 1152 repeals s. 627.285, F.S., repealing the requirement of an independent actuarial peer review.

This bill repeals the following sections of the Florida Statutes: 627.285.

II. Present Situation:

Under s. 627.285, F.S., the Financial Services Commission must contract every other year for an independent actuarial peer review of the ratemaking processes of any licensed rating organization that makes rate filings for workers’ compensation insurance. The commission oversees the Office of Insurance Regulation (OIR), and through the OIR publishes Request for Proposals (RFPs) and executes contracts every other year for consultant actuarial services to perform the required independent peer reviews. The independent peer reviews must be submitted to the commission, the President of the Senate, and the Speaker of the House of Representatives by February 1st. A total of four reports have been submitted since the enactment of the statute in

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1 Section 627.285, F.S.
2003 and a fifth is due on February 1, 2012.\(^2\) The costs of the independent actuarial peer reviews are paid from the Workers’ Compensation Administration Trust Fund and have ranged in costs from $104,000 for the 2004 report to $35,000 for the 2010 report.\(^3\)

Section 627.285, F.S., only applies to the National Council on Compensation Insurance (NCCI) since it is the sole licensed rating organization responsible for making workers’ compensation rate filings on behalf of Florida insurers. The NCCI independently conducts actuarial analyses and presents its recommendations on its rate filing to the OIR. The OIR then undertakes an extensive actuarial review of the filing before it is approved or denied by the OIR. Since the OIR performs an extensive actuarial review of NCCI’s rate filing, s. 627.285, F.S., serves to add an additional independent actuarial review on top of the OIR’s review.

III. **Effect of Proposed Changes:**

The bill would repeal s. 627.285, F.S., thereby repealing the requirement of an independent actuarial review in addition to the OIR’s review of the NCCI ratemaking processes. The OIR suggests that the requirement of an additional independent actuarial review does not serve to enhance the process of actuarial reviews conducted by the OIR. The OIR indicates that the past independent reviews have mainly served to validate the actuarial reviews conducted by the OIR, because any issues raised or proposed solutions discussed in the independent reviews were items already identified by the OIR.\(^4\) The repeal of s. 627.285, F.S., would allow the OIR to save the resources currently required to complete and review the RFPs.\(^5\)

The repeal would take effect on July 1, 2012.

IV. **Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**

None.

B. **Public Records/Open Meetings Issues:**

None.

C. **Trust Funds Restrictions:**

None.

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\(^3\) Florida Office of Insurance Regulation Bill Analysis, January 10, 2012.
V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The actuarial consulting firms that otherwise would be hired to conduct the independent actuarial peer review would lose these contracts.

C. Government Sector Impact:

The repeal of s. 627.285, F.S., would save the Workers’ Compensation Administration Trust Fund approximately $35,000 to $104,000 in actuarial consulting fees for the independent reviews.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to repeal of a workers’ compensation
independent actuarial peer review requirement;
repealing s. 627.285, F.S., relating to the duty of
the Financial Services Commission to contract for a
periodic report regarding an actuarial peer review and
analysis of the ratemaking process of any licensed
rating organization that makes rate filings for
workers’ compensation insurance; providing an
effective date.

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

Section 1. Section 627.285, Florida Statutes, is repealed.
Section 2. This act shall take effect July 1, 2012.
January 27, 2012

Honorable Alan Hays, Chair
Committee on General Government Appropriations
201 The Capitol
404 South Monroe Street
Tallahassee, FL  32399

Dear Chairman Hays:

Senate Bill 1152, related to Repeal of a Workers Compensation Independent Peer Review Requirement, has been referred to General Government Appropriations as its second committee of reference. SB 1152 passed the Banking and Insurance committee by unanimous vote. I would appreciate the placing of this bill on the committee’s next available agenda.

Thank you for your consideration.

Sincerely,

Garrett Richter

cc: Jamie DeLoach, Staff Director
I. Summary:

The bill directs the Department of Environmental Protection (DEP) to adopt statewide environmental resource permit (ERP) rules. The Water Management Districts (WMDs) and delegated local governments are directed to implement the rules without rulemaking, except to conform existing rules. The bill specifies the statewide ERP rules are to be based on existing DEP and WMD rules. Differences are allowed that are based on geographic differences in physical or natural characteristics. The bill allows the WMDs, with DEP oversight, to continue to adopt rules governing design and performance standards for stormwater quality and quantity. “Grandfather” clauses are included for ongoing activities that will not be subject to the new rules. The bill requires DEP staff oversight and training to ensure statewide consistency in implementing the ERP rules. The legislation requires local governments seeking delegation to implement the ERP program to use statewide ERP rules and gives local governments that have already received delegation, one year from adoption of the rules to conform their ordinances. Lastly, the bill reenacts s. 70.001(12), F.S., for the purposes of a cross-reference.

This bill creates s. 373.4131 and reenacts s. 70.001(12) of the Florida Statutes.

II. Present Situation:

Current ERP Program in Florida

Florida’s water resources are regulated by the ERP program. The program covers virtually all alterations to the landscape, including all tidal and freshwater wetlands and other surface waters (including isolated wetlands also subject to U.S. Army Corps of Engineers jurisdiction) and uplands. The ERP program regulates dredging and filling in wetlands and other surface waters,
stormwater runoff quality and quantity, runoff resulting from alterations of uplands, and direct, secondary and cumulative impacts. Certain permitting thresholds exist within the WMDs and exemptions may be granted by rule or statute. A permitting threshold is the level of impact that triggers the requirement to apply for a permit. Common exemptions exist for agricultural, silviculture, floriculture and horticulture activities as long as the alterations are not for the sole or predominant purpose of impounding or obstructing surface waters.

The department’s issuance of an ERP also constitutes a water quality certification or waiver of such under section 401 of the federal Clean Water Act. In addition, issuance of an ERP in coastal counties constitutes a finding of consistency under the Florida Coastal Zone Management Program under Section 307 of the federal Coastal Zone Management Act. Proposed projects must meet all permit conditions and a public interest balancing test.

**General ERP Administration in Florida**

The DEP and the WMDs jointly implement the ERP program. It is independent and in addition to federal regulatory permitting programs. ERPs are regulated under part IV of ch. 373, F.S., and through individual WMD rules and guidance documents. The program was adopted in 1995 in all WMDs except for Northwest Florida. In 2006, the Legislature directed the Northwest Florida WMD and the DEP to jointly develop and implement the ERP program in two phases, which are now fully implemented.

The ERP program rules consist of rules adopted separately by the DEP and four of the five WMDs. The Suwannee River, St. Johns River, Southwest Florida and South Florida WMDs have each adopted their own set of implementing rules, which in turn have been adopted and incorporated by reference by the department for use within each WMD. Each WMD also has an Applicant’s Handbook or Basis of Review that explains how those rules are implemented. The DEP incorporates those rules and handbooks by reference but also has separate procedural and noticed general permit rules.

Because of the ERP program’s joint regulatory structure, the department and the WMDs have executed individual operating agreements to administer the program. The agreements set out who has regulatory authority for implementing the ERP program based on the type of permitted activity. The division of responsibilities contained in the operating agreements ensures that applicants need only apply for permits from the DEP or the individual WMD, not both. The DEP generally reviews permit applications that involve:

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2 Id at 4-5.
3 See 33 U.S.C. s. 1341.
4 See 16 U.S.C. s. 1456.
5 See s. 373.414(1)(a), F.S.
6 Chapter 2006-228, Laws of Fla.
7 See rules 62-343 and 62-341, F.A.C., respectively.
9 Id.
• Solid, hazardous, domestic and industrial waste facilities,
• Mining, except borrow pits,
• Power plants, transmission and communication cables and lines, and oil and gas activities,
• Certain docking facilities and structures, and dredging that is not part of a larger development plan,
• Navigational dredging by government entities that is not part of a larger project permitted by a WMD,
• Certain types of systems located seaward of the coastal construction control line or those serving a single family dwelling unit or residential unit,
• Seaports, and
• Smaller, separate water-related activities not part of a larger development plan.

The WMDs review all other ERP applications.

**ERP Administration in the South Florida, Southwest Florida, St. Johns River and Suwannee River WMDs**

The DEP and all WMDs except for Northwest Florida, due to its recent adoption of the program, operate under separate ERP rules. The ERP rules for these districts were developed by using a combination of the DEP’s environmental criteria and the WMDs’ former Management and Storage of Surface Waters rules, which were independently adopted by each WMD. The WMDs continued this process when developing ERP rules and each adopted similar but not identical ERP rules. After the adoption of the four districts’ ERP rules, the DEP subsequently incorporated by reference each of the WMDs rules. If it had not done so, the DEP would not have been able to use the WMDs’ new ERP rules for DEP permitting activities within the districts.

In order to incorporate the WMD rules by reference, the DEP must undertake rulemaking. This dual rulemaking process for a WMD ERP rule or any amendments to a WMD ERP rule must be completed before the DEP may implement the rule or any changes thereof for activities in the respective districts. Additionally, the DEP must adopt the WMDs’ Applicant’s Handbooks and Basis of Review and any amendments to those documents. In fact, the DEP staff has indicated that the DEP is not up to date on the most recent amendments to some WMD rules, Applicant’s Handbooks and Basis of Review documents because it must undertake rulemaking to incorporate the changes and has not done so.\(^\text{10}\) The WMD ERP rules are contained in ch. 40, F.A.C., and each WMD is assigned a specific letter.\(^\text{11}\) The DEP also has its own ERP rules and separate ERP noticed general permit rules.\(^\text{12}\)

**ERP Administration in the Northwest Florida WMD**

In contrast to the DEP’s administration of ERPs within the other four WMDs, the department’s ERP administration and implementation ERPs within the Northwest Florida WMD is more streamlined and efficient. In this district, the ERP program is operated under a single substantive

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\(^{10}\) Telephone interview with Shelley Yaun, Program Administrator, Water Resources Management, DEP, in Tallahassee, Fl. (Aug. 15, 2011).

\(^{11}\) See generally ch. 40, F.A.C. Northwest Florida is designated as “A,” Suwannee River as “B,” St. Johns River as “C,” Southwest Florida as “D” and South Florida as “E.”

\(^{12}\) See chs. 62-343 and 62-341, F.A.C., respectively.
and procedural ERP rule, noticed general permit rule and Applicant’s Handbook. The Legislature directed the DEP and the Northwest Florida WMD to jointly develop rules for the ERP program in the district. The DEP was further directed to initiate rulemaking to implement the ERP program. Unlike the other four WMDs, the Legislature specifically authorized the Northwest Florida WMD to implement the jointly developed rules. Consequently, both the DEP and the Northwest Florida WMD regulate ERPs under a unified rule and Applicant’s Handbook. Any changes or amendments to the rule or Applicant’s Handbook may be adopted by the DEP under the normal rulemaking process. The Northwest Florida WMD may then begin implementing any such changes without rulemaking.

**ERP Rule Inconsistencies Between WMDs**

ERP rules are critical to each WMD and the DEP. They identify:

- Activities that require permits;
- Activities that are exempt from needing permits;
- Actions that fall below permitting thresholds;
- The types of permits available;
- The criteria used for issuing permits; and
- Other procedural requirements the WMDs use to implement their respective ERP programs.

While the environmental criteria, conditions for issuance, and noticed general permits are substantively the same in all of the WMDs, differences exist in rule text and implementation requirements between each WMD and the department. Some of those differences are needed to address differing physical and natural characteristics within each district, particularly regarding water quantity, stormwater quality, and special basins. In other instances, the rule language is substantially similar, yet the Applicant’s Handbook or Basis of Review differs in its interpretation of the rule. Among the WMDs, regulation of wetlands and other surface waters is essentially identical. Stormwater management (water quality) differs significantly in both actual rule language and interpretation between districts and often has no clear relationship to the unique water, topographical or geological characteristics unique to each district. Water quantity and flood protection differ between districts but are directly related to each district’s physical characteristics.

This has created a situation where there are now differences in how rule and statutory language is interpreted and implemented. It is compounded when an applicant or consultant has to deal with several WMDs or the DEP from one project to another and face different requirements for similar projects. For example, a large retailer opening multiple stores in Florida in different WMDs may face different application processes and permit requirements even if the store plans are nearly identical. These problems are multiplied when local governments with delegated ERP authority rely on their own ordinances and codes to implement the ERP rules.

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13 See generally rule 62-346, F.A.C.
14 Section 373.4145(1), F.S.
15 Supra note 11.
16 Email from Jon Steverson, Special Counsel on Policy and Legislative Affairs, DEP (July 12, 2011) (on file with the Committee on Environmental Preservation and Conservation).
Another example of inconsistent statewide application is the implementation and administration of the Uniform Mitigation and Assessment Method (UMAM). Subsection 373.414(18), F.S., directed the DEP and WMDs, in cooperation with local governments and relevant federal agencies, to develop a statewide method to determine the amount of mitigation required for regulatory permits. The UMAM rule became effective in February 2004. Although only the DEP was required to adopt the method by rule, it is now the sole means for all state and local government entities to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters. It is also used to determine how to debit and credit mitigation bank credits. Stakeholders in the regulated community have expressed concerns over interpretations of the UMAM by some of the WMDs. Although the method is intended to create uniform outcomes statewide, the method is applied differently in each WMD based in part on interpretations of the rule.

**Interim Report 2012-121 – Statewide ERP**

Staff of the Senate Committee on Environmental Preservation and Conservation conducted a study of the issues surrounding current ERP administration in Florida and the potential impacts of development of a statewide ERP. The report includes several recommendations that have been incorporated into the bill, including:

- Directing the DEP, in coordination with the WMDs, to develop and adopt statewide ERP rules by reconciling existing rules, Applicant’s Handbooks and Basis of Review documents;
- Authorizing the WMDs to implement the statewide ERP rules without having to adopt them by rule;
- Allowing for necessary variability in the statewide ERP rules to account for unique characteristics in each WMD; and
- To the extent feasible, standardizing forms, applications, noticing requirements, fees and other procedural aspects of existing ERP rules in the statewide ERP rules.

**III. Effect of Proposed Changes:**

**Section 1** creates s. 373.4131, F.S., directing the DEP and the WMDs to create and adopt statewide ERP rules. The rules must provide for consistent statewide application of regulation of activities under part IV, ch. 373, F.S. The rules must include, at a minimum:

- Criteria and thresholds for issuing permits;
- The types of permits covered by the rules;
- Procedures for:
  - Review of applications and notices;
  - Duration and modification of permits;
  - Operational requirements;
  - Transfers of permits,
  - Emergencies; and
  - Abandonment and removal of systems;

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17 See rule 62-345, F.A.C.
18 Id.
• Exemptions and general permits for activities that do not cause significant adverse impacts either individually or cumulatively;
• Conditions for permit issuance;
• General permit conditions, including requirements for monitoring, inspection and reporting;
• Standardized fee categories, allowing for some flexibility;
• Standardized application, notice and reporting forms and allowing such documents, as appropriate and practical, to be submitted electronically; and
• An applicant’s handbook containing:
  o General program information;
  o Application and review procedures;
  o A discussion on how environmental criteria are evaluated; and
  o A discussion of stormwater quality and quantity criteria.

The bill directs the statewide ERP rules to be primarily based on the DEP and WMD rules in effect as of June 30, 2012. The DEP has the authority to reconcile differences and conflicts between existing rules to achieve consistent statewide ERP rules and implement additional ERP streamlining measures. The DEP may allow differences in the statewide ERP rules to account for the unique physical and natural characteristics of each WMD.

The bill directs that application of statewide ERP rules continue to be governed by the first sentence of s. 70.001(12), F.S., which is an exemption from the “Bert J. Harris Jr. Property Rights Protection Act” for laws, rules and ordinances in effect on or formally noticed for adoption on or before May 11, 1995.

The bill directs the WMDs and local governments that have received delegated ERP authority under s. 373.441, F.S., to implement the statewide rule without the need for rulemaking. The bill specifies the statewide ERP rules are the rules of the WMDs and local governments with delegated authority. It gives the WMDs and local governments the jurisdiction and authority to implement and interpret the statewide ERP rules provided they are consistent with DEP guidance. The bill requires local governments that have or may be granted delegated authority under s. 373.441, F.S., to incorporate by reference the exact statewide rules when taking action on the DEP’s behalf. The local governments with delegated authority must also amend their ordinances to conform to the statewide ERP rules within one year of the effective date of the adopted rule and make any changes to reconcile duplicative permitting.

The bill clarifies that existing rules currently in effect may be enforced until statewide ERP rules become effective. All superseded rules may be repealed without rulemaking pursuant to s. 120.54, F.S., by publication in the Florida Administrative Weekly and notifying the Department of State.

The bill authorizes the WMDs, with the DEP oversight, to continue to adopt rules governing design and performance standards for stormwater management. The DEP may incorporate those standards by reference for use within the geographic area of each WMD. The bill specifies that if a stormwater management system is designed, constructed, operated and maintained in accordance with adopted criteria and requirements and a valid permit or exemption, it is presumed not to cause or contribute to violations of applicable state water quality standards.
The bill provides a “grandfather clause” for the following activities unless an applicant requests review under the adopted statewide ERP rules:

- Stormwater management systems, dams, impoundments, reservoirs, appurtenant works, works or any combination of the above as long as they were legally in existence before adoption of statewide ERP rules and continue to meet their conditions;
- Activities determined in writing by the DEP, WMDs or local governments with delegated authority that are exempt from permitting as of the effective date of adopted statewide ERP rules; and
- Activities approved in a permit and the review of activities proposed in a completed permit application that is complete before the effective date of adopted statewide ERP rules. This exemption applies to modification of plans, terms, conditions and new activities within the geographical area to which the permit applies and modifications that lessen or do not increase impacts to the area. It does not apply to a modification that is reasonably expected to lead to additional or substantially different impacts.

The bill directs the DEP to conduct or oversee regular assessment and training of the DEP, WMD and local government staff to ensure consistent implementation and interpretation of adopted statewide ERP rules.

Section 2 reenacts s. 70.001(12), F.S., to clarify the adoption of statewide ERP rules is not subject to certain provisions of the Bert J. Harris Jr. Private Property Rights Protection Act. That particular section of statute had not been repealed.

Section 3 provides an effective date of July 1, 2012.

Other Potential Implications:

To the extent that some current rules and rule interpretations are more stringent than the eventual statewide rule, greater environmental impacts will be allowed in those areas. Conversely, those that are less stringent than the eventual statewide rule will allow fewer environmental impacts in those areas.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.
V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

None.

B. **Private Sector Impact:**

The private sector is not expected to incur any significant costs. However, with any consolidation of inconsistent rules, fees and procedures, some applicants may pay more or be subject to additional rules and procedures, while others will pay less and be subject to less. On the other hand, improving consistency in implementation and interpretation of ERP rules and expanding electronic document submission will likely lead to both cost and time savings. The impact cannot be determined but may be significant for applicants with large, multi-district projects and applicants that have multiple projects in multiple WMDs.

C. **Government Sector Impact:**

Local governments with delegated authority or that have applied for delegated authority and receive the delegation before the effective date of adopted statewide ERP rules will incur some costs to amend their local ordinances to comply with this bill. The actual costs cannot be determined but will likely be absorbed by existing staff and resources.

The DEP will incur certain costs with the passage of this bill. It will have to undertake rulemaking and may have to prepare a statement of estimated regulatory costs pursuant to s. 120.541, F.S. The DEP will also incur additional costs for training and assessment of WMD and local government staff. The DEP will also be responsible for providing additional support to the WMDs for permitting, compliance and enforcement. In addition, the bill requires the DEP to expand the capability for electronic submissions for documentation. The DEP has estimated it can absorb these expenses within existing staff and resources and efficiencies gained through the consolidation process.

The WMDs may experience either a minor loss or minor gain from permit application fees due to the standardization of application fee categories. The bill does allow for some variability within the categories, thus the impact is expected to be insignificant. Lastly, the WMDs are also required to expand electronic document processing. They are all currently working on their systems to allow for easier electronic submissions. Therefore, estimated costs will be absorbed by existing staff and resources.

VI. **Technical Deficiencies:**

It should be noted that this bill creates s. 373.4131, F.S., which is the same section created by CS/SB 602. If both bills were to pass and be signed into law, one of the sections would require a different number within part IV, ch. 373, F.S.
VII. Related Issues:
None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   CS by Budget Subcommittee on General Government Appropriations on February 2, 2012:
   • Clarifies that current law and rule allow for stricter local government standards if they
do not conflict with the state rule.

B. Amendments:
None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Budget Subcommittee on General Government Appropriations (Diaz de la Portilla) recommended the following:

**Senate Amendment (with title amendment)**

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<td>management districts. The</td>
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Page 1 of 3
(b)1. A county, municipality, or local pollution control program that has been delegated an environmental resource permit program or that proposes a delegation of such authority under s. 373.441 shall incorporate by reference the rules adopted pursuant to this section without modification.

2. A county, municipality, or local pollution control program that has been delegated an environmental resource permit program under s. 373.441 must amend its local ordinances or regulations to incorporate by reference the applicable rules adopted pursuant to this section within 12 months after the effective date of such rules.

3. Consistent with s. 373.441, this section does not prohibit a county, municipality, or local pollution control program from adopting or implementing regulations that are stricter than those adopted pursuant to this section.

4. The department and each local program that is authorized to implement or that seeks to implement a delegation of authority for an environmental resource permit program under s. 373.441 shall identify and reconcile any duplicative permitting processes as part of the delegation.

=============== TITLE AMENDMENT ===============

And the title is amended as follows:

Delete lines 13 - 18

and insert:

water management districts; requiring counties, municipalities, and delegated local pollution control programs to incorporate by reference certain rules; requiring counties, municipalities, and delegated
local pollution control programs to amend ordinances and regulations within a specified timeframe to incorporate applicable rules; allowing counties, municipalities, and delegated local pollution control programs to have stricter regulations; requiring reconciliation of duplicative permitting processes; authorizing water
A bill to be entitled

An act relating to environmental resource permitting;

creating s. 373.4131, F.S.; requiring the Department

of Environmental Protection, in coordination with the

water management districts, to adopt statewide

environmental resource permitting rules for activities

relating to the management and storage of surface

waters; providing rule requirements; preserving an

exemption from causes of action under the "Bert J.

Harris, Jr., Private Property Rights Protection Act";

providing an exemption from the rulemaking provisions

of ch. 120, F.S., for implementation of the rules by

water management districts and delegated local

programs; requiring counties, municipalities, and

deleagated local programs to amend ordinances and

regulations within a specified timeframe to conform

with the rules; providing for applicability, effect,

and repeal of specified rules; authorizing water

management districts to adopt and retain specified

rules; authorizing the department to incorporate

certain rules; providing a presumption of compliance

for specified design, construction, operation, and

maintenance of certain stormwater management systems;

providing exemptions for specified stormwater

management systems and permitted activities; requiring

the department to conduct or oversee staff assessment

and training; reenacting s. 70.001(12), F.S., relating
to the "Bert J. Harris, Jr., Private Property Rights

Protection Act," for purposes of a cross-reference in

s. 373.4131, F.S.; providing an effective date.

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

Section 1. Section 373.4131, Florida Statutes, is created
to read:

373.4131 Statewide environmental resource permitting
rules.—

(1)(a) No later than October 1, 2012, the department shall
initiate rulemaking to adopt, in coordination with the water
management districts, statewide environmental resource
permitting rules governing the construction, alteration,
operation, maintenance, repair, abandonment, and removal of any
stormwater management system, dam, impoundment, reservoir,
appurtenant work, works, or any combination thereof, under this
part.

(b) The rules shall provide for statewide, consistent
regulation of activities under this part and shall include, at a
minimum:

1. Criteria and thresholds for requiring permits.
2. Types of permits.
3. Procedures governing the review of applications and
   notices, duration and modification of permits, operational
   requirements, transfers of permits, provisions for emergencies,
   and provisions for abandonment and removal of systems.
4. Exemptions and general permits that do not allow
   significant adverse impacts to occur individually or
   cumulatively.
5. Conditions for issuance.
6. General permit conditions, including monitoring, inspection, and reporting requirements.

7. Standardized fee categories for activities under this part to promote consistency. The department and water management districts may amend fee rules to reflect the standardized fee categories but are not required to adopt identical fees for those categories.

8. Application, notice, and reporting forms. To the maximum extent practicable, the department and water management districts shall provide for electronic submittal of forms and notices.

9. An applicant’s handbook that, at a minimum, contains general program information, application and review procedures, a specific discussion of how environmental criteria are evaluated, and discussion of stormwater quality and quantity criteria.

   (c) The rules shall rely primarily on the rules of the department and water management districts in effect immediately prior to the effective date of this section, except that the department may:

1. Reconcile differences and conflicts to achieve a consistent statewide approach.

2. Account for different physical or natural characteristics, including special basin considerations, of individual water management districts.

3. Implement additional permit streamlining measures.

(d) The application of the rules shall continue to be governed by the first sentence of s. 70.001(12).

   (2)(a) Upon adoption of the rules, the water management districts and local governments delegated local pollution control program authority under s. 373.441 shall implement the rules without the need for further rulemaking pursuant to s. 120.54. The rules adopted by the department pursuant to this section shall also be considered the rules of the water management districts and local governments delegated local pollution control program authority under s. 373.441. The districts and local governments shall have substantive jurisdiction to implement and interpret rules adopted by the department under this part, consistent with any guidance from the department, and any license or final order pursuant to s. 120.60 or s. 120.57(1)(1).

   (b) A county, municipality, or local pollution control program that has a delegation of local pollution control program authority or proposes to be delegated such authority under s. 373.441 shall without modification incorporate by reference and use the rules adopted pursuant to this section when reviewing and taking action on the department’s behalf on a delegated permitting, compliance, or enforcement matter under this part.

2. A county, municipality, or local pollution control program that has a delegation of local pollution control program authority under s. 373.441 must amend its local ordinances or regulations to conform to the requirements of this section within 12 months after the effective date of the rules adopted pursuant to this section.

3. The department and each local program with the authority to implement or seeking to implement a delegation of local pollution control program authority under s. 373.441 must identify and reconcile any duplicative permitting as part of the
(c) Until the rules adopted pursuant to this section become effective, existing rules adopted pursuant to this part remain in full force and effect. Existing rules that are superseded by the rules adopted pursuant to this section may be repealed without further rulemaking pursuant to s. 120.54 by publication of a notice of repeal in the Florida Administrative Weekly and subsequent filing of a list of the rules repealed with the Department of State.

(3)(a) The water management districts, with department oversight, may continue to adopt rules governing design and performance standards for stormwater quality and quantity, and the department may incorporate the design and performance standards by reference for use within the geographic jurisdiction of each district.

(b) If a stormwater management system is designed in accordance with the stormwater treatment requirements and criteria adopted by the department or a water management district under this part, the system design is presumed not to cause or contribute to violations of applicable state water quality standards.

(c) If a stormwater management system is constructed, operated, and maintained for stormwater treatment in accordance with a valid permit or exemption under this part, the stormwater discharged from the system is presumed not to cause or contribute to violations of applicable state water quality standards.

(4) Notwithstanding the adoption of rules pursuant to this section, the following activities shall continue to be governed by the rules adopted by the department, the water management districts, and delegated local programs under this part in effect before the effective date of the rules adopted pursuant to this section, unless the applicant elects review in accordance with the rules adopted pursuant to this section:

(a) The operation and maintenance of any stormwater management system, dam, impoundment, reservoir, appurtenant work, works, or any combination thereof legally in existence before the effective date of the rules adopted pursuant to this section if the terms and conditions of the permit, exemption, or other authorization for such activity continue to be met.

(b) The activities determined in writing by the department, a water management district, or a local government delegated local pollution control program authority under s. 373.441 to be exempt from the permitting requirements of this part, including self-certifications submitted to the department, a water management district, or a delegated local government before the effective date of the rules adopted pursuant to this section.

(c) The activities approved in a permit issued pursuant to this part and the review of activities proposed in a permit application that is complete before the effective date of the rules adopted pursuant to this section. This paragraph applies to any modification of the plans, terms, and conditions of the permit, including new activities, within the geographical area to which the permit applies and to any modification that lessens or does not increase impacts. However, this paragraph does not apply to a modification that is reasonably expected to lead to additional or substantially different impacts.

(5) To ensure consistent implementation and interpretation of the adoption of rules pursuant to this section, the following activities shall continue to be governed
of the rules adopted pursuant to this section, the department shall conduct or oversee regular assessment and training of its staff and the staffs of the water management districts and local governments delegated local pollution control program authority under s. 373.441.

Section 2. For the purpose of a cross-reference in section 373.4131, Florida Statutes, as created by this act, subsection (12) of section 70.001, Florida Statutes, is reenacted to read:

70.001 Private property rights protection.—
(12) No cause of action exists under this section as to the application of any law enacted on or before May 11, 1995, or as to the application of any rule, regulation, or ordinance adopted, or formally noticed for adoption, on or before that date. A subsequent amendment to any such law, rule, regulation, or ordinance gives rise to a cause of action under this section only to the extent that the application of the amendatory language imposes an inordinate burden apart from the law, rule, regulation, or ordinance being amended.

Section 3. This act shall take effect July 1, 2012.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 2-2-12

Topic ERP

Bill Number 1354

Name Kurt Spitzen

Amendment Barcode 562764

Job Title Exec. Director

(if applicable)

Address 919 E Park St

Phone 561-0904

City 32301

E-mail

State

Zip

Speaking: ☑️ For ☐ Against ☐ Information

Representing FLA. Storage Warehouse Association

Appearing at request of Chair: ☐ Yes ☑️ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date: 2/2/12

Topic: ERP

Name: STEPHEN JAMES

Job Title: 

Address: 100 S. MONROE

Street: TALLAHASSEE

City: FL

State: 

Zip: 

Bill Number: 1354

Amendment Barcode: 562764

Phone: 922-5650

E-mail: 

Speaking: □ For □ Against □ Information

Representing: FLA, ASSOC OF COUNTIES

Appearing at request of Chair: □ Yes □ No

Lobbyist registered with Legislature: □ Yes □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)
The Florida Senate

Appearance Record

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 2/2/12

Topic ____________________________________________________________

Bill Number 1351

Name Susan Harbin

Amendment Barcode 562764

Job Title Leg Coordinator

Phone 954-599-6088

Address 115 S. Andrews

E-mail shurbon@broward.org

Ft. Lauderdale Fl

State Zip ______________________

Speaking: ☑ For ☐ Against ☐ Information

Representing Broward County

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
<table>
<thead>
<tr>
<th>Topic</th>
<th>ENVIRONMENTAL RESOURCE PERMITTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Keyna Cory</td>
</tr>
<tr>
<td>Job Title</td>
<td>SENIOR LOBBYIST</td>
</tr>
<tr>
<td>Address</td>
<td>110 E. College Ave</td>
</tr>
<tr>
<td>Phone</td>
<td>850 681-1065</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:keyna.cory@apaconsultants.com">keyna.cory@apaconsultants.com</a></td>
</tr>
<tr>
<td>Speaking:</td>
<td>[X] For</td>
</tr>
<tr>
<td>Representing</td>
<td>ASSOCIATED INDUSTRIES OF FL (AIF)</td>
</tr>
<tr>
<td>Appearing at request of Chair:</td>
<td>[ ] Yes</td>
</tr>
<tr>
<td>Lobbyist registered with Legislature:</td>
<td>[X] Yes</td>
</tr>
</tbody>
</table>

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*This form is part of the public record for this meeting.*
THE FLORIDA SENATE

APPEARANCE RECORD
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/2012
Meeting Date

Topic Statewide ERP

Name Leticia M Adams

Job Title Director of Infrastructure & Governance Policy

Address 136 South Bronough Street
          Tallahassee, FL 32301

Street
City
State Zip

Bill Number 1354
(if applicable)

Amendment Barcode
(if applicable)

Phone 850-544-6866

E-mail ladams@flchamber.com

Speaking: ☑ For   ☐ Against   ☐ Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic  Statewide ERP

Bill Number  1354

(if applicable)

Name  Jan Steversen

Amendment Barcode

(if applicable)

Job Title  Special Counsel on Policy and Legislative Affairs

Phone  (850) 245-2140

Address  3900 Commonwealth Blvd.

E-mail  jan.steverson@DEP.state.fl.us

Street

City  Tallahassee  FL  32319

Zip

Speaking:  □ For  □ Against  □ Information

Representing  DEP

Appearing at request of Chair:  □ Yes  □ No

Lobbyist registered with Legislature:  □ Yes  □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)
CourtSmart Tag Report

Room: SB 401
Case: Budget Subcommittee on General Government Appropriations
Type: 
Judge: 

Started: 2/2/2012 8:08:39 AM
Ends: 2/2/2012 8:30:02 AM Length: 00:21:24

8:08:42 AM Sen. Hays
8:09:02 AM Meeting called to order
8:09:32 AM SB 724
8:09:39 AM Sen. Diaz de la Portilla
8:10:31 AM Sen. Hays
8:11:02 AM Angelo Pico, Legislative Assistant, Diving Equipment and Marketing Assoc. waivers in support
8:11:15 AM Bob Harris, Diving Equipment and Marketing Assoc. waivers in support
8:11:27 AM Ryan Matthews, Legislative Advocate, Fl. League of Cities, waivers in support
8:11:33 AM Susan Harbin, Broward County
8:11:41 AM Stephen James, Florida Association of Counties, waivers in support
8:11:49 AM Lee Killanger, Florida AWWA, waivers in support
8:12:14 AM Edgar Fernandez, Governmental Affairs, Miami Dade Water and Sewer, waivers in support
8:13:18 AM Sen. Jones
8:14:55 AM Sen. Latvala
8:15:33 AM Sen. Hays
8:16:02 AM SB 1354
8:16:24 AM Senator Detert
8:17:19 AM Am.562764
8:17:39 AM Sen. Gibson
8:17:40 AM Kurt Spitzer, Storm Water Association, waivers in support
8:17:45 AM Stephen James, Association of Counties, waivers in support
8:18:37 AM Susan Harbin, Broward County, waivers in support
8:18:45 AM Kenya Cory, Senior Lobbyist, waivers in support
8:18:57 AM Leticia Adams, Florida Chamber of Commerce, waivers in support
8:19:00 AM Jon Steversen, DEP, waivers in support
8:19:16 AM Sen. Hays
8:20:23 AM SB 1090
8:20:43 AM Mike Nachev, aide to Sen. Richter
8:21:03 AM Bill Wiley, Attorney, Business Law Section, The Florida Bar, waivers in support
8:21:13 AM Kim Siomkos, Asst. VP of Gov. Relations, Florida Bankers Assoc, waivers in support
8:22:16 AM SB 1152
8:22:23 AM M. Nachev
8:23:49 AM Sen. Hays
8:24:10 AM SB 1112
8:24:39 AM Vijay Choksi, Aide to Sen. Altman
8:25:37 AM Sen. Jones
8:25:44 AM SB 1132
8:26:12 AM Sen. Hays
8:27:02 AM Am. 565940
8:27:29 AM Am. 327710
8:27:54 AM Keyna Cory; Ben Parks (Fl Farm Bureau)
8:28:09 AM Ryan Matthews, FL League of Cities
8:28:45 AM Committee Substitute Senate bill 1132
8:29:36 AM Meeting adjourned
8:29:57 AM
February 2, 2012

Senator Alan Hays, Chair
Sub/Gen. Gov't Appropriations Committee
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator:

Due to my present health challenges, I am requesting excusal from the meeting scheduled on Thursday, February 2, 2012

Sincerely,

[Signature]

Senator Larcenia J. Bullard, District 39

CC: Jamie DeLoach, Staff Director
February 01, 2012

Senator Hays, Chair
Budget Subcommittee on General Government Appropriations
324 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1300

Dear Chair Hays:

I respectfully request an excused absence for the General Government Appropriations meeting on, February 02, 2012.

Thank you in advance for your consideration.

Sincerely,

Senator Oscar Braynon II,
District 33

cc. Senator Nan Rich, Minority Leader
Jamie DeLoach, Staff Director
Lisa Waddell, Committee Administrative Asst.