CS/SB 1464 by **GO, Gaetz**; (Similar to CS/H 1305) Public Records/Public Meetings/Application to Officers-elect

713512	D	S	FAV	BTA, Gaetz	Delete everything after	03/01 02:13 PM

CS/SB 1398 by **CM, Gardiner (CO-INTRODUCERS) Fasano, Lynn**; (Similar to CS/1ST ENG/H 7023) Regional Workforce Boards

887066	A	S	FAV	BTA, Dean	Delete L.70:	03/01 02:29 PM
602092	A	S	FAV	BTA, Dean	Delete L.229 - 240:	03/01 02:29 PM
468330	A	S	FAV	BTA, Dean	Delete L.306:	03/01 02:29 PM
876790	A	S	FAV	BTA, Dean	Delete L.405 - 406:	03/01 02:29 PM

CS/SB 1416 by **CM, Bogdanoff**; (Similar to CS/1ST ENG/H 7027) Unemployment Compensation

832296	A	S	FAV	BTA, Bogdanoff	Delete L.401 - 407:	03/01 04:38 PM
729844	A	S	FAV	BTA, Bogdanoff	btw L.1030 - 1031:	03/01 04:38 PM
450510	A	S	FAV	BTA, Bogdanoff	Delete L.3450 - 3576:	03/01 04:38 PM
519408	A	S	FAV	BTA, Gaetz	btw L.3584 - 3585:	03/01 04:38 PM
127874	A	S L	WD	BTA, Bogdanoff	Delete L.1701 - 1748:	03/01 04:38 PM

CS/CS/SB 222 by **AG, CM, Siplin**; (Identical to CS/H 0827) Limited Agricultural Associations

SB 1768 by **Negron (CO-INTRODUCERS) Ring, Sachs**; (Compare to CS/1ST ENG/H 1207) Autonomous Vehicle Technology

SB 1068 by **Joyner**; (Identical to H 0763) Motor Vehicle Registration

CS/SB 868 by **GO, Hays**; (Similar to CS/1ST ENG/H 0591) Archaeological Sites and Specimens

142302	D	S	FAV	BTA, Dean	Delete everything after	03/01 01:39 PM

CS/SB 1238 by **TR, Hays**; (Similar to CS/CS/H 1009) Low-speed Vehicles

810934	A	S	FAV	BTA, Bennett	btw L.170 - 171:	03/01 01:19 PM

CS/SB 1298 by **TR, Detert**; (Similar to CS/1ST ENG/H 1165) Identification Cards and Driver Licenses

583820	A	S	FAV	BTA, Diaz de la Portilla	Delete L.18 - 44:	03/01 01:23 PM

CS/CS/SB 1206 by **GO, CM, CM (CO-INTRODUCERS) Lynn**; (Similar to CS/H 7115) OGSR/Economic Development Agencies

CS/CS/SB 842 by **CM, CA, Bennett**; (Similar to CS/1ST ENG/H 7081) Growth Management

279540	A	S	WD	BTA, Bogdanoff	Delete L.164 - 167:	03/01 04:35 PM
940000	A	S	FAV	BTA, Bennett	Delete L.168 - 229:	03/01 04:35 PM
448486	A	S	FAV	BTA, Bennett	Delete L.418 - 566:	03/01 04:35 PM
404122	A	S	FAV	BTA, Bennett	Delete L.812 - 831:	03/01 04:35 PM

SB 1494 by **Evers**; (Identical to H 4035) Driver Licenses

CS/SB 1388 by **TR, Bogdanoff**; (Identical to CS/H 1287) Motor Vehicle Registration Forms

CS/CS/SB 824 by **EP, TR, Dean (CO-INTRODUCERS) Gaetz**; (Compare to CS/CS/CS/2ND ENG/H 0599) Mitigation

CS/CS/SB 292 by **JU, CA, Bennett**; (Identical to CS/CS/H 0937) Legal Notices

CS/SB 1180 by **CA, Bennett**; (Compare to CS/CS/CS/CS/2ND ENG/H 0503) Growth Management

103136	A	S	FAV	BTA, Bennett	Delete L.259 - 273:	03/01 01:50 PM
932440	A	S	FAV	BTA, Bennett	Delete L.325 - 362:	03/01 01:50 PM

CS/SB 854 by **TR, Evers**; (Similar to H 0571) Teenage Drivers

SB 812 by **Norman**; Motor Vehicles

SB 1242 by **Hays (CO-INTRODUCERS) Lynn, Sachs**; (Compare to CS/H 0945) Broadband Internet Service

889700	D	S	FAV	BTA, Bennett	Delete everything after	03/01 01:57 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

BUDGET SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT APPROPRIATIONS

Senator Benacquisto, Chair
Senator Margolis, Vice Chair

MEETING DATE: Tuesday, February 28, 2012
TIME: 2:15 —4:15 p.m.
PLACE: *Toni Jennings Committee Room,* 110 Senate Office Building

MEMBERS: Senator Benacquisto, Chair; Senator Margolis, Vice Chair; Senators Alexander, Bennett, Bogdanoff, Bullard, Dean, Diaz de la Portilla, Evers, Fasano, Gaetz, Gibson, Latvala, Norman, Sachs, Smith, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	CS/SB 1464 Governmental Oversight and Accountability / Gaetz (Similar CS/H 1305)	Public Records/Public Meetings/Application to Officers-elect; Declaring that it is the policy of this state that the provisions of ch. 119, F.S., apply to officers-elect upon their election to public office; requiring that such officers-elect adopt and implement reasonable measures to ensure compliance with the public records obligations set forth in ch. 119, F.S.; requiring that the public records of an officer-elect be maintained in accordance with the policies and procedures of the public office to which the officer has been elected; requiring that online and electronic communication and recordkeeping systems preserve the records on such systems so as to not impair the ability of the public to inspect or copy such public records; revising public meeting requirements to apply the requirements to meetings with or attended by officers-elect, etc. GO 01/26/2012 Fav/CS BTA 02/09/2012 Not Considered BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 13 Nays 0
	CS/SB 1398 Commerce and Tourism / Gardiner (Similar CS/H 7023, Compare S 1488, S 1996, S 2002)	Regional Workforce Boards; Citing this act as the "Regional Workforce Boards Accountability Act"; providing that tuition, books, and fees of training providers qualify as an Individual Training Account expenditure; requiring members and the executive director of a regional workforce board to make financial disclosures; requiring that staff of the Department of Economic Opportunity, under the direction of Workforce Florida, Inc., assign staff to review the performance of regional workforce boards; requiring Workforce Florida, Inc., to evaluate the means to establish a single, statewide-workforce system brand and to report its findings and recommendations to the Governor by a specified date, etc. CM 01/26/2012 Fav/CS BTA 02/09/2012 Not Considered BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 15 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	CS/SB 1416 Commerce and Tourism / Bogdanoff (Similar CS/H 7027, Compare CS/H 7041, CS/S 1204, S 1996)	Unemployment Compensation; Revising a short title to rename "unemployment compensation" as "reemployment assistance"; renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission; providing scoring requirements relating to initial skills reviews; prohibiting benefits from being charged to the employment record of an employer that is forced to lay off workers as a result of a manmade disaster of national significance; deleting an exemption from public records requirements for unemployment compensation records and reports, etc. CM 01/26/2012 Fav/CS BTA 02/09/2012 Not Considered BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 14 Nays 1
	CS/CS/SB 222 Agriculture / Commerce and Tourism / Siplin (Identical CS/H 827)	Limited Agricultural Associations; Providing for the conversion of limited agricultural associations to corporations not for profit; specifying a fee for filing a limited agricultural association's certificate of conversion to a domestic corporation; requiring the filing of a certificate of conversion and articles of incorporation with the Department of State; providing that the conversion does not affect any obligation or liability of the association; providing that all rights, property, and obligations of the association are vested in the corporation; specifying that the association is not required to wind up its affairs or pay its liabilities and distribute its assets, etc. CM 01/09/2012 Fav/CS AG 01/23/2012 Fav/CS BTA 02/28/2012 Favorable BC	Favorable Yeas 14 Nays 0
	SB 1768 Negron (Compare CS/H 1207)	Autonomous Vehicle Technology; Directing the Department of Highway Safety and Motor Vehicles to prepare a report on the safe operation of vehicles equipped with autonomous technology on public roads, etc. TR 01/26/2012 Favorable BTA 02/28/2012 Favorable BC	Favorable Yeas 16 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	SB 1068 Joyner (Identical H 763, Compare CS/CS/H 1223, CS/CS/S 1122)	Motor Vehicle Registration; Specifying that a vehicle may not be operated after expiration of the renewal period or, for a natural person, after midnight on the owner's birthday unless the registration was renewed before then; authorizing a person who has renewed a vehicle registration during an early registration period to apply for a refund of specified license taxes upon surrendering the registration license plate before the end of the renewal period, etc. TR 01/19/2012 Favorable BTA 02/28/2012 Favorable BC	Favorable Yeas 16 Nays 0
	CS/SB 868 Governmental Oversight and Accountability / Hays (Similar CS/H 591)	Archaeological Sites and Specimens; Authorizing the Division of Historical Resources of the Department of State to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by a political subdivision; providing that specified activities relating to archaeological sites and specimens located upon land owned by a political subdivision are prohibited and subject to penalties; authorizing the division to impose an administrative fine on and seek injunctive relief against certain entities, etc. GO 02/07/2012 Fav/CS BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 15 Nays 0
	CS/SB 1238 Transportation / Hays (Similar CS/CS/H 1009)	Low-speed Vehicles; Authorizing the conversion of a vehicle titled or branded and registered as a low-speed vehicle to a golf cart; providing procedures; providing for a fee, etc. TR 01/19/2012 Fav/CS BTA 02/09/2012 Not Considered BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 15 Nays 0
	CS/SB 1298 Transportation / Detert (Similar CS/H 1165)	Identification Cards and Driver Licenses; Providing for a veteran to have a temporary sticker affixed to a state identification card which indicates veteran status; providing for a veteran to have a temporary sticker affixed to a driver license which indicates veteran status; providing for fees, etc. MS 01/26/2012 Favorable TR 02/07/2012 Fav/CS BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 15 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	CS/CS/SB 1206 Governmental Oversight and Accountability / Commerce and Tourism / Commerce and Tourism (Similar CS/H 7115)	OGSR/Economic Development Agencies; Amending provisions which provide public records exemptions for information held by economic development agencies; saving from repeal the exemption concerning plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state; providing that the exemption applies if a request for confidentiality is made before an economic incentive agreement is signed; specifying the time period during which information remains confidential and exempt when a final project order for a signed economic development agreement is issued, etc. CM 01/19/2012 Fav/CS GO 02/16/2012 Fav/CS GO 02/17/2012 BTA 02/28/2012 Favorable	Favorable Yeas 16 Nays 0
	CS/CS/SB 842 Commerce and Tourism / Community Affairs / Bennett (Similar CS/H 7081, Compare CS/CS/H 977, CS/H 1037, H 1489, CS/H 7041, H 7075, CS/S 440, CS/S 692, CS/S 1204, S 2076)	Growth Management; Authorizing a local government to retain certain charter provisions that were in effect as of a specified date and that relate to an initiative or referendum process; requiring a local land planning agency to periodically evaluate and appraise a comprehensive plan; deleting provisions relating to the Coastal Resources Interagency Management Committee; revising and providing requirements relating to public facilities and services, public education facilities, and local school concurrency system requirements; deleting redundant requirements for the submission of certain interlocal agreements to the Office of Educational Facilities and the state land planning agency and for review of the interlocal agreement by the office and the agency, etc. CA 01/23/2012 Fav/CS CM 02/02/2012 Fav/CS BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 15 Nays 0
	SB 1494 Evers (Identical H 4035, Compare CS/CS/H 1223, CS/CS/S 1122)	Driver Licenses; Repealing provisions relating to the effect of classified licensure on persons holding a chauffeur's license; repealing provisions for licensure of such persons under the appropriate license classification, etc. TR 01/26/2012 Favorable BTA 02/28/2012 Favorable BC	Favorable Yeas 15 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	CS/SB 1388 Transportation / Bogdanoff (Identical CS/H 1287, Compare CS/CS/H 1223)	Motor Vehicle Registration Forms; Requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to Autism Services and Supports and to Support Our Troops; providing that such contributions are not income for specified purposes; requiring the application forms for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to Autism Services and Supports and to Support Our Troops; providing that such contributions are not income for specified purposes, etc. TR 01/26/2012 Fav/CS BTA 02/28/2012 Favorable BC	Favorable Yeas 14 Nays 0
	CS/CS/SB 824 Environmental Preservation and Conservation / Transportation / Dean (Compare CS/CS/CS/H 599, CS/CS/CS/H 1399, CS/CS/S 1866)	Mitigation ; Revising legislative intent to encourage the use of other mitigation options that satisfy state and federal requirements; providing the Department of Transportation or a transportation authority the option of participating in a mitigation project; requiring a transportation authority that chooses to participate in the program to submit lists of its projects in the adopted work program to the water management districts; requiring a list rather than a survey of threatened or endangered species and species of special concern affected by a proposed project; providing conditions for the release of certain environmental mitigation funds; prohibiting a mitigation plan from being implemented unless the plan is submitted to and approved, in part or in its entirety, by the Department of Environmental Protection, etc. TR 01/19/2012 Fav/CS EP 01/30/2012 Fav/CS BTA 02/28/2012 Favorable BC	Favorable Yeas 14 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	CS/CS/SB 292 Judiciary / Community Affairs / Bennett (Identical CS/CS/H 937, Compare CS/CS/CS/CS/H 481, CS/CS/S 860)	Legal Notices; Requiring that, after a specified date, if a legal notice is published in a newspaper, the newspaper publishing the notice shall also place the notice on a website maintained by the newspaper, at no additional charge; providing that an error on a newspaper or statewide website shall be considered a harmless error and legal notice requirements shall be considered met if the notice published in the newspaper is correct; limiting the rate that may be charged for government notices required to be published more than once in certain circumstances; requiring that plain notice to the licensee to be posted on the front page of the Department of Business and Professional Regulation's website and provided to certain news outlets, etc. CA 01/12/2012 Fav/CS JU 02/16/2012 Fav/CS BTA 02/28/2012 Favorable BC	Favorable Yeas 14 Nays 0
	CS/SB 1180 Community Affairs / Bennett (Compare CS/CS/CS/CS/H 503, CS/CS/H 979)	Growth Management; Requiring that comprehensive plan amendments proposing certain developments follow the state coordinated review process; limiting the scope of certain recommendations and comments by reviewing agencies regarding proposed developments; revising certain review criteria for reports and recommendations on the regional impact of proposed developments; requiring regional planning agency reports to contain recommendations consistent with the standards of state permitting agencies and water management districts; revising conditions under which a local government is required to rescind a development-of-regional-impact development order; providing for application and approval of an amendment to the local comprehensive plan by the owner of land that meets certain criteria as an agricultural enclave; creating a 2-year permit extension, etc. CA 02/06/2012 Fav/CS BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 15 Nays 0
	CS/SB 854 Transportation / Evers (Similar H 571)	Teenage Drivers; Providing for the Department of Highway Safety and Motor Vehicles to electronically notify a parent or guardian when certain events are added to the driving record of a minor licensed to drive, etc. TR 01/09/2012 Temporarily Postponed TR 01/19/2012 Fav/CS BTA 02/28/2012 Temporarily Postponed BC	Temporarily Postponed

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	SB 812 Norman	Motor Vehicles; Waiving the standard registration and license plate fees and charges for one motor vehicle for any member of the United States Armed Forces who is stationed outside the state; requiring that the applicant pay the applicable fee for any additional motor vehicle registration or license plate or personalized prestige or specialty plate, etc. MS 01/09/2012 Favorable TR 01/19/2012 Favorable BTA 02/28/2012 Favorable BC	Favorable Yeas 15 Nays 0
	SB 1242 Hays (Compare CS/H 945)	Broadband Internet Service; Adding to the legislative findings that the sustainable adoption of broadband Internet service is critical to community development; designating the Department of Economic Opportunity rather than the Department of Management Services as the agency to receive and manage all federal broadband initiative funds for the state; requiring the Department of Economic Opportunity to establish a public-private partnership to work with certain private and governmental organizations to oversee broadband development; revising the oversight criteria, etc. CU 01/23/2012 Favorable CM 02/07/2012 Favorable BTA 02/28/2012 Fav/CS BC	Fav/CS Yeas 15 Nays 0

Other Related Meeting Documents

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/SB 1464

INTRODUCER: Governmental Oversight and Accountability Committee; and Senator Gaetz

SUBJECT: Public Records/Public Meetings/Application to Officers-elect

DATE: February 3, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Seay	Roberts	GO	**Fav/CS**
2.	Martin	Meyer, R.	BTA	**Pre-meeting**
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This bill requires that officers-elect adopt and implement reasonable measures to ensure compliance with the public records requirements established by Chapter 119, F.S. The bill requires that officers-elect maintain public records in accordance with the policies and procedures of the office to which they have been elected. The bill defines officers-elect as the Governor, Lieutenant Governor, Attorney General, Chief Financial Officer and Commissioner of Agriculture. The bill requires that transition records stored online or electronically be preserved to allow for public inspection. The bill requires an officer-elect to deliver transition records to their office as soon as practicable upon taking the oath of office. This bill clarifies that officers-elect are subject to the public meetings requirements established in Chapter 286, F.S.

This bill creates s. 119.035, amends s. 286.011, and reenacts s. 112.3215(8)(b) of the Florida Statutes.

II. Present Situation:

Florida Public Records and Meetings Laws

The State of Florida has a long history of providing public access to governmental records. The Florida Legislature enacted the first public records law in 1892.[1] One hundred years later, Floridians adopted an amendment to the State Constitution that raised the statutory right of access to public records to a constitutional level.[2] Article I, s. 24 of the State Constitution, provides that:

> Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

Article I, s. 24 of the State Constitution also provides that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the Legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution. In addition, the Sunshine Law, s. 286.011, F.S., provides that all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

Only the Legislature is authorized to create exemptions to open government requirements.[3] An exemption must be created in general law, must state the public necessity justifying it, and must not be broader than necessary to meet that public necessity.[4] A bill enacting an exemption[5] may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.[6]

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[1] Section 1390, 1391 F.S. (Rev. 1892).
[2] Article I, s. 24, Fla. Constitution.
[3] Art. I, s. 24(c), Fla. Constitution.
[4] *Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373, 380 (Fla. 1999); *Halifax Hospital Medical Center v. News-Journal Corporation*, 724 So.2d 567 (Fla. 1999).
[5] Under s. 119.15, F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.
[6] Art. I, s. 24(c), Fla. Constitution.

Application of Public Records and Meetings Requirements to Officers-Elect

Officers-elect have been held subject to public records and meetings requirements upon certification of their election.[7] Although not explicitly stated in statute, this principle has been adopted through case law.[8] *Hough* stated that members-elect of boards, commissions, agencies and other governing bodies are subject to the public meetings requirements.[9] However, case law has not specifically ruled on the requirement to have written communications of officers-elect open to public inspection. Despite ambiguity in the law, the Department of State has routinely archived transition records for incoming governors since 1971.

III. Effect of Proposed Changes:

Section 1 creates s. 119.035, F.S., specifying that officers-elect are subject to the public records requirements contained in Ch. 119, F.S.; requiring that public records of an officer-elect are to be maintained according to the policies and procedures of the public office to which the officer has been elected; requiring that an officer-elect maintain transition records contained in an online or electronic communication or recordkeeping system; requiring the officer-elect to deliver public records created during the transition to the person or persons responsible for records in such office upon taking the oath of office; providing a definition for officers-elect.

Section 2 amends s. 286.011, F.S., providing that meetings with or attended by an officer-elect at which official acts are to take place are considered public meetings open to the public and must be reasonably noticed.

Section 3 reenacts s. 112.3215(8)(b), F.S., incorporating the amendment to s. 286.011, F.S.

Section 4 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.

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[7] *See* Attorney General Opinion 74-40.
[8] *See Hough v. Stembridge*, 278 So.2d 288 (Fla. 3d DCA 1973).
[9] *Id.* at 289.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

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.)

CS by Governmental Oversight and Accountability on January 26, 2012:
The CS adds a definition of "officers-elect" as applied to Section 119.035, F.S.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 119.035, Florida Statutes, is created to read:

119.035 Officers-elect.—

(1) It is the policy of this state that the provisions of this chapter apply to officers-elect upon their election to public office. Such officers-elect shall adopt and implement reasonable measures to ensure compliance with the public records

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12 obligations set forth in this chapter.
13 (2) Public records of an officer-elect shall be maintained
14 in accordance with the policies and procedures of the public
15 office to which the officer has been elected.
16 (3) If an officer-elect, individually or as part of a
17 transition process, creates or uses an online or electronic
18 communication or recordkeeping system, all public records
19 maintained on such system shall be preserved so as not to impair
20 the ability of the public to inspect or copy such public
21 records.
22 (4) Upon taking the oath of office, the officer-elect
23 shall, as soon as practicable, deliver to the person or persons
24 responsible for records and information management in such
25 office all public records kept or received in the transaction of
26 official business during the period following election to public
27 office.
28 (5) For the purpose of this section, the term "officers-
29 elect" means the Governor, the Lieutenant Governor, the Attorney
30 General, the Chief Financial Officer, and the Commissioner of
31 Agriculture.
32 Section 2. Subsection (1) of section 286.011, Florida
33 Statutes, is amended to read:
34 286.011 Public meetings and records; public inspection;
35 criminal and civil penalties.—
36 (1) All meetings of any board or commission of any state
37 agency or authority or of any agency or authority of any county,
38 municipal corporation, or political subdivision, except as
39 otherwise provided in the Constitution, including meetings with
40 or attended by any person elected to such board or commission,

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41 but who has not yet taken office, at which official acts are to
42 be taken are declared to be public meetings open to the public
43 at all times, and no resolution, rule, or formal action shall be
44 considered binding except as taken or made at such meeting. The
45 board or commission must provide reasonable notice of all such
46 meetings.
47 Section 3. For the purpose of incorporating the amendment
48 made by this act to section 286.011, Florida Statutes, in a
49 reference thereto, paragraph (b) of subsection (8) of section
50 112.3215, Florida Statutes, is reenacted to read:
51 112.3215 Lobbying before the executive branch or the
52 Constitution Revision Commission; registration and reporting;
53 investigation by commission.—
54 (8)
55 (b) All proceedings, the complaint, and other records
56 relating to the investigation are confidential and exempt from
57 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
58 Constitution, and any meetings held pursuant to an investigation
59 are exempt from the provisions of s. 286.011(1) and s. 24(b),
60 Art. I of the State Constitution either until the alleged
61 violator requests in writing that such investigation and
62 associated records and meetings be made public or until the
63 commission determines, based on the investigation, whether
64 probable cause exists to believe that a violation has occurred.
65 Section 4. This act shall take effect July 1, 2012.
66
67 ========== T I T L E A M E N D M E N T ==========
68 And the title is amended as follows:
69

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70 Delete everything before the enacting clause
71 and insert:
72 A bill to be entitled
73 An act relating to public records; creating s.
74 119.035, F.S.; declaring that it is the policy of this
75 state that the provisions of ch. 119, F.S., apply to
76 certain constitutional officers upon their election to
77 public office; requiring that such officers adopt and
78 implement reasonable measures to ensure compliance
79 with the public records obligations set forth in ch.
80 119, F.S.; requiring that the public records of such
81 officers be maintained in accordance with the policies
82 and procedures of the public offices to which the
83 officers have been elected; requiring that online and
84 electronic communication and recordkeeping systems
85 preserve the records on such systems so as to not
86 impair the ability of the public to inspect or copy
87 such public records; requiring that such officers, as
88 soon as practicable upon taking the oath of office,
89 deliver to the person or persons responsible for
90 records and information management, all public records
91 kept or received in the transaction of official
92 business during the period following election to
93 public office; defining the term “officers-elect” as
94 used in s. 119.035, F.S.; amending s. 286.011, F.S.;
95 revising public meeting requirements to apply the
96 requirements to meetings with or attended by newly
97 elected members of boards and commissions of any state
98 agency or authority or of any agency of authority of

713512

99 any county, municipal corporation, or political
100 subdivision; reenacting s. 112.3215(8)(b), F.S.,
101 relating to lobbying before the executive branch or
102 the Constitution Revision Commission, to incorporate
103 the amendment made to s. 286.011, F.S., in a reference
104 thereto; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Gaetz

585-02458-12 20121464c1

A bill to be entitled

An act relating to public records; creating s. 119.035, F.S.; declaring that it is the policy of this state that the provisions of ch. 119, F.S., apply to officers-elect upon their election to public office; requiring that such officers-elect adopt and implement reasonable measures to ensure compliance with the public records obligations set forth in ch. 119, F.S.; requiring that the public records of an officer-elect be maintained in accordance with the policies and procedures of the public office to which the officer has been elected; requiring that online and electronic communication and recordkeeping systems preserve the records on such systems so as to not impair the ability of the public to inspect or copy such public records; requiring that the officer-elect, as soon as practicable upon taking the oath of office, deliver to the person or persons responsible for records and information management, all public records kept or received in the transaction of official business during the period following election to public office; defining the term "officers-elect"; amending s. 286.011, F.S.; revising public meeting requirements to apply the requirements to meetings with or attended by officers-elect; reenacting s. 112.3215(8)(b), F.S., relating to lobbying before the executive branch or the Constitution Revision Commission, to incorporate the amendment made to s. 286.011, F.S., in a reference thereto; providing an effective date.

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

585-02458-12 20121464c1

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

Section 1. Section 119.035, Florida Statutes, is created to read:

119.035 Officers-elect.—

(1) It is the policy of this state that the provisions of this chapter apply to officers-elect upon their election to public office. Such officers-elect shall adopt and implement reasonable measures to ensure compliance with the public records obligations set forth in this chapter.

(2) Public records of an officer-elect shall be maintained in accordance with the policies and procedures of the public office to which the officer has been elected.

(3) If an officer-elect, individually or as part of a transition process, creates or uses an online or electronic communication or recordkeeping system, all public records maintained on such system shall be preserved so as not to impair the ability of the public to inspect or copy such public records.

(4) Upon taking the oath of office, the officer-elect shall, as soon as practicable, deliver to the person or persons responsible for records and information management in such office all public records kept or received in the transaction of official business during the period following election to public office.

(5) For the purposes of this section, the term "officers-elect" means the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of

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

59 Agriculture.
60 Section 2. Subsection (1) of section 286.011, Florida
61 Statutes, is amended to read:
62 286.011 Public meetings and records; public inspection;
63 criminal and civil penalties.—
64 (1) All meetings of any board or commission of any state
65 agency or authority or of any agency or authority of any county,
66 municipal corporation, or political subdivision, except as
67 otherwise provided in the Constitution, including meetings with
68 or attended by an officer-elect, at which official acts are to
69 be taken are declared to be public meetings open to the public
70 at all times, and no resolution, rule, or formal action shall be
71 considered binding except as taken or made at such meeting. The
72 board or commission must provide reasonable notice of all such
73 meetings.
74 Section 3. For the purpose of incorporating the amendment
75 made by this act to section 286.011, Florida Statutes, in a
76 reference thereto, paragraph (b) of subsection (8) of section
77 112.3215, Florida Statutes, is reenacted to read:
78 112.3215 Lobbying before the executive branch or the
79 Constitution Revision Commission; registration and reporting;
80 investigation by commission.—
81 (8)
82 (b) All proceedings, the complaint, and other records
83 relating to the investigation are confidential and exempt from
84 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
85 Constitution, and any meetings held pursuant to an investigation
86 are exempt from the provisions of s. 286.011(1) and s. 24(b),
87 Art. I of the State Constitution either until the alleged

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

88 violator requests in writing that such investigation and
89 associated records and meetings be made public or until the
90 commission determines, based on the investigation, whether
91 probable cause exists to believe that a violation has occurred.
92 Section 4. This act shall take effect July 1, 2012.

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

S1464
GENERAL BILL/CS by GO, Gaetz; (Similar CS/H 1305)
Public Records/Public Meetings/Application to Officers-elect. EFFECTIVE DATE: 07/01/2012.
03/07/12 S Read 2nd time -SJ 940 ; Substituted CS/HB 1305 -SJ 940 ; Laid on Table, companion bill(s) passed, see CS/HB 1305 (Ch. 2012-25) -SJ 940

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL:	CS/SB 1398
INTRODUCER:	Commerce and Tourism Committee; and Senators Gardiner and Fasano
SUBJECT:	Regional Workforce Boards
DATE:	February 3, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Hrdlicka	CM	**Fav/CS**
2.	Martin	Meyer, R.	BTA	**Pre-meeting**
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1398 amends statutes related to Florida's workforce system, and includes measures designed to increase the accountability of the workforce system.

Specifically the CS:

- Limits the total membership of each local regional workforce board to the minimum membership required under federal law. However, upon approval by the Governor the local elected official may appoint additional members. Additionally, if a public education or training provider is on the board, both a representative of a private non-profit provider and a representative of a private for-profit provider must be appointed to the board;
- Requires each member and the executive director or person responsible for the operational and administrative functions of a regional workforce board to file a disclosure of financial interest pursuant to s. 112.3145, F.S., if they are not already required to file a financial disclosure pursuant to s. 8, art. II, of the State Constitution, or s. 112.3144, F.S.;
- Provides that the chair and the executive director or person responsible for the operational and administrative functions of a regional workforce board shall serve at the pleasure of the Governor;

- Provides authority for the Governor to remove any member of a regional workforce board for cause;
- Requires the regional workforce board to develop an annual budget for the purpose of carrying out its duties that must be approved by the local elected official and submitted to Workforce Florida, Inc., within 2 weeks of approval;
- Requires Workforce Florida, Inc., to evaluate the development of a single, statewide workforce-system brand for Florida and submit a report to the Governor by a date certain;
- Revives from expiration the provision which prohibits the regional workforce boards from utilizing state or federal funds for meals, food, beverages, entertainment, or recreational activities;
- Revives from expiration the provision which requires that any contract between a regional workforce board and a member of the board, or a contract between a board and a relative of a member or employee of the board, has to be approved by a two-thirds vote of the board;
- Requires contracts totaling $2,500 or greater to be approved by a majority vote of the regional workforce board;
- Requires at least 50 percent of the Title I funds for Adults and Dislocated Workers to be expended on Individual Training Accounts, including tuition, books, and fees of training providers;
- Requires regional workforce boards to provide the greatest possible choice of training providers, and prohibits the boards from limiting choice due to costs, location, or historical training arrangements; and
- Saves from repeal a provision that provides that state workforce services participants in an adult or youth work experience activity are considered employees of the state for the purpose of workers' compensation coverage.

This CS amends ss. 445.003, 445.007, and 445.009, F.S.

II. Present Situation:

Florida's Workforce System

The Workforce Innovation Act of 2000 was passed in an effort to better connect the state's economic development strategies with its workforce development system.[1] The act established a three-tier system for the delivery of workforce services.[2]

The Department of Economic Opportunity (DEO) is Florida's lead state workforce agency.[3] However, Workforce Florida, Inc., (WFI) sets the state's workforce development policy and guidance.[4] Workforce services in Florida are provided by 24 regional workforce boards (RWB or board) who deliver services through nearly 90 One-Stop Career Centers around the state.

[1] Chapter 2000-165, L.O.F. See staff analysis for SB 2050 and HB 1135 (2000).
[2] See ch. 445., F.S.
[3] Primarily through the Division of Workforce Services.
[4] WFI is Florida's state workforce investment board. See 29 U.S.C. 2821.

WFI is a nonprofit corporation that provides state-level policy, planning, performance evaluation, and oversight to DEO and the 24 regional workforce boards.[5] DEO manages the performance-based contract with WFI for the statewide administration and coordination of workforce services. DEO assists WFI in developing and disseminating policies, providing technical assistance, and monitoring a variety of workforce programs.

DEO is the state agency which receives the federal funds for employment-related programs, such as Welfare to Work, Temporary Assistance to Needy Families, and the Workforce Investment Act, and distributes these funds to the state's 24 RWBs. The workforce services programs are over 96 percent federally funded.[6] DEO is responsible for financial and performance reports which are provided to the U.S. Department of Labor and other federal organizations.

Each RWB develops a local plan for using the funds provided by DEO and oversees workforce development activities in the region. The boards also select contractors to operate local One-Stop Career Centers. The One-Stop Career Centers deliver employment services to job seekers and employers. Services include job placement and recruitment assistance as well as funding for skills training.[7]

Each RWB operates under a charter approved by WFI; they also enter into performance based memorandums of understanding for program support services provided by DEO.[8] DEO monitors the RWB and One-Stop Career Center activities to ensure that they comply with federal and state requirements. DEO provides One-Stop Program Support services (workforce program information, guidance, training, and technical assistance) to the RWBs.

Regional Workforce Boards

The service areas of the RWBs align with community college system.[9] Approval of each RWB's service plan and budget is done by the local government or local coalition (for boards whose service areas serve multiple counties).[10] Each board is allowed to implement the policies based upon the economic development, business, and workforce needs of its particular region of the state.[11]

The county or city governing bodies, within an RWB's designated service area, enter into an inter-local agreement to establish the local parameters under which the RWB will operate. This includes the manner in which board members are appointed. Once board appointments are made, board members select a chair. The board chair may serve for a term of not more than 2 years and cannot serve more than two terms. Board membership must comply with the requirements outlined in federal workforce law.[12] Specifically, the Governor of the state, in partnership with

[5] Section 445.004, F.S.
[6] Data from the Sunset Review Report for the Agency for Workforce Innovation (June 30, 2010), on file with the Commerce and Tourism Committee.
[7] Sections 445.007 and 445.009, F.S.
[8] Section 445.009(3), F.S.
[9] See also 29 U.S.C. 2831.
[10] 29 U.S.C. s. 2832(3). Additionally, each local plan is required to be submitted to the Governor for approval. 29 U.S.C. 2833.
[11] See s. 445.003, F.S.
[12] 29 U.S.C. s. 2832.

the state board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards. Such criteria shall require, at a minimum, that the membership of each local board shall include the following:

- Representatives of business in the local area, who:
  - Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;
  - Represent businesses with employment opportunities that reflect the employment opportunities of the local area; and
  - Are appointed from among individuals nominated by local business organizations and business trade associations;
- Representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;
- Representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees;
- Representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);
- Representatives of economic development agencies, including private sector economic development entities;
- Representatives of each of the one-stop partners; and
- Other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

The appointment of an executive director to staff a regional workforce board is made by the board members. Additionally, the chairman of the regional workforce board is elected by its members and is not subject to Senate confirmation.

Federal law defines the ‘‘chief elected official’’ as the chief elected executive officer of a unit of general local government in a local area.[13] In a case in which a local area includes more than one unit of general local government, an agreement must be reached specifying each chief elected official’s role. In general, the chief elected official in a local or regional area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local or regional area.[14]

[13] 29 U.S.C. s. 2801(6).
[14] 29 U.S.C. s. 2832(3).

Contract Approval and Spending Prohibitions

Section 445.007(11), F.S., expired July 1, 2011, and had required that if a board enters into a contract with an organization or individual represented on the board of directors, (1) the contract must be approved by a two-thirds vote of the board, a quorum having been established, and (2) the board member who could benefit financially from the transaction must abstain from voting on the contract. In August 2011, WFI approved a policy prohibiting contracts between a board and a member of the board that has a relationship with the vendor, with certain exceptions.[15]

Section 445.007(10), F.S., expired July 1, 2011, and had prohibited state and federal funds from being used to pay for meals, food, or beverages for staff or board members of the RWBs, DEO, or WFI. However, preapproved, reasonable, and necessary per diem allowances and travel expenses were allowed for reimbursement as established in s. 112.061, F.S. Further, the section prohibited the use of state or federal funds for entertainment costs or recreational activities for RWB members and staff.

Additionally, proviso language in the FY 2011-12 General Appropriations Act related to funding for boards set certain requirements:[16]

- Any expenditures by boards for "outreach," "advertising," or "public relations" must have a direct program benefit and shall be spent in strict accordance with all applicable federal regulations and guidance. Costs of promotional items, including but not limited to capes, blankets, clothing, and memorabilia, including models, gifts, and souvenirs, which exceed $5,000 for outreach purposes must be approved prior to purchase by DEO.
- No funds may be used directly or indirectly to pay for meals, food, or beverages for board members, staff, or employees of regional workforce boards, WFI, or DEO except as expressly authorized by state law. Preapproved, reasonable, and necessary per diem allowances and travel expenses may be reimbursed.[17]
- No funds may be used for entertainment costs and recreational activities for board members and employees as these terms are defined in 2 C.F.R. part 230.[18]
- No funds may be used for any contract exceeding $25,000 between a board and a member of that board that has any relationship with the contracting vendor, unless the contract has been reviewed by AWI and WFI.[19]

U.S. Department of Labor Investigation

Currently, the U.S. Department of Labor is conducting an on-going statewide investigation for misspending funds and fraud. The following boards have received subpoenas:

- Region 8 – First Coast Workforce Development, Inc. – Baker, Clay, Duval, Nassau, Putnam, St. Johns counties
- Region 11 – Center for Business Excellence – Flagler/Volusia counties

[15] See materials from WFI Board of Directors meeting on August 18, 2011, available at http://www.workforceflorida.com/Calendar/calendar2011.php (last visited 1/20/2012).
[16] Line 2006, s. 6, ch. 2011-69, L.O.F.
[17] Previously included in FY 2010-11 General Appropriations Act.
[18] Id.
[19] Id.

- Region 12 – Workforce Central Florida – Orange, Osceola, Seminole, Lake and Sumter counties
- Region 14 – Worknet Pinellas – Pinellas County
- Region 15 – Tampa Bay Workforce Alliance – Hillsborough County
- Region 17 – Polk County Workforce Development Board – Polk County
- Region 19 – Heartland Workforce – DeSoto, Hardee, Highlands counties
- Region 21 – Workforce Alliance – Palm Beach County
- Region 22 – Workforce One – Broward County
- Region 23 – South Florida Workforce Investment Board – Miami-Dade/Monroe counties

Recent Spending Disallowed

As part of the state monitoring requirements, DEO also investigates complaints of misspending by RWBs. In recent years, spending was disallowed by the former Agency for Workforce Innovation (AWI) (calendar years 2010-2011), including:

- Tampa Bay Workforce Alliance –
  - AWI disallowed $147,128.18 for food purchases and expenditures for activities, meetings, sponsorships, and the purchase of promotional materials by the board.
- Workforce Central Florida –
  - AWI disallowed a total of $38,875.60 that the board could have saved by reimbursing employees instead of purchasing 20 cars for $258,800.
  - AWI and the U.S. Department of Justice disallowed $739,605 improperly spent on a legal settlement with SunTrust over a broken lease agreement.
- Polk County Workforce Development Board (Polk Works) –
  - AWI disallowed $155,559 for revocations done to local One-Stop Career Centers because the board did not correctly seek bids for the upgrades and repairs.

Additionally, in the spring of 2010, AWI conducted a survey of boards, at the request of Senator Fasano, to determine the value of contracts and individual training accounts entered into between the board and board members or their relatives. The survey found:

- 574 related party contracts, about $55.4 million (60 percent with public organizations (like community colleges); 22 percent with private non-profits; and 18 percent with private for-profits); and
- Compliance with state law about related party contract approval was inconsistent.

Funds disallowed and found to be misspent must be repaid; because of the federal law, if the regional workforce board cannot repay the fund, the responsibility may fall to the local governments.[20]

In September 2011, Governor Rick Scott placed the Workforce Central Florida RWB on a two week probationary period, after which if certain steps had not been taken the board would have been subject to decertification.[21] The required steps included that certain senior executive staff be relieved of their duties, including the CEO and president of the board, and that the then current

[20] See discussion of Regional Workforce Boards above.
[21] Federal law vests such authority with the Governor.

board of directors be removed and replaced with a new board. The Governor's letter to the chair of the Central Florida Area Workforce Investment Consortium stated that the RWB had nearly $5.3 million in reviewed expenditures that had been found not to be in compliance with federal fiscal requirements.[22]

Financial Disclosures

Section 112.3145(2), F.S., requires the following:

- Each state or local officer and specified state employee to file a statement of financial interests no later than July 1 of each year;
- Each state or local officer and specified state employee must file a final statement of financial interests within 60 days after leaving his or her public position. The disclosure covers the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure; and
- Each state or local officer who is appointed and each specified state employee who is employed must file a statement of financial interests within 30 days from the date of appointment or, in the case of a specified state employee, from the date on which the employment begins.

A 2008 opinion by the Commission on Ethics stated that "[a]ppointed and ex officio members of the board of directors of a regional workforce development board are not subject to the financial disclosure provisions in Section 112.3145, Florida Statutes."[23]

Workers' Compensation Coverage

The Welfare Transition Program, the Food Stamp Employment and Training Program, and the Workforce Investment Act Program provide work experience for adult and youth participants.

In the Welfare Transition Program, participants engage in work experience as a condition for their continued receipt of cash assistance under the federal Temporary Assistance for Needy Families (TANF) Program. In the Food Stamp Employment and Training Program, certain participants are required to engage in work experience as a condition for their continued receipt of food stamp benefits. In the Workforce Investment Act Program, work experience is an activity that is primarily used for youth who have had limited exposure to the world of work.

Federal law requires that participants in a federally funded work experience activity must be covered either under the state workers' compensation law or comparable insurance coverage must be secured. The cost for any workers' compensation coverage provided under this proposal would be paid for by the applicable federal grant program. The overall cost would be lower if all participants were covered under the state's plan rather than each regional workforce board and each individual service provider having to negotiate separate insurance coverage for their participants.

[22] Letter from Governor Rick Scott to Mayor Teresa Jacobs, Mayor of Orange County, dated September 21, 2011, on file with the Senate Commerce and Tourism Committee.
[23] Florida Commission on Ethics, "Financial Disclosure: Applicability of Disclosure Law to Incorporated Workforce Development Board," CEO 08-3 (January 30, 2008), on file with the Senate Commerce and Tourism Committee.

Section 445.009(11), F.S., allows a participant in an adult or youth work experience activity to be deemed an employee of the state for purposes of workers' compensation coverage.[24] This subsection of statute is set to expire on June 30, 2012.

III. Effect of Proposed Changes:

Section 1 provides this act may be cited as the Regional Workforce Boards Accountability Act.

Section 2 amends s. 445.003, F.S., to require at least 50 percent of the Title I funds for Adults and Dislocated Workers to be expended on Individual Training Accounts. The CS specifies that tuition, books, and fees of training providers are qualified expenditures. The CS removes the ability for the RWB to expend the funds on other programs developed by the board in compliance with the policies of WFI.

Section 3 amends s. 445.007, F.S., related to regional workforce boards.

Board Membership
Related to the board members, the CS:

- Limits the total membership of each local RWB to the minimum membership required under federal law; however:
  - Upon approval by the Governor the local elected official may appoint additional members; and
  - If a public education or training provider serves on the board, then both a private non-profit provider and a private for-profit provider must serve on the board;
- Requires each member and the executive director or person responsible for the operational and administrative functions of a RWB to file a disclosure of financial interest pursuant to s. 112.3145, F.S., if they are not already required to file a financial disclosure pursuant to s. 8, art. II, of the State Constitution, or s. 112.3144, F.S.;
- Codifies the federal law which sets the requirements for board chairs;
- Provides that the chair and the executive director or person responsible for the operational and administrative functions of a RWB shall serve at the pleasure of the Governor; and
- Provides authority for the Governor to remove any member of a RWB for cause, including engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, or official incompetence and irresponsibility.

Budget and Compliance
Each RWB is required to develop an annual budget for the purpose of carrying out its duties that must be approved by the local elected official and submitted to WFI within two weeks of approval. Additionally, DEO, under the direction of WFI, is required to assign staff to meet with each RWB annually to review the board's performance and to certify that the board is in compliance with applicable state and federal law.[25]

[24] Section 47, ch. 2011-147, L.O.F., amended this provision in order to implement Specific Appropriation 2008 of the 2011-2012 General Appropriations Act.
[25] Under current law, WFI is required to assign staff for these purposes, and does not specify that the staff may be from DEO.

Contracts
Related to contracts by the board, the CS:

- Revives from repeal the provision which prohibits the regional workforce boards from utilizing state or federal funds for meals, food, beverages, entertainment, or recreational activities;
- Revives from expiration the provision which deals with contracts between a regional workforce board and a member of the board, or a contract between a board and a relative of a member or employee of the board. Such contracts totaling $25,000 or greater must be approved by WFI before execution, submitted to DEO for review, and approved by a two-thirds vote of the board. Contracts under $25,000 must simply be reported to DEO and WFI within 30 days of approval; and
- Requires contracts totaling $2,500 or greater to be approved by a majority vote of the board, and reported to WFI and DEO within 30 days of approval.

Training
Further, the CS requires the RWBs to provide the greatest possible choice of training providers, and prohibits the boards from limiting choice due to costs, location, or historical training arrangements. However, the boards are permitted to restrict the amount of training resources available to any one client, and may base such restrictions on the cost of training in the client's chosen occupational area.

Section 4 amends s. 445.009, F.S., to save from repeal a provision that provides that state workforce services participants in an adult or youth work experience activity are considered employees of the state for the purpose of workers' compensation coverage.

Section 5 requires WFI to evaluate the development of a single, statewide workforce-system brand for Florida and submit a report to the Governor by August 1, 2012.

Section 6 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:

Private training providers who previously were not participants due to the costs of their training services may have more opportunities to provide training to individuals served by RWBs. However, these changes may result in fewer individuals receiving services.

C. Government Sector Impact:

The CS continues the state's current policy to provide that state workforce services participants in an adult or youth work experience activity are employees of the state for workers compensation coverage. This provision allows existing federal funds to be efficiently utilized and reduces the overall cost of workers' compensation coverage to the state.

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 Commerce and Tourism on January 26, 2012:
The committee substitute does the following:

- Potentially increases the number of individuals serving on a board by requiring that if a public education or training provider is on the board, both a representative of a private non-profit provider and a representative of a private for-profit provider must be appointed to the board;
- Removes the requirement that the chair and the executive director or person responsible for the operational and administrative functions of a regional workforce board shall serve at the approval of the Governor;
- Requires contracts between a regional workforce board and a member of the board, or a contract between a board and a relative of a member or employee of the board, be approved by a two-thirds vote of the board with a quorum present (current law requires approval by two-thirds of the entire board);
- Requires contracts totaling $2,500 or greater to be approved by a majority vote of the regional workforce board;

- Requires at least 50 percent of the Title I funds for Adults and Dislocated Workers to be expended on Individual Training Accounts, including tuition, books, and fees of training providers; and
- Requires regional workforce boards to provide the greatest possible choice of training providers, and prohibits the boards from limiting choice due to costs, location, or historical training arrangements.

B. Amendments:

None.

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

887066

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete line 70
and insert:
providers and other training services aligned with training prescribed and authorized by the Workforce Investment Act of 1998 qualify as ~~an~~ Individual Training Account expenditures ~~expenditure,~~

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

887066

12 And the title is amended as follows:
13 Delete lines 4 - 6
14 and insert:
15 specifying qualified expenditures for Individual
16 Training Accounts; amending s. 445.007, F.S.;
17 authorizing
18

602092

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Dean) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 229 - 240
4 and insert:
5 (b) A chair shall be appointed ~~described in Pub. L. No.~~
6 ~~105-220, Title I, s. 117(b)(2)(A)(i)~~ to serve for a term of no
7 more than 2 years and shall serve no more than two terms.
8 (c) The Governor may remove a member of the board, the
9 executive director of the board, or the designated person
10 responsible for the operational and administrative functions of
11 the board for cause. As used in this paragraph, the term "cause"

602092

12 includes, but is not limited to, engaging in fraud or other
13 criminal acts, incapacity, unfitness, neglect of duty, official
14 incompetence and irresponsibility, misfeasance, malfeasance,
15 nonfeasance, or lack of performance.
16
17 ========== T I T L E A M E N D M E N T ==========
18 And the title is amended as follows:
19 Delete lines 13 - 15
20 and insert:
21 make financial disclosures; authorizing the Governor
22 to remove board members or the executive director of
23 the board for cause; requiring that staff of the

468330

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Dean) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete line 306
4 and insert:
5 by federal law and policies of the Department of Economic
6 Opportunity and Workforce Florida, Inc., for the expenditure of
7 federal, state, and nonpass-through funds. The making or
8 approval of smaller, multiple payments for a single purchase
9 with the intent to avoid or evade the monetary thresholds and
10 procedures established by federal law and policies of the
11 Department of Economic Opportunity and Workforce Florida, Inc.,

468330

12 is grounds for removal for cause. Regional
13 Delete lines 380 - 387.
14
15 ========== T I T L E A M E N D M E N T ==========
16 And the title is amended as follows:
17 Delete line 21
18 and insert:
19 those who qualify for training services; providing
20 requirements for the procurement and expenditure of
21 certain funds; requiring a
22 Delete lines 36 - 39
23 and insert:
24 amending s. 445.009, F.S.;

876790

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Dean) recommended the following:

1 **Senate Amendment**
2
3 Delete lines 405 - 406
4 and insert:
5 of its findings and recommendations to the Governor by November
6 1, 2012.

By the Committee on Commerce and Tourism; and Senators Gardiner and Fasano

A bill to be entitled

An act relating to regional workforce boards; providing a short title; amending s. 445.003, F.S.; providing that tuition, books, and fees of training providers qualify as an Individual Training Account expenditure; amending s. 445.007, F.S.; authorizing the chief elected official in the area of a regional workforce board to appoint representatives to the board if authorized by the Governor; providing that additional members may be added to the board under certain circumstances; requiring members and the executive director of a regional workforce board to make financial disclosures; providing that the chair and members of a regional workforce board serve at the pleasure of the Governor; requiring that staff of the Department of Economic Opportunity, under the direction of Workforce Florida, Inc., assign staff to review the performance of regional workforce boards; encouraging each regional workforce board to provide the greatest possible choice of training providers to those who qualify for training services; requiring a regional workforce board to develop an annual budget, subject to the approval of the chief elected official of the area; requiring the regional workforce board to submit its budget for review to Workforce Florida, Inc.; reinstating expired provisions that restrict the ability of a regional workforce board to use state or federal funds for meals, food, or beverages and that prohibit a board from using state or federal funds for

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entertainment costs or recreational activities for board members or employees; reinstating expired provisions that limit the ability of a regional workforce board to enter into contracts with a member, employee, or relative of a member or employee of the board; making technical and grammatical changes; providing for contracts totaling $2,500 or more to be approved by the regional workforce board and reported to the Department of Economic Opportunity and Workforce Florida, Inc.; amending s. 445.009, F.S.; deleting the expiration of a provision relating to the determination of the wages of a participant in an adult or youth work experience activity; making technical and grammatical changes; requiring Workforce Florida, Inc., to evaluate the means to establish a single, statewide-workforce system brand and to report its findings and recommendations to the Governor by a specified date; providing an effective date.

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

Section 1. This act may be cited as the "Regional Workforce Boards Accountability Act."

Section 2. Paragraph (a) of subsection (3) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Investment Act of 1998.—

(3) FUNDING.—

(a) Title I, Workforce Investment Act of 1998 funds;

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59 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
60 based on the 5-year plan of Workforce Florida, Inc. The plan
61 shall outline and direct the method used to administer and
62 coordinate various funds and programs that are operated by
63 various agencies. The following provisions shall also apply to
64 these funds:
65 1. At least 50 percent of the Title I funds for Adults and
66 Dislocated Workers that are passed through to regional workforce
67 boards shall be allocated and expended on ~~to~~ Individual Training
68 Accounts unless a regional workforce board obtains a waiver from
69 Workforce Florida, Inc. Tuition, books, and fees of training
70 providers qualify as an Individual Training Account expenditure~~,~~
71 ~~as do other programs developed by regional workforce boards in~~
72 ~~compliance with policies of Workforce Florida, Inc~~.
73 2. Fifteen percent of Title I funding shall be retained at
74 the state level and shall be dedicated to state administration
75 and used to design, develop, induce, and fund innovative
76 Individual Training Account pilots, demonstrations, and
77 programs. Of such funds retained at the state level, $2 million
78 shall be reserved for the Incumbent Worker Training Program,
79 created under subparagraph 3. Eligible state administration
80 costs include the costs of: funding for the board and staff of
81 Workforce Florida, Inc.; operating fiscal, compliance, and
82 management accountability systems through Workforce Florida,
83 Inc.; conducting evaluation and research on workforce
84 development activities; and providing technical and capacity
85 building assistance to regions at the direction of Workforce
86 Florida, Inc. Notwithstanding s. 445.004, such administrative
87 costs shall not exceed 25 percent of these funds. An amount not

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88 to exceed 75 percent of these funds shall be allocated to
89 Individual Training Accounts and other workforce development
90 strategies for other training designed and tailored by Workforce
91 Florida, Inc., including, but not limited to, programs for
92 incumbent workers, displaced homemakers, nontraditional
93 employment, and enterprise zones. Workforce Florida, Inc., shall
94 design, adopt, and fund Individual Training Accounts for
95 distressed urban and rural communities.
96 3. The Incumbent Worker Training Program is created for the
97 purpose of providing grant funding for continuing education and
98 training of incumbent employees at existing Florida businesses.
99 The program will provide reimbursement grants to businesses that
100 pay for preapproved, direct, training-related costs.
101 a. The Incumbent Worker Training Program will be
102 administered by Workforce Florida, Inc. Workforce Florida, Inc.,
103 at its discretion, may contract with a private business
104 organization to serve as grant administrator.
105 b. To be eligible for the program's grant funding, a
106 business must have been in operation in Florida for a minimum of
107 1 year prior to the application for grant funding; have at least
108 one full-time employee; demonstrate financial viability; and be
109 current on all state tax obligations. Priority for funding shall
110 be given to businesses with 25 employees or fewer, businesses in
111 rural areas, businesses in distressed inner-city areas,
112 businesses in a qualified targeted industry, businesses whose
113 grant proposals represent a significant upgrade in employee
114 skills, or businesses whose grant proposals represent a
115 significant layoff avoidance strategy.
116 c. All costs reimbursed by the program must be preapproved

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by Workforce Florida, Inc., or the grant administrator. The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition; fees; books and training materials; and overhead or indirect costs not to exceed 5 percent of the grant amount.

d. A business that is selected to receive grant funding must provide a matching contribution to the training project, including, but not limited to, wages paid to trainees or the purchase of capital equipment used in the training project; must sign an agreement with Workforce Florida, Inc., or the grant administrator to complete the training project as proposed in the application; must keep accurate records of the project's implementation process; and must submit monthly or quarterly reimbursement requests with required documentation.

e. All Incumbent Worker Training Program grant projects shall be performance-based with specific measurable performance outcomes, including completion of the training project and job retention. Workforce Florida, Inc., or the grant administrator shall withhold the final payment to the grantee until a final grant report is submitted and all performance criteria specified in the grant contract have been achieved.

f. Workforce Florida, Inc., may establish guidelines necessary to implement the Incumbent Worker Training Program.

g. No more than 10 percent of the Incumbent Worker Training Program's total appropriation may be used for overhead or indirect purposes.

4. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. Workforce Florida, Inc., shall also maintain an Emergency Preparedness Fund from Rapid Response funds which will immediately issue Intensive Service Accounts and Individual Training Accounts as well as other federally authorized assistance to eligible victims of natural or other disasters. At the direction of the Governor, for events that qualify under federal law, these Rapid Response funds shall be released to regional workforce boards for immediate use. Funding shall also be dedicated to maintain a unit at the state level to respond to Rapid Response emergencies around the state, to work with state emergency management officials, and to work with regional workforce boards. All Rapid Response funds must be expended based on a plan developed by Workforce Florida, Inc., and approved by the Governor.

Section 3. Section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1)(a) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to the Workforce Investment Act of 1998, 29 U.S.C. 2801 et. seq. ~~Pub. L. No. 105-220.~~ The membership of the board shall be consistent with and limited to the members described in 29 U.S.C. 2832(b)(2)(A) ~~Pub. L. No. 105-220, Title I, s. 117(b)~~. The board may also include other individuals and representatives of entities who are appointed by the chief elected official in the local area if

175 authorized by the Governor. If a public education or training
176 provider is represented on the board, a representative of a
177 private nonprofit provider and a representative of a private
178 for-profit provider must also be appointed to the board.
179 (b) The board shall include one nonvoting representative
180 from a military installation if a military installation is
181 located within the region and the appropriate military command
182 or organization authorizes such representation. It is the intent
183 of the Legislature that membership of a regional workforce board
184 include persons who are current or former recipients of welfare
185 transition assistance as defined in s. 445.002(2) or workforce
186 services as provided in s. 445.009(1) or that such persons be
187 included as ex officio members of the board or of committees
188 organized by the board. The importance of minority and gender
189 representation shall be considered when making appointments to
190 the board.
191 (c) The board, its committees, subcommittees, and
192 subdivisions, and other units of the workforce system, including
193 units that may consist in whole or in part of local governmental
194 units, may use any method of telecommunications to conduct
195 meetings, including establishing a quorum through
196 telecommunications, provided that the public is given proper
197 notice of the telecommunications meeting and reasonable access
198 to observe and, when appropriate, participate. Regional
199 workforce boards are subject to chapters 119 and 286 and s. 24,
200 Art. I of the State Constitution.
201 (d) If the regional workforce board enters into a contract
202 with an organization or individual represented on the board of
203 directors, the contract must be approved by a two-thirds vote of

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204 the board, a quorum having been established, and the board
205 member who could benefit financially from the transaction must
206 abstain from voting on the contract. A board member must
207 disclose any such conflict in a manner that is consistent with
208 the procedures outlined in s. 112.3143.
209 (e) Each member of a regional workforce board who is not
210 otherwise required to file a financial disclosure pursuant to s.
211 8, Art. II of the State Constitution or s. 112.3144 shall file a
212 disclosure of financial interests pursuant to s. 112.3145. The
213 executive director or other person responsible for the
214 operational and administrative functions of the regional
215 workforce board who is not otherwise required to file a
216 financial disclosure pursuant to s. 8, Art. II of the State
217 Constitution or s. 112.3144 shall file a disclosure of financial
218 interests pursuant to s. 112.3145.
219 (2)(a) The regional workforce board shall elect a chair
220 from among the representatives of businesses in the local area
221 who:
222 1. Are owners of businesses, chief executives or operating
223 officers of businesses, and other business executives or
224 employers who have optimum policymaking or hiring authority;
225 2. Represent businesses that offer employment opportunities
226 similar to the employment opportunities of the local area; and
227 3. Are appointed from among individuals nominated by local
228 business organizations and business trade associations.
229 (b) The chair serves at the pleasure of the Governor. A
230 chair shall be appointed ~~described in Pub. L. No. 105-220, Title~~
231 ~~I, s. 117(b)(2)(A)(i)~~ to serve for a term of no more than 2
232 years and shall serve no more than two terms.

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233 (c) The executive director of the board or other person
234 responsible for the operational and administrative functions of
235 the board serves at the pleasure of the Governor.
236 (d) The Governor may remove a member of the board for
237 cause. As used in this paragraph, the term "cause" includes, but
238 is not limited to, engaging in fraud or other criminal acts,
239 incapacity, unfitness, neglect of duty, or official incompetence
240 and irresponsibility.
241 (3) The Department of Economic Opportunity, under the
242 direction of Workforce Florida, Inc., shall assign staff to meet
243 with each regional workforce board annually to review the
244 board's performance and to certify that the board is in
245 compliance with applicable state and federal law.
246 (4) In addition to the duties and functions specified by
247 Workforce Florida, Inc., and by the interlocal agreement
248 approved by the local county or city governing bodies, the
249 regional workforce board shall have the following
250 responsibilities:
251 (a) Develop, submit, ratify, or amend the local plan
252 pursuant to 29 U.S.C. 2833 ~~Pub. L. No. 105-220, Title I, s. 118~~,
253 and ~~the provisions of~~ this chapter ~~act~~.
254 (b) Conclude agreements necessary to designate the fiscal
255 agent and administrative entity. A public or private entity,
256 including an entity established pursuant to s. 163.01, which
257 makes a majority of the appointments to a regional workforce
258 board may serve as the board's administrative entity if approved
259 by Workforce Florida, Inc., based upon a showing that a fair and
260 competitive process was used to select the administrative
261 entity.

262 (c) Complete assurances required for the charter process of
263 Workforce Florida, Inc., and provide ongoing oversight related
264 to administrative costs, duplicated services, career counseling,
265 economic development, equal access, compliance and
266 accountability, and performance outcomes.
267 (d) Oversee the one-stop delivery system in its local area.
268 (5) Workforce Florida, Inc., shall implement a training
269 program for the regional workforce boards to familiarize board
270 members with the state's workforce development goals and
271 strategies.
272 (6) The regional workforce board shall designate all local
273 service providers and may not transfer this authority to a third
274 party. Consistent with the intent of the Workforce Investment
275 Act, regional workforce boards should provide the greatest
276 possible choice of training providers to those who qualify for
277 training services. A regional workforce board may not restrict
278 the choice of training providers based upon cost, location, or
279 historical training arrangement. A board, however, may restrict
280 the amount of training resources available to any one client.
281 Such restrictions may vary based upon the cost of training in
282 the client's chosen occupational area. The regional workforce
283 board may be designated as a one-stop operator and direct
284 provider of intake, assessment, eligibility determinations, or
285 other direct provider services except training services. Such
286 designation may occur only with the agreement of the chief
287 elected official and the Governor as specified in 29 U.S.C. s.
288 2832(f)(2). Workforce Florida, Inc., shall establish procedures
289 by which a regional workforce board may request permission to
290 operate under this section and the criteria under which such

291 permission may be granted. The criteria shall include, but need
292 not be limited to, a reduction in the cost of providing the
293 permitted services. Such permission shall be granted for a
294 period not to exceed 3 years for any single request submitted by
295 the regional workforce board.
296 (7) Regional workforce boards shall adopt a committee
297 structure consistent with applicable federal law and state
298 policies established by Workforce Florida, Inc.
299 (8) The importance of minority and gender representation
300 shall be considered when appointments are made to any committee
301 established by the regional workforce board.
302 (9) For purposes of procurement, regional workforce boards
303 and their administrative entities are not state agencies and are
304 exempt from chapters 120 and 287. The regional workforce boards
305 shall apply the procurement and expenditure procedures required
306 by federal law for the expenditure of federal funds. Regional
307 workforce boards, their administrative entities, committees, and
308 subcommittees, and other workforce units may authorize
309 expenditures to award suitable framed certificates, pins, or
310 other tokens of recognition for performance by units of the
311 workforce system. Regional workforce boards; their
312 administrative entities, committees, and subcommittees; and
313 other workforce units may authorize expenditures for promotional
314 items, such as t-shirts, hats, or pens printed with messages
315 promoting Florida's workforce system to employers, job seekers,
316 and program participants. However, such expenditures are subject
317 to federal regulations applicable to the expenditure of federal
318 funds. All contracts executed by regional workforce boards must
319 include specific performance expectations and deliverables.

320 (10) A regional workforce board shall prepare an annual
321 budget for the purpose of carrying out its duties under this
322 section. The budget is subject to the approval of the chief
323 elected local official in the area. Each regional workforce
324 board shall submit its budget for review to Workforce Florida,
325 Inc., within 2 weeks after approval by the chief elected local
326 official.
327 (11) ~~(10)~~ State and federal funds provided to the regional
328 workforce boards may not be used directly or indirectly to pay
329 for meals, food, or beverages for board members, staff, or
330 employees of regional workforce boards, Workforce Florida, Inc.,
331 or the Department of Economic Opportunity ~~Agency for Workforce~~
332 ~~Innovation~~ except as expressly authorized by state law.
333 Preapproved, reasonable, and necessary per diem allowances and
334 travel expenses may be reimbursed. Such reimbursement shall be
335 at the standard travel reimbursement rates established in s.
336 112.061 and shall be in compliance with all applicable federal
337 and state requirements. Workforce Florida, Inc., shall develop a
338 statewide fiscal policy applicable to the state board and all
339 regional workforce boards, to hold both the state and regional
340 boards strictly accountable for adherence to the policy and
341 subject to regular and periodic monitoring by the Department of
342 Economic Opportunity ~~Agency for Workforce Innovation~~, the
343 administrative entity for Workforce Florida, Inc. A board may
344 not use ~~Boards are prohibited from expending~~ state or federal
345 funds for entertainment costs or ~~and~~ recreational activities for
346 board members and employees as these terms are defined by 2
347 C.F.R. part 230. ~~This subsection expires July 1, 2011.~~
348 (12) ~~(11)~~ To increase transparency and accountability,

349 regional workforce boards must ~~shall~~ comply with ~~the~~
350 ~~requirements of~~ this section before contracting with a member of
351 the regional workforce board or a relative, as defined in s.
352 112.3143(1)(b), of a regional workforce board member or employee
353 of the board. Such contracts may ~~shall~~ not be executed before or
354 without the approval of Workforce Florida, Inc. Such contracts,
355 as well as documentation demonstrating adherence to this section
356 as specified by Workforce Florida, Inc., must be submitted to
357 the Department of Economic Opportunity ~~Agency for Workforce~~
358 ~~Innovation~~ for review and recommendation according to criteria
359 to be determined by Workforce Florida, Inc. Such contracts
360 ~~between relatives, as defined in s. 112.3143(1)(b), of a board~~
361 ~~member or employee of a board~~ must be approved by a two-thirds
362 vote of the ~~entire~~ board, a quorum having been established; all
363 conflicts of interest must be disclosed before ~~prior to~~ the
364 vote; and any member who may benefit from the contract, or whose
365 relative may benefit from the contract, must abstain from the
366 vote ~~and the contract must be reviewed and approved as stated~~
367 ~~above~~. Contracts under $25,000 between a regional workforce
368 board and a member of that board or between relatives, as
369 defined in s. 112.3143(1)(b), of a board member or employees of
370 a board are not required to have the prior approval of Workforce
371 Florida, Inc., ~~exempt from the review and recommendation process~~
372 but must be approved by a two-thirds vote of the ~~entire~~ board, a
373 quorum having been established, and must be reported to the
374 Department of Economic Opportunity ~~Agency for Workforce~~
375 ~~Innovation~~ and Workforce Florida, Inc., within 30 days after
376 approval. If a contract cannot be approved by Workforce Florida,
377 Inc., a review of the decision to disapprove the contract may be

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378 requested by the regional workforce board or other parties to
379 the disapproved contract. ~~This subsection expires July 1, 2011.~~
380 (13) All contracts totaling $2,500 or greater which are not
381 subject to the provisions of subsection (12) require approval by
382 a majority vote of the board, a quorum having been established,
383 and must be reported to the Department of Economic Opportunity
384 and Workforce Florida, Inc., within 30 days after approval. All
385 conflicts of interest must be disclosed before the vote and any
386 member who may benefit from the contract must abstain from the
387 vote.
388 Section 4. Subsection (11) of section 445.009, Florida
389 Statutes, is amended to read:
390 445.009 One-stop delivery system.—
391 (11) A participant in an adult or youth work experience
392 activity administered under this chapter shall be deemed an
393 employee of the state for purposes of workers' compensation
394 coverage. In determining the average weekly wage, all
395 remuneration received from the employer shall be considered a
396 gratuity, and the participant is ~~shall~~ not ~~be~~ entitled to any
397 benefits otherwise payable under s. 440.15, regardless of
398 whether the participant is ~~may be~~ receiving wages and
399 remuneration from other employment with another employer and
400 regardless of his or her future wage-earning capacity. ~~This~~
401 ~~subsection expires July 1, 2012.~~
402 Section 5. Workforce Florida, Inc., shall evaluate the
403 means to establish a single, statewide workforce-system brand
404 for this state. Workforce Florida, Inc., shall submit a report
405 of its findings and recommendations to the Governor by August 1,
406 2012.

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407 Section 6. This act shall take effect July 1, 2012.

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S1398

GENERAL BILL/CS by CM; Gardiner; (CO-INTRODUCERS) Fasano; Lynn; (Similar CS/1ST ENG/H 7023, Compare S 1488, 1ST ENG/S 1996, 1ST ENG/S 2002)

Regional Workforce Boards. EFFECTIVE DATE: 07/01/2012.

03/08/12 S Read 2nd time -SJ 1005 ; Substituted CS/HB 7023 -SJ 1005 ; Laid on Table, companion bill(s) passed, see CS/HB 7023 (Ch. 2012-29), SB 1996 (Ch. 2012-127) -SJ 1005

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL:	CS/SB 1416
INTRODUCER:	Commerce and Tourism Committee; and Senator Bogdanoff
SUBJECT:	Unemployment Compensation
DATE:	February 3, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Hrdlicka	CM	**Fav/CS**
2.	Martin	Meyer, R.	BTA	**Pre-meeting**
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1416 rebrands the state's unemployment compensation program in ch. 443, F.S., as the reemployment assistance program.

The CS makes additional changes, including:

- Requiring the Department of Economic Opportunity (DEO) to establish a numeric score on the initial skills review which demonstrates a minimum proficiency in workforce skills. Individuals who fall below the minimum score may elect to take workforce skills training, and DEO is required to develop best practices, evaluate the training, and report findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2013;
- Clarifying that individuals who are non-Florida residents, on temporary layoffs, union members, or participating in short-time compensation plans are not required to complete the initial skills review;
- Reducing the number of required work search contacts from 5 to 3 to individuals who live in small counties;

- Clarifying work search requirements for union members and individuals on temporary layoffs or participating in short-time compensation plans;
- Increasing the period of disqualification for making a fraudulent claim from the time that the fraudulent claim was made until 1 year after DEO discovers the fraud or until all fraudulent overpayments are repaid in full;
- Applying certain restrictions on the payment of benefits to an individual employed by an educational institution to an individual who provides services to an educational institution through a contract between the individual's employer and the institution (effective July 1, 2013);
- Extending the statute of limitations related to the collection of overpayments by providing that the commencement of collections must be initiated within 7 years after the redetermination or decision;
- Authorizing DEO to noncharge the accounts of employers that are forced to lay off workers due to a man-made disaster of national significance;
- Clarifying what constitutes prima facie evidence that a person claimed and received benefits; and
- Incorporating federal provisions relating to the release of confidential information.

The CS also allows employee leasing companies to make a one-time decision to change from reporting leased employees under their company account to reporting the employees under their respective clients' accounts, an option that could result in lower taxes for those companies choosing to change.

Further, the CS codifies the executive order extending the temporary state extended benefits program.

This CS amends the following sections of the Florida Statutes: ss. 443.011, 443.012, 443.036, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1116, 443.1215, 443.1216, 443.131, 443.1113, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.17161, 443.181, 443.191, 443.221, 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03, 220.181, 220.191, 220.194, 222.15, 222.16, 225.20, 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381, 440.42, 445.009, 445.016, 446.50, 448.110, 450.31, 450.33, 468.529, 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101, 921.0022, 946.513, 946.523, 985.618, 1003.496, 1008.39, and 1008.41, F.S.

This CS revives, readopts, and amends s. 443.1117, F.S.

II. Present Situation:

Unemployment Compensation Overview

According to the U.S. Department of Labor (USDOL), the Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no-fault of their own (as determined under state law) and who meet the requirements of

state law.[1] The program is administered as a partnership of the federal government and the states.[2] The individual states collect unemployment compensation (UC) payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).[3] FUTA collections go to the states for costs of administering state UC and job service programs. In addition, FUTA pays one-half of the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.[4]

States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with FUTA or Social Security Act requirements. Florida's UC program was created by the Legislature in 1937.[5] The Department of Economic Opportunity (DEO) is the current agency responsible for administering Florida's UC laws, primarily though its Division of Workforce Services. DEO contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collections services.[6]

State Unemployment Compensation Benefits

A qualified claimant may receive UC benefits equal to 25 percent of wages, not to exceed $6,325 in a benefit year.[7] Benefits range from a minimum of $32 per week to a maximum weekly benefit amount of $275 for up to 23 weeks, depending on the claimant's length of prior employment and wages earned, and the unemployment rate.[8]

To receive UC benefits, a claimant must meet certain monetary and non-monetary eligibility requirements. Key eligibility requirements involve a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment.

Determinations and Redeterminations

DEO issues determinations and redeterminations on the monetary and non-monetary eligibility requirements.[9] Determinations and redeterminations are statements by the department regarding the application of law to an individual's eligibility for benefits or the effect of the benefits on an employer's tax account.

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[1] USDOL, Employment and Training Administration (ETA), State Unemployment Insurance Benefits, available at http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp (last visited 1/20/2012).
[2] There are 53 programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia.
[3] FUTA is codified at 26 U.S.C. 3301-3311.
[4] USDOL, ETA, Unemployment Insurance Tax Topic, available at http://workforcesecurity.doleta.gov/unemploy/uitaxtopic.asp (last visited 1/20/2012).
[5] Chapter 18402, L.O.F.
[6] Section 443.1316, F.S.
[7] Section 443.111(5), F.S. The maximum amount of benefits available is calculated by multiplying an individual's weekly benefit amount by the number of available benefit weeks.
[8] Section 443.111(3), F.S. A benefit week begins on Sunday and ends on Saturday. If the average unemployment rate for the 3 months in the most recent third calendar year quarter is at or below 5 percent, then the maximum weeks of benefits available is 12; for each 0.5 percent that the unemployment rate is above 5 percent, an additional week of benefits becomes available up to 23 weeks at an unemployment rate of 10.5 percent.
[9] Section 443.151(3), F.S.

Able and Available for Work

A claimant must meet certain requirements in order to be eligible for benefits for each week of unemployment. These include a finding by DEO that the individual:[10]

- Has filed a claim for benefits;
- Is registered to work and reports to the One-Stop Career Center;
- Takes and completes the initial skills review;
- Is able to and available for work;[11]
- Contacts at least 5 prospective employers each week or reports to the One-Stop Career Center for reemployment services;
- Participates in reemployment services;
- Has been unemployed for a waiting period of 1 week;
- Has been paid total base period wages equal to the high quarter wages multiplied by 1.5, but at least $3,400 in the base period; and
- Has submitted a valid social security number to DEO.

The law does not distinguish between part-time and full-time work with respect to benefits. With respect to the requirements of being able to work and available for work, Rule 60BB-3.021(2), F.A.C., provides that in order to be eligible for benefits an individual must be able to work and available for work during the major portion of the individual's customary work week. Consequently, individuals whose benefits are not based on full-time work are not required to seek or be available to accept full-time work.

Initial Skills Review

Claimants are required to participate in an initial skills review. The administrator or operator of the online education or training program is required to report to DEO that the individual has taken the initial skills test for benefit eligibility purposes, and to the regional workforce board or One-Stop Career Center the results of the initial skills test for purposes of reemployment services. The regional workforce board is required to develop a plan to use the initial skills review to refer individuals training and employment opportunities.[12]

An initial skills review is an online education or training program, like Florida Ready to Work,[13] that is approved by DEO and designed to measure an individual's mastery of workplace skills.[14]

Florida Ready to Work is an employee credentialing program that is funded by the state.[15] To participate, individuals must first go to a local assessment center to sign up for the program.

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[10] Section 443.091(1), F.S.

[11] "Able to work" means physically and mentally capable of performing the duties of the occupation in which work is being sought. "Available for work" means actively seeking and being ready and willing to accept suitable employment. See s. 443.036(1) and (6), F.S. Additionally, DEO has adopted criteria, as directed in the statute, to determine an individual's ability to work and availability for work. See Rule 60BB-3.021, F.A.C.

[12] Section 443.091(1)(c), F.S.

[13] Section 445.06, F.S.

[14] Section 443.036(26), F.S.

[15] Website available at http://floridareadytowork.com/ (last visited 1/20/2012). The 2006 Florida Legislature created the Florida Ready to Work Certificate Program to enhance the workplace skills of Florida's students to better prepare them for successful employment in specific occupations. See s. 35, ch. 2006-74, L.O.F. A student who earns a Ready to Work Credential (credential) will be considered equipped with the skills to enter the workforce. Any Florida student or resident is

Once signed up, an individual may take the initial skills review at the assessment center or online at any location with Internet access. The assessment measures general skills necessary for 90 percent of all jobs in three areas: locating information, reading, and applied math. All the questions are based on workplace scenarios. After taking the initial skills review, an individual may take additional course material to try to improve his or her skills. An individual who completes the entire program may receive a Florida Ready to Work Credential to use as a tool when applying for jobs. This program is provided to Floridians at no cost.

DEO has contracted with Worldwide Interactive Network (WIN), the contractor for Florida Ready to Work, to provide the initial skills review required by the unemployment statute.[16] The Florida Ready to Work initial skills review is integrated into the process of applying for benefits to provide a streamlined process. The total cost of contracting with WIN for the initial skills review is $10 million for FY 2011-12; however WIN provided DEO with an $8 million discount, making the actual cost $2 million.[17] The Florida Ready to Work program was funded by $3 million in General Revenue and $2 million from the Workers' Compensation Administration Trust Fund in FY 2011-12.[18]

Reemployment

To maintain eligibility for benefits, an individual must be ready, willing, and able to work and must be actively seeking work. An individual must make a thorough and continued effort to obtain work and take positive actions to become reemployed. To aid unemployed individuals, free reemployment services and assistance are available. DEO defines reemployment services as: job search assistance, job and vocational training referrals, employment counseling and testing, labor market information, employability skills enhancement, needs assessment, orientation, and other related services provided by One-Stop Career Centers operated by local regional workforce boards.[19]

DEO's website provides links to local, state, and national employment databases.[20] Claimants are automatically registered with their local One-Stop Career Center when their claims are filed and are required to report to the One-Stop Career Center as directed by the regional workforce board for reemployment services.[21] The One-Stops provide job search counseling and workshops, occupational and labor market information, referral to potential employers, and job training assistance. Claimants may also receive an e-mail from Employ Florida Marketplace with information about employment services or available jobs.[22] Additionally, a claimant may be

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eligible to earn the credential. Prior to FY 2011-12 the program was administered by the Florida Department of Education (DOE), Division of Workforce Education, in cooperation with Worldwide Interactive Network (WIN) and the nationally recognized ACT® WorkKeys program.

[16] The 2011 Florida Legislature transferred the Ready to Work Certificate Program from the DOE to the newly created Department of Economic Opportunity (DEO). See ss. 5 and 476, ch. 2011-142, L.O.F.

[17] Contract on file with the Senate Commerce and Tourism Committee. With other costs, such as additional training and certifications available, the total cost of the Florida Ready to Work Program under the contract is $5 million.

[18] See s. 2, Specific Appropriation 98, ch. 2011-69, L.O.F. Of these funds, $2.3 million from the General Revenue Fund was provided from recurring funds, and the remainder of both funds was provided from nonrecurring funds.

[19] Rule 60BB-3.011(12), F.A.C.

[20] For example, on www.fluidnow.com, where individuals can claim their weeks online.

[21] Section 443.091(1)(b), F.S.

[22] Employ Florida Marketplace is a partnership of Workforce Florida, Inc., and DEO. It provides job-matching and workforce resources. https://www.employflorida.com.

selected to participate in reemployment assistance services, such as Reemployment and Eligibility Assessments (REAs).[23]

Disqualification for Unemployment Compensation
Section 443.101, F.S., specifies the circumstances under which an individual would be disqualified from receiving unemployment compensation benefits, to include:

- Voluntarily leaving work without good cause, or being discharged by his or her employing unit for misconduct connected with the work;[24]
- Failing to apply for available suitable work when directed by DEO or the One-Stop Career Center, to accept suitable work when offered, or to return to suitable self-employment when directed to do so;[25]
- Making false or fraudulent representations in filing for benefits;
- Termination from employment for a crime punishable by imprisonment, or any dishonest act in connection with his or her work; and
- Discharge from employment due to drug use or rejection from a job offer for failing a drug test.

The statute specifies the duration of the disqualification and the requirements for requalification for an individual's next benefit claim, depending on the reason for the disqualification.

Collection of Overpayments
Current law provides several options for the state to recoup overpaid unemployment benefits, including, but not limited to, wage garnishment, deducting any outstanding balance from future unemployment benefits or lottery winnings, and forwarding any unpaid balance to a contracted debt collection agency.[26] Any recovery or recoupment of benefits must be effected within 5 years of a redetermination or decision for cases involving fraud, and within 3 years for all other cases of overpayments.

Employee Leasing Companies

An employee leasing company is "a form of business entity engaged in an arrangement whereby the entity assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client."[27] The leasing company provides services for the client companies, such as handling the filing of UC taxes and workers'

[23] REAs are in-person interviews with selected UC claimants to review the claimants' adherence to state UC eligibility criteria, determine if reemployment services are needed for the claimant to secure future employment, refer individuals to reemployment services, as appropriate, and provide labor market information which addresses the claimant's specific needs. Research has shown that interviewing claimants for the above purposes reduces UC duration and saves UC trust fund resources by helping claimants find jobs faster and eliminating payments to ineligible individuals. Florida administers the REA Initiative through local One-Stop Career Centers. Rule 60BB-3.028, F.A.C., provides more information on reemployment services and requirements for participation.
[24] An individual is not disqualified for voluntarily leaving temporary work to return to full time work or to relocate with his or her military spouse due to relocation orders. An individual who voluntarily quits work for a good *personal* cause not related to any of the conditions specified in the statute will be disqualified from receiving benefits.
[25] Section 443.101(2), F.S., sets forth the requirements to determine "suitable work."
[26] Section 443.151(6), F.S.
[27] Department of Business and Professional Regulation, Board of Employee Leasing Companies, definitions, available at http://www.myfloridalicense.com/dbpr/pro/emplo/codes.html (last visited 1/21/2012).

compensation. Under current law, employee leasing companies are required to report leased employees under the leasing company's UC tax account and contribution rate.[28]

Temporary State Extended Benefits

In 2009, the Legislature enacted a temporary state extended benefits program for unemployed individuals in order to qualify for federal funds.[29] Under this program, the federal government pays 100 percent of temporary state extended benefits to former private sector employees. The federal funds are paid from a separate federal general revenue account and do not affect the balance of Florida's UC Trust Fund. There is no cost to private employers; however, "reimbursable" employers like state and local governments are not covered by the federal government and must pay for the benefits themselves. These benefits are not charged to employers and have no effect on an employer's experience rating.

Since the implementation of the temporary state extended benefits program in the American Recovery and Reinvestment Act of 2009, the existence of the program has been extended several times by the federal government. Most recently, in December 2011, Congress extended the eligibility window for Emergency Unemployment Compensation (EUC) and for state extended benefits through March 7, 2012.[30]

Florida already had an extended benefits program in statute,[31] but in order to participate in the federal program, Florida had to enact a temporary state extended benefits program with an alternate trigger rate based upon the average total unemployment rate (TUR).[32] Florida's regular state extended benefits program triggers "on" based upon a higher individual unemployment rate (IUR). In the past, the program has generally been set forth in state statute, adopted by the Legislature. However, on January 6, 2012, Governor Scott signed an executive order extending the program after the federal bill was signed into law.[33]

III. Effect of Proposed Changes:

CS/SB 1416 rebrands the state's unemployment compensation program in ch. 443, F.S., as the reemployment assistance program.

To make the rebranding changes, the CS amends the following statues: ss. 443.011 (**Section 1**), 443.012 (**Section 2**), 443.036 (**Section 3**), 443.051 (**Section 4**), 443.071 (**Section 5**), 443.091, 443.101 (**Section 7**), 443.111 (**Section 8**), 443.1113 (**Section 9**), 443.1116 (**Section 10**), 443.1215 (**Section 11**), 443.1216 (**Section 12**), 443.131 (**Section 13**), 443.1113 (**Section 10**), 443.131 (**Section 13**), 443.1312 (**Section 14**), 443.1313 (**Section 15**), 443.1315 (**Section 16**), 443.1316 (**Section 17**), 443.1317 (**Section 18**), 443.141 (**Section 19**), 443.151 (**Section 20**), 443.163 (**Section 21**), 443.171 (**Section 22**), 443.1715 (**Section 23**), 443.17161 (**Section 24**),

[28] Section 443.1216, F.S.
[29] Chapter 2009-99, L.O.F. Temporary extended benefits was originally created and funded by the American Recovery and Reinvestment Act of 2009 (Recovery Act). Section 2005, Public L. No. 111-5.
[30] Pub. L. No. 112-78.
[31] Section 443.1115, F.S.
[32] Section 443.1117, F.S., expired January 4, 2012.
[33] Executive Order No. 12-03.

443.181 (**Section 25**), 443.191 (**Section 26**), 443.221 (**Section 27**), 20.60 (**Section 28**), 27.52 (**Section 29**), 40.24 (**Section 30**), 45.031 (**Section 31**), 55.204 (**Section 32**), 57.082 (**Section 33**), 61.046 (**Section 34**), 61.1824 (**Section 35**), 61.30 (**Section 36**), 69.041 (**Section 37**), 77.041 (**Section 38**), 110.205 (**Section 39**), 110.502 (**Section 40**), 120.80 (**Section 41**), 125.9502 (**Section 42**), 212.096 (**Section 43**), 213.053 (**Section 44**), 216.292 (**Section 45**), 220.03 (**Section 46**), 220.181 (**Section 47**), 220.191 (**Section 48**), 220.194 (**Section 49**), 222.15 (**Section 50**), 222.16 (**Section 51**), 225.20 (**Section 52**), 288.075 (**Section 53**), 288.1045 (**Section 54**), 288.106 (**Section 55**), 288.1081 (**Section 56**), 288.1089 (**Section 57**), 334.30 (**Section 58**), 408.809 (**Section 59**), 409.2563 (**Section 60**), 409.2576 (**Section 61**), 414.295 (**Section 62**), 435.06 (**Section 63**), 440.12 (**Section 64**), 440.15 (**Section 65**), 440.381 (**Section 66**), 440.42 (**Section 67**), 445.009 (**Section 68**), 445.016 (**Section 69**), 446.50 (**Section 70**), 448.110 (**Section 71**), 450.31 (**Section 72**), 450.33 (**Section 73**), 468.529 (**Section 74**), 553.791 (**Section 75**), 624.509 (**Section 76**), 679.4061 (**Section 77**), 679.4081 (**Section 78**), 895.02 (**Section 79**), 896.101 (**Section 80**), 921.0022 (**Section 81**), 946.513 (**Section 82**), 946.523 (**Section 83**), 985.618 (**Section 84**), 1003.496 (**Section 85**), 1008.39 (**Section 86**), and 1008.41 (**Section 87**).

Section 3 also amends s. 443.036, F.S., to define "reemployment assistance" to mean, in part, cash benefits payable to individuals due to their unemployment.

Evidence of Receipt of Benefits

Section 5 amends s. 443.071, F.S., to clarify what constitutes prima facie evidence that a person claimed and received benefits. Specifically a transaction history generated by a password or other identifying code used by DEO to establish that claim for a week of benefits was made, together with documentation that payment was made by a state warrant, direct deposit, or onto a department-issued debit card, constitutes prima facie evidence that the person received benefits from the state.

Section 6 amends provisions in s. 443.091, F.S., related to the initial skills review and work search requirements.

Initial Skills Review

The CS requires DEO to prescribe a numeric score on the initial skills review that demonstrates a minimal proficiency in workforce skills. Any individual who falls below the minimal proficiency score will be offered training opportunities, at no cost to the individual, to improve his or her workforce skills. DEO is required to work with WFI, the regional workforce boards, and the One-Stop Career Centers to develop best practices for skills improvement to such individuals. Further, DEO is required to evaluate the use, effectiveness, and costs associated with the voluntary training offered, and report the department's findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2013.

Additionally, the CS specifies that individuals who are non-Florida residents, on temporary layoffs, union members, or participating in short-time compensation plans are not required to complete the initial skill review.

Work Search Requirements

Under current law, most individuals receiving unemployment benefits are required to contact at least five potential employers each week. Individuals may also meet the work search requirement by reporting to a local one-stop career center to meet with a representative of the center for reemployment services.

Under the CS, individuals who live in small counties are only required to contact three potential employers each week.[34] Further, union members who customarily obtain employment though a union hiring hall may satisfy the work search requirement by reporting to their union hall. Further, the work search requirements do not apply to individuals on temporary layoffs or participating in short-time compensation plans.

Leased Employees to Educational Institutions

The CS provides that certain restrictions on the payment of benefits to an individual employed by an educational institution also applies to an individual who provides services to an educational institution through a contract between the individual's employer and the institution. The restrictions apply only if at least 75 percent of the individual's wages with the private employer were attributable to services provided to the educational institution. Such restrictions include that benefits are not payable between terms, such as summer break. However, this provision does not take effect until July 1, 2013.

Disqualification

Section 7 also amends s. 443.101, F.S., to increase the duration of disqualification from receiving benefits for making fraudulent representations. Under current law, an individual who makes false or fraudulent representations to obtain benefits is disqualified from receiving benefits for 1 year from the date of discovery of the fraud by DEO. Under the CS, such individual is disqualified from the week in which the false or fraudulent representation is made until 1 year from the date of discovery of the fraud by DEO and until any overpayment of benefits resulting from such fraud has been repaid in full.

Employee Leasing Companies

Under current law, employee leasing companies are required to report leased employees under the leasing company's UC tax account and contribution rate.

Section 12 amends s. 443.1216, F.S., to allow the employee leasing company to report leased employees under the accounts of its clients for unemployment tax purposes only. The CS allows a one-time election to change an employee leasing company's reporting and contribution method. The leasing company is required to notify DOR of such election by July 1, 2012, and provide certain information. If the leasing company does not make a selection by July 1, then the company will not be able to change its reporting method and will continue to report leased employees under the leasing company's UC tax account and contribution rate.

[34] The term "small counties" is defined in s. 120.52(19), F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

Man-made Disasters

Section 13 also amends s. 443.131, F.S., to provide tax relief to employers by noncharging benefits paid to individuals who separated from work as a direct result of an oil spill, terrorist attack, or other similar disaster of national significance not subject to a federal declaration of disaster.

Recovery of Benefits

Section 20 also amends s. 443.151, F.S., to extend the period of time that DEO may seek recovery of benefits wrongly or incorrectly paid. Under current law, DEO must collect the benefits within 5 years of the determination that the benefits were wrongly or incorrectly paid, either due to fraud or other reason. Under the CS, DEO's recovery efforts must be commenced within 7 years of the determination that the benefits were wrongly or incorrectly paid. After commencing recovery efforts, DEO has an unlimited time to recover the benefits.

Confidentiality

Section 22 also amends s. 443.171, F.S., and **Section 23** also amends s. 443.1715, F.S., to incorporate federal provisions related to the release of confidential information released to the unemployment compensation program.

Temporary State Extended Benefits Program

Due to the extension of the 100 percent federal funding for the temporary state extended benefits program, **Section 88** revives, readopts, and amends s. 443.1117, F.S., to reflect such extension. The section expired on January 4, 2012. This CS codifies the executive order signed by Governor Scott in January 2012, and revives the statute through March 11, 2012, in order for Floridians to be eligible for 100 percent federal funding for benefits for former private sector employees.

This section is effective retroactive to January 4, 2012, and expires on March 11, 2012. The section contains an expiration date, because under the federal program, after March 11, 2012, any extended benefits paid will only be reimbursed by the federal government at a rate of 50 percent for former private sector employees making new claims. The CS sets a sunset date in enacting the program in order to take the best advantage of the program.

Section 89 clarifies that the temporary extended benefits will be available to unemployed Floridians who establish entitlement to extended benefits between January 4, 2012, and March 11, 2012.

Section 90 provides for severability for any provision of the act which is held invalid.

Section 91 provides that this act fulfills an important state interest.

Section 92 provides an effective date of July 1, 2012, unless otherwise expressed in the CS.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 18, Article VII of the Florida Constitution, excuses counties and municipalities from complying with laws requiring them to spend funds or to take an action unless certain conditions are met.

To the extent this CS requires cities and counties to expend funds to pay state extended benefits for eligible former employees from January to March 2012, the provisions of Section 18(a), Article VII of the State Constitution may apply. If those provisions do apply, in order for the law to be binding upon the cities and counties, the Legislature must find that the law fulfills an important state interest (see **Section 91** of the CS) and one of the following relevant exceptions:

a. Appropriate funds estimated at the time of enactment to be sufficient to fund such expenditures;
b. Authorize a county or municipality to enact a funding source not available for such local government on February 1, 1989, that can be used to generate the amount of funds necessary to fund the expenditures;
c. The expenditure is required to comply with a law that applies to all persons "similarly situated," including state and local governments; or
d. The law is either required to comply with a federal requirement or required for eligibility for a federal entitlement.

"Similarly situated" refers to those laws affecting other entities, either private or governmental, in addition to counties and municipalities. Because the CS would impact "all persons similarly situated," this exception appears to apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

An employee leasing company is allowed, under the CS, to make a one-time election to change the way it reports for purposes of the UC tax, by reporting under the account of its clients. A company will likely decide to make this election only if it is financially advantageous to the company. However, while potentially lowering a leasing company's UC taxes, such election may have a negative effect on the balance of the UC Trust Fund. By changing its reporting method, the taxes due to the UC Trust Fund are likely to be less than when the leasing company was reporting under its own tax account. Additionally

such a change may result in an increase in socialized costs, and thus higher taxes to other employers. The Office of Economic and Demographic Research estimated for the next three years an additional $10.2 million increase for other employers in 2013, $2.5 million in 2014, and $5.7 million in 2015.

B. Private Sector Impact:

Individuals who fraudulently or mistakenly receive unemployment benefits will be liable to repay DEO to a longer period of time.

Participation in the temporary state extended benefits program is expected to bring an estimated $59 million in additional benefits to Florida and benefit 51,000 Floridians.[35] Payment of these benefits comes 100 percent from federal funds. There will be no cost to private employers and there will be no effect on their contribution rates. Benefits paid by public employers, non-profits, and other reimbursable employers are not covered by federal funds (see explanation below related to Government Sector Impact for impact on public employers).

C. Government Sector Impact:

Related to the provisions of the CS that affect the tax, the Department of Revenue estimates the following costs to implement the employee leasing company reporting option: $115,485 in FY 2011-12; and an impact of $65,084 in FY 2012-13. These costs are eligible for federal funding under FUTA.

The total cost in FY 2011-12 includes $285 in nonrecurring costs for tax information publication printing and mailing; and $115,200 in nonrecurring costs to modify the SUNTAX system. The total cost in FY 2011-12 is $65,084 to hire 2 OPS positions to process the elections to change reporting methods.

In order to participate in federal sharing, the temporary state extended benefits program had to encompass unemployed individuals of both the private and public sectors. Extended benefits for former state and local employees do not qualify for federal funding due to the fact that these entities are self-insured and the federal law does not allow for their participation in federal sharing. The temporary extended benefits for these former employees must be paid by the governmental entity. The extension enacted on December 2011 is estimated to cost a total of $1.65 million, approximately $250,000 from state funds and $1.4 million from local government funds.[36] The state funds required would be paid by the various state entities whose former employees qualify for benefits during the extension period, and such funds would likely be provided from a mixture of state General Revenue Fund, state trust funds, and federal trust funds, depending on how the salaries and benefits of the entity's employees are funded. Because this liability for state agencies would be spread over many entities and several funds, the fiscal impact on any one agency is not likely to be significant.

[35] Estimate from the Department of Economic Opportunity, on file with the Senate Commerce and Tourism Committee.
[36] Estimates from the Department of Economic Opportunity, on file with the Senate Commerce and Tourism Committee.

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 Commerce and Tourism on January 26, 2012:
The committee substitute does the following:

- Clarifies what constitutes evidence that a person claimed and received benefits;
- Instructs DEO, WFI, the regional workforce boards, and One-Stop Career Centers to develop best practices for the optional additional training for individuals who score below the minimum established by DEO for the initial skills review;
- Subjects individuals who provide services for an educational institution while working for a private employer to certain benefit limitations;
- Allows employee leasing companies to make a one-time decision to change from reporting leased employees under their company account to reporting the employees under their respective clients' accounts, an option that could result in lower taxes for those companies choosing to change; and
- Codifies the executive order by Governor Scott which allowed for the extension of the temporary extended benefits program in Florida through March 2012.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bogdanoff) recommended the following:

1 **Senate Amendment**
2
3 Delete lines 401 - 407
4 and insert:
5 (f) Effective July 1, 2013, paragraphs (a), (b), and (c)
6 shall apply to services provided by an individual for an
7 educational institution while in the employ of a private
8 employer holding a contractual relationship with such
9 educational institution, but only if the base period wages
10 attributable to such services are identified as such in the
11 quarterly reports filed pursuant to s. 443.131(1).

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bogdanoff) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 1030 and 1031
4 insert:
5 Section 13. Effective upon becoming law and operating
6 retroactively to June 29, 2011, paragraph (a) of subsection (2)
7 of section 443.1217, Florida Statutes, is amended to read:
8 443.1217 Wages.—
9 (2) For the purpose of determining an employer's
10 contributions, the following wages are exempt from this chapter:
11 (a)~~1. Beginning January 1, 2010, that part of remuneration~~

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12 ~~paid to an individual by an employer for employment during a~~
13 ~~calendar year in excess of the first $7,000 of remuneration paid~~
14 ~~to the individual by an employer or his or her predecessor~~
15 ~~during that calendar year, unless that part of the remuneration~~
16 ~~is subject to a tax, under a federal law imposing the tax,~~
17 ~~against which credit may be taken for contributions required to~~
18 ~~be paid into a state unemployment fund.~~
19 1.~~2.~~ Beginning January 1, 2012, that part of remuneration
20 paid to an individual by an employer for employment during a
21 calendar year in excess of the first $8,000 ~~$8,500~~ of
22 remuneration paid to the individual by the employer or his or
23 her predecessor during that calendar year, unless that part of
24 the remuneration is subject to a tax, under a federal law
25 imposing the tax, against which credit may be taken for
26 contributions required to be paid into a state unemployment
27 fund.
28 2.~~3.~~ Beginning January 1, 2015, the part of remuneration
29 paid to an individual by an employer for employment during a
30 calendar year in excess of the first $7,000 of remuneration paid
31 to the individual by an employer or his or her predecessor
32 during that calendar year, unless that part of the remuneration
33 is subject to a tax, under a federal law imposing the tax,
34 against which credit may be taken for contributions required to
35 be paid into a state unemployment fund. The wage base exemption
36 adjustment authorized by this subparagraph shall be suspended in
37 any calendar year in which repayment of the principal amount of
38 an advance received from the Unemployment Compensation Trust
39 Fund under 42 U.S.C. s. 1321 is due to the Federal Government.
40 Section 14. Effective upon becoming law and operating

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41 retroactively to June 29, 2011, paragraph (e) of subsection (3)
42 of section 443.131, Florida Statutes, is amended to read:
43 443.131 Contributions.—
44 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
45 EXPERIENCE.—
46 (e) *Assignment of variations from the standard rate.*—
47 1. As used in this paragraph, the terms "total benefit
48 payments," "benefits paid to an individual," and "benefits
49 charged to the employment record of an employer" mean the amount
50 of benefits paid to individuals multiplied by:
51 a. For benefits paid prior to July 1, 2007, 1.
52 b. For benefits paid during the period beginning on July 1,
53 2007, and ending March 31, 2011, 0.90.
54 c. For benefits paid after March 31, 2011, 1.
55 2. For the calculation of contribution rates effective
56 January 1, 2012 ~~January 1, 2010~~, and thereafter:
57 a. The tax collection service provider shall assign a
58 variation from the standard rate of contributions for each
59 calendar year to each eligible employer. In determining the
60 contribution rate, varying from the standard rate to be assigned
61 each employer, adjustment factors computed under sub-sub-
62 subparagraphs (I)-(IV) are added to the benefit ratio. This
63 addition shall be accomplished in two steps by adding a variable
64 adjustment factor and a final adjustment factor. The sum of
65 these adjustment factors computed under sub-sub-subparagraphs
66 (I)-(IV) shall first be algebraically summed. The sum of these
67 adjustment factors shall next be divided by a gross benefit
68 ratio determined as follows: Total benefit payments for the 3-
69 year period described in subparagraph (b)3. are charged to

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70 employers eligible for a variation from the standard rate, minus
71 excess payments for the same period, divided by taxable payroll
72 entering into the computation of individual benefit ratios for
73 the calendar year for which the contribution rate is being
74 computed. The ratio of the sum of the adjustment factors
75 computed under sub-sub-subparagraphs (I)-(IV) to the gross
76 benefit ratio is multiplied by each individual benefit ratio
77 that is less than the maximum contribution rate to obtain
78 variable adjustment factors; except that if the sum of an
79 employer’s individual benefit ratio and variable adjustment
80 factor exceeds the maximum contribution rate, the variable
81 adjustment factor is reduced in order for the sum to equal the
82 maximum contribution rate. The variable adjustment factor for
83 each of these employers is multiplied by his or her taxable
84 payroll entering into the computation of his or her benefit
85 ratio. The sum of these products is divided by the taxable
86 payroll of the employers who entered into the computation of
87 their benefit ratios. The resulting ratio is subtracted from the
88 sum of the adjustment factors computed under sub-sub-
89 subparagraphs (I)-(IV) to obtain the final adjustment factor.
90 The variable adjustment factors and the final adjustment factor
91 must be computed to five decimal places and rounded to the
92 fourth decimal place. This final adjustment factor is added to
93 the variable adjustment factor and benefit ratio of each
94 employer to obtain each employer’s contribution rate. An
95 employer’s contribution rate may not, however, be rounded to
96 less than 0.1 percent.
97 (I) An adjustment factor for noncharge benefits is computed
98 to the fifth decimal place and rounded to the fourth decimal

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99 place by dividing the amount of noncharge benefits during the 3-
100 year period described in subparagraph (b)3. by the taxable
101 payroll of employers eligible for a variation from the standard
102 rate who have a benefit ratio for the current year which is less
103 than the maximum contribution rate. For purposes of computing
104 this adjustment factor, the taxable payroll of these employers
105 is the taxable payrolls for the 3 years ending June 30 of the
106 current calendar year as reported to the tax collection service
107 provider by September 30 of the same calendar year. As used in
108 this sub-sub-subparagraph, the term “noncharge benefits” means
109 benefits paid to an individual from the Unemployment
110 Compensation Trust Fund, but which were not charged to the
111 employment record of any employer.
112 (II) An adjustment factor for excess payments is computed
113 to the fifth decimal place, and rounded to the fourth decimal
114 place by dividing the total excess payments during the 3-year
115 period described in subparagraph (b)3. by the taxable payroll of
116 employers eligible for a variation from the standard rate who
117 have a benefit ratio for the current year which is less than the
118 maximum contribution rate. For purposes of computing this
119 adjustment factor, the taxable payroll of these employers is the
120 same figure used to compute the adjustment factor for noncharge
121 benefits under sub-sub-subparagraph (I). As used in this sub-
122 subparagraph, the term “excess payments” means the amount of
123 benefits charged to the employment record of an employer during
124 the 3-year period described in subparagraph (b)3., less the
125 product of the maximum contribution rate and the employer’s
126 taxable payroll for the 3 years ending June 30 of the current
127 calendar year as reported to the tax collection service provider

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128 by September 30 of the same calendar year. As used in this sub-
129 sub-subparagraph, the term "total excess payments" means the sum
130 of the individual employer excess payments for those employers
131 that were eligible for assignment of a contribution rate
132 different from the standard rate.
133 (III) With respect to computing a positive adjustment
134 factor:
135 (A) Beginning January 1, 2012, if the balance of the
136 Unemployment Compensation Trust Fund on September 30 of the
137 calendar year immediately preceding the calendar year for which
138 the contribution rate is being computed is less than 4 percent
139 of the taxable payrolls for the year ending June 30 as reported
140 to the tax collection service provider by September 30 of that
141 calendar year, a positive adjustment factor shall be computed.
142 The positive adjustment factor is computed annually to the fifth
143 decimal place and rounded to the fourth decimal place by
144 dividing the sum of the total taxable payrolls for the year
145 ending June 30 of the current calendar year as reported to the
146 tax collection service provider by September 30 of that calendar
147 year into a sum equal to one-fifth ~~one-third~~ of the difference
148 between the balance of the fund as of September 30 of that
149 calendar year and the sum of 5 percent of the total taxable
150 payrolls for that year. The positive adjustment factor remains
151 in effect for subsequent years until the balance of the
152 Unemployment Compensation Trust Fund as of September 30 of the
153 year immediately preceding the effective date of the
154 contribution rate equals or exceeds 4 ~~5~~ percent of the taxable
155 payrolls for the year ending June 30 of the current calendar
156 year as reported to the tax collection service provider by

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157 September 30 of that calendar year.
158 (B) Beginning January 1, 2018 ~~January 1, 2015~~, and for each
159 year thereafter, the positive adjustment shall be computed by
160 dividing the sum of the total taxable payrolls for the year
161 ending June 30 of the current calendar year as reported to the
162 tax collection service provider by September 30 of that calendar
163 year into a sum equal to one-fourth of the difference between
164 the balance of the fund as of September 30 of that calendar year
165 and the sum of 5 percent of the total taxable payrolls for that
166 year. The positive adjustment factor remains in effect for
167 subsequent years until the balance of the Unemployment
168 Compensation Trust Fund as of September 30 of the year
169 immediately preceding the effective date of the contribution
170 rate equals or exceeds 4 percent of the taxable payrolls for the
171 year ending June 30 of the current calendar year as reported to
172 the tax collection service provider by September 30 of that
173 calendar year.
174 (IV) If, beginning January 1, 2015, and each year
175 thereafter, the balance of the Unemployment Compensation Trust
176 Fund as of September 30 of the year immediately preceding the
177 calendar year for which the contribution rate is being computed
178 exceeds 5 percent of the taxable payrolls for the year ending
179 June 30 of the current calendar year as reported to the tax
180 collection service provider by September 30 of that calendar
181 year, a negative adjustment factor must be computed. The
182 negative adjustment factor shall be computed annually beginning
183 on January 1, 2015, and each year thereafter, to the fifth
184 decimal place and rounded to the fourth decimal place by
185 dividing the sum of the total taxable payrolls for the year

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186 ending June 30 of the current calendar year as reported to the
187 tax collection service provider by September 30 of the calendar
188 year into a sum equal to one-fourth of the difference between
189 the balance of the fund as of September 30 of the current
190 calendar year and 5 percent of the total taxable payrolls of
191 that year. The negative adjustment factor remains in effect for
192 subsequent years until the balance of the Unemployment
193 Compensation Trust Fund as of September 30 of the year
194 immediately preceding the effective date of the contribution
195 rate is less than 5 percent, but more than 4 percent of the
196 taxable payrolls for the year ending June 30 of the current
197 calendar year as reported to the tax collection service provider
198 by September 30 of that calendar year. The negative adjustment
199 authorized by this section is suspended in any calendar year in
200 which repayment of the principal amount of an advance received
201 from the federal Unemployment Compensation Trust Fund under 42
202 U.S.C. s. 1321 is due to the Federal Government.
203 (V) The maximum contribution rate that may be assigned to
204 an employer is 5.4 percent, except employers participating in an
205 approved short-time compensation plan may be assigned a maximum
206 contribution rate that is 1 percent greater than the maximum
207 contribution rate for other employers in any calendar year in
208 which short-time compensation benefits are charged to the
209 employer’s employment record.
210 (VI) As used in this subsection, “taxable payroll” shall be
211 determined by excluding any part of the remuneration paid to an
212 individual by an employer for employment during a calendar year
213 in excess of the first $7,000. Beginning January 1, 2012,
214 “taxable payroll” shall be determined by excluding any part of

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215 the remuneration paid to an individual by an employer for
216 employment during a calendar year as described in s.
217 443.1217(2). For the purposes of the employer rate calculation
218 that will take effect in January 1, 2012, and in January 1,
219 2013, the tax collection service provider shall use the data
220 available for taxable payroll from 2009 based on excluding any
221 part of the remuneration paid to an individual by an employer
222 for employment during a calendar year in excess of the first
223 $7,000, and from 2010 and 2011, the data available for taxable
224 payroll based on excluding any part of the remuneration paid to
225 an individual by an employer for employment during a calendar
226 year in excess of the first $8,500.
227 b. If the transfer of an employer's employment record to an
228 employing unit under paragraph (f) which, before the transfer,
229 was an employer, the tax collection service provider shall
230 recompute a benefit ratio for the successor employer based on
231 the combined employment records and reassign an appropriate
232 contribution rate to the successor employer effective on the
233 first day of the calendar quarter immediately after the
234 effective date of the transfer.
235 Delete lines 3585 - 3586
236 and insert:
237 Section 94. <u>There is appropriated to the Department of</u>
238 <u>Economic Opportunity from the Employment Security Administration</u>
239 <u>Trust Fund $346,463 for the 2011-2012 fiscal year and $100,884</u>
240 <u>for the 2012-2013 fiscal year, which funds shall be used to</u>
241 <u>contract with the Department of Revenue to implement the</u>
242 <u>provisions of this act. There is appropriated to the Department</u>
243 <u>of Revenue from the Federal Grants Fund $346,463 for the 2011-</u>

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244 2012 fiscal year and $100,884 for the 2012-2013 fiscal year to
245 implement the provisions of this act. This section shall be
246 effective upon this act becoming law.
247 Section 95. Except as otherwise expressly provided in this
248 act, and except for sections 13, 14, and 94 which shall take
249 effect upon becoming law, this act shall take effect July 1,
250 2012.
251
252 ========== T I T L E A M E N D M E N T ==========
253 And the title is amended as follows:
254 Delete lines 35 - 36
255 and insert:
256 the changes made by this act; amending s. 443.1217,
257 F.S.; reducing the amount of an employee's wages that
258 are exempt from the employer's contribution to the
259 Unemployment Compensation Trust Fund for a certain
260 period of time; amending s. 443.131, F.S.; revising
261 the rate and recoupment period for computing the
262 employer contribution to the trust fund until January
263 1, 2018; providing for retroactive application;
264 prohibiting benefits from being charged to the
265 Between lines 73 and 74
266 insert:
267 providing appropriations for purposes of
268 implementation;

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bogdanoff) recommended the following:

1 **Senate Amendment**
2
3 Delete lines 3450 - 3576
4 and insert:
5 Section 88. Notwithstanding the expiration date contained
6 in section 13 of chapter 2011-235, Laws of Florida, operating
7 retroactive to January 4, 2012, and expiring January 5, 2013,
8 section 443.1117, Florida Statutes, is revived, readopted, and
9 amended to read:
10 443.1117 Temporary extended benefits.—
11 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if

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12 the result is inconsistent with other provisions of this
13 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
14 claims covered by this section.
15 (2) DEFINITIONS.—As used in this section, the term:
16 (a) "Regular benefits" and "extended benefits" have the
17 same meaning as in s. 443.1115.
18 (b) "Eligibility period" means the weeks in an individual's
19 benefit year or emergency benefit period which begin in an
20 extended benefit period and, if the benefit year or emergency
21 benefit period ends within that extended benefit period, any
22 subsequent weeks beginning in that period.
23 (c) "Emergency benefits" means benefits ~~Emergency~~
24 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
25 and any subsequent federal law that provides for the payment of
26 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
27 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
28 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~
29 ~~No. 111-312~~.
30 (d) "Extended benefit period" means a period that:
31 1. Begins with the third week after a week for which there
32 is a state "on" indicator; and
33 2. Ends with any of the following weeks, whichever occurs
34 later:
35 a. The third week after the first week for which there is a
36 state "off" indicator; or
37 b. The 13th consecutive week of that period.
38 However, an extended benefit period may not begin by reason
39 of a state "on" indicator before the 14th week after the end of
40 a prior extended benefit period that was in effect for this

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41 state.
42 (e) “Emergency benefit period” means the period during
43 which an individual receives emergency benefits.
44 (f) “Exhaustee” means an individual who, for any week of
45 unemployment in her or his eligibility period:
46 1. Has received, before that week, all of the regular
47 benefits and emergency benefits, if any, available under this
48 chapter or any other law, including dependents’ allowances and
49 benefits payable to federal civilian employees and ex-
50 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
51 benefit year or emergency benefit period that includes that
52 week. For the purposes of this subparagraph, an individual has
53 received all of the regular benefits and emergency benefits, if
54 any, available even if, as a result of a pending appeal for
55 wages paid for insured work which were not considered in the
56 original monetary determination in the benefit year, she or he
57 may subsequently be determined to be entitled to added regular
58 benefits;
59 2. Had a benefit year that expired before that week, and
60 was paid no, or insufficient, wages for insured work on the
61 basis of which she or he could establish a new benefit year that
62 includes that week; and
63 3.a. Has no right to unemployment benefits or allowances
64 under the Railroad Unemployment Insurance Act or other federal
65 laws as specified in regulations issued by the United States
66 Secretary of Labor; and
67 b. Has not received and is not seeking unemployment
68 benefits under the unemployment compensation law of Canada; but
69 if an individual is seeking those benefits and the appropriate

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70 agency finally determines that she or he is not entitled to
71 benefits under that law, she or he is considered an exhaustee.
72 (g) "State 'on' indicator" means, with respect to weeks of
73 unemployment ending on or before December 8, 2012 ~~December 10,~~
74 ~~2011~~, the occurrence of a week in which the average total
75 unemployment rate, seasonally adjusted, as determined by the
76 United States Secretary of Labor, for the most recent 3 months
77 for which data for all states are published by the United States
78 Department of Labor:
79 1. Equals or exceeds 110 percent of the average of those
80 rates for the corresponding 3-month period ending in any or all
81 of the preceding 3 calendar years; and
82 2. Equals or exceeds 6.5 percent.
83 (h) "High unemployment period" means, with respect to weeks
84 of unemployment ending on or before December 8, 2012 ~~December~~
85 ~~10, 2011~~, any week in which the average total unemployment rate,
86 seasonally adjusted, as determined by the United States
87 Secretary of Labor, for the most recent 3 months for which data
88 for all states are published by the United States Department of
89 Labor:
90 1. Equals or exceeds 110 percent of the average of those
91 rates for the corresponding 3-month period ending in any or all
92 of the preceding 3 calendar years; and
93 2. Equals or exceeds 8 percent.
94 (i) "State 'off' indicator" means the occurrence of a week
95 in which there is no state "on" indicator or which does not
96 constitute a high unemployment period.
97 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
98 subsection (4):

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99 (a) For any week for which there is an "on" indicator
100 pursuant to paragraph (2)(g), the total extended benefit amount
101 payable to an eligible individual for her or his applicable
102 benefit year is the lesser of:
103 1. Fifty percent of the total regular benefits payable
104 under this chapter in the applicable benefit year; or
105 2. Thirteen times the weekly benefit amount payable under
106 this chapter for a week of total unemployment in the applicable
107 benefit year.
108 (b) For any high unemployment period, the total extended
109 benefit amount payable to an eligible individual for her or his
110 applicable benefit year is the lesser of:
111 1. Eighty percent of the total regular benefits payable
112 under this chapter in the applicable benefit year; or
113 2. Twenty times the weekly benefit amount payable under
114 this chapter for a week of total unemployment in the applicable
115 benefit year.
116 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other
117 provision of this chapter, if the benefit year of an individual
118 ends within an extended benefit period, the number of weeks of
119 extended benefits the individual is entitled to receive in that
120 extended benefit period for weeks of unemployment beginning
121 after the end of the benefit year, except as provided in this
122 section, is reduced, but not to below zero, by the number of
123 weeks for which the individual received, within that benefit
124 year, trade readjustment allowances under the Trade Act of 1974,
125 as amended.
126 Section 89. The provisions of s. 443.1117, Florida
127 Statutes, as revived, readopted, and amended by this act, apply

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128 only to claims for weeks of unemployment in which an exhaustee
129 establishes entitlement to extended benefits pursuant to that
130 section which are established for the period between January 4,
131 2012, and January 5, 2013.

519408

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Gaetz) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Between lines 3584 and 3585
4 insert:
5 Section 92. The Department of Economic Opportunity shall
6 convene a work group to study Florida's reemployment assistance
7 contribution calculation as specified in s. 443.131 and other
8 related law.
9 (1) The work group shall consist of ten members as follows:
10 (a) The executive director of the Department of Economic
11 Opportunity, or his or her designee, who shall serve as the

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12 chair of the work group.
13 (b) The executive director of the Department of Revenue, or
14 his or her designee.
15 (c) Four representatives of the business community, two of
16 which shall represent small businesses, to be appointed by joint
17 agreement of the executive directors of the departments.
18 (d) The director of the Division of Workforce Services
19 within the Department of Economic Opportunity, or his or her
20 designee.
21 (e) The program director of the General Tax Administration
22 Program Office within the Department of Revenue, or his or her
23 designee.
24 (f) A member of the Senate designated by the President of
25 the Senate.
26 (g) A member of the House of Representatives designated by
27 the Speaker of the House of Representatives.
28 (2) The work group shall convene its first meeting by July
29 15, 2012. Thereafter, the chair of the work group shall call a
30 meeting as often as necessary to carry out the provisions of
31 this section. The Department of Economic Opportunity shall keep
32 a complete record of the proceedings of each meeting, which
33 includes the names of the members present at each meeting and
34 the actions taken. The records shall be public records pursuant
35 to chapter 119. A quorum shall consist of a majority of the
36 group members. Members of the group shall not receive
37 compensation.
38 (3) The purpose of the work group is to study Florida's
39 reemployment assistance contribution calculation and provide
40 recommendations to the Legislature for changes to the

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41 calculation designed to ensure the long-term solvency of the
42 reemployment assistance program while promoting equitable,
43 minimal tax burdens on Florida employers. The recommendations
44 shall be limited to changes to the calculation and related law
45 and shall not include changes to eligibility for benefits or any
46 other portion of the reemployment assistance program. The work
47 group may review the laws of other states to develop
48 recommendations appropriate to Florida.
49 (4) Relevant staff from the Department of Economic
50 Opportunity and the Department of Revenue knowledgeable in the
51 subject area may be assigned to assist the work group. The
52 President of the Senate and the Speaker of the House of
53 Representatives may also assign their respective staff to
54 provide technical guidance and assistance to the work group in
55 the development of alternative proposals.
56 (5) Members of the work group are entitled to reimbursement
57 for travel and per diem expenses, as provided in s. 112.061
58 while performing their duties under this section. Travel and per
59 diem expenses of work group members and other staff who are
60 state employees shall be reimbursed by the respective state
61 agency employing the member or staff. The Department of Economic
62 Opportunity and the Department of Revenue shall jointly provide
63 administrative support for the work group, shall pay equally for
64 travel and per diem expenses of work group members who are not
65 state employees, and shall pay equally any other operational
66 expenses of the work group as deemed reasonable and appropriate
67 by joint agreement of the executive directors of the
68 departments.
69 (6) The findings and recommendations of the work group

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70 shall be submitted to the Legislature by December 31, 2012.
71 (7) This section is repealed January 31, 2013.
72
73 ========== T I T L E A M E N D M E N T ==========
74 And the title is amended as follows:
75 Between lines 73 and 74
76 insert:
77 creating a work group to study Florida's reemployment
78 assistance contribution calculation and provide
79 recommendations; providing for membership; providing
80 for reimbursement; providing for repeal;

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bogdanoff) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 1701 - 1748
4 and insert:
5 ~~Innovation~~ shall contract with one ~~or more~~ consumer
6 reporting agency ~~agencies~~ to provide users with secured
7 electronic access to employer-provided information relating to
8 the quarterly wages report submitted in accordance with the
9 state's reemployment assistance ~~unemployment compensation~~ law.
10 The access is limited to the wage reports for the appropriate
11 amount of time for the purpose the information is requested.

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12 (2) Users must obtain consent in writing or by electronic
13 signature from an applicant for credit, employment, or other
14 permitted purposes. Any written or electronic signature consent
15 from an applicant must be signed and must include the following:
16 (c) Notice that the files of the Department of Economic
17 Opportunity ~~Agency for Workforce Innovation~~ or its tax
18 collection service provider containing information concerning
19 wage and employment history which is submitted by the applicant
20 or his or her employers may be accessed; and
21 (4) If a consumer reporting agency or user violates this
22 section, the Department of Economic Opportunity ~~Agency for~~
23 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the
24 consumer reporting agency, terminate the contract established
25 between the department ~~Agency for Workforce Innovation~~ and the
26 consumer reporting agency or require the consumer reporting
27 agency to terminate the contract established between the
28 consumer reporting agency and the user under this section.
29 (5) The Department of Economic Opportunity ~~Agency for~~
30 ~~Workforce Innovation~~ shall establish minimum audit, security,
31 net worth, and liability insurance standards, technical
32 requirements, and any other terms and conditions considered
33 necessary in the discretion of the state agency to safeguard the
34 confidentiality of the information released under this section
35 and to otherwise serve the public interest. The department
36 ~~Agency for Workforce Innovation~~ shall also include, in
37 coordination with any necessary state agencies, necessary audit
38 procedures to ensure that these rules are followed.
39 (6) In contracting with one ~~or more~~ consumer reporting
40 agency ~~agencies~~ under this section, any revenues generated by

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41 the contract must be used to pay the entire cost of providing
42 access to the information. Further, in accordance with federal
43 regulations, any additional revenues generated by the Department
44 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the
45 state under this section must be paid into the Administrative
46 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
47 the administration of the unemployment compensation system or be
48 used as program income.
49 (7) The Department of Economic Opportunity ~~Agency for~~
50 ~~Workforce Innovation~~ may not provide wage and employment history
51 information to any consumer reporting agency before the consumer
52 reporting agency ~~or agencies~~ under contract with the department
53
54 ========== T I T L E A M E N D M E N T ==========
55 And the title is amended as follows:
56 Delete lines 51 - 61
57 and insert:
58 to conform to changes made by the act; amending s.
59 443.17161, F.S.; requiring the Department of Economic
60 Opportunity to contract with one consumer reporting
61 agency to access wage reports; revising references to
62 conform to changes made by the act; amending ss.
63 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046,
64 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502,
65 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03,
66 220.181, 220.191, 220.194, 222.15, 222.16, 255.20,
67 288.075, 288.1045, 288.106, 288.1081, 288.1089,
68 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06,
69 440.12, 440.15, 440.381, 440.42, 443.051, 443.111,

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70 443.1113, 443.1116, 443.1215, 443.1312, 443.1313,
71 443.1315, 443.1316, 443.1317, 443.141, 443.163,
72 443.181, 443.191, 443.221, 445.009,

By the Committee on Commerce and Tourism; and Senator Bogdanoff

577-02440A-12 20121416c1

A bill to be entitled

An act relating to unemployment compensation; amending s. 443.011, F.S.; revising a short title to rename "unemployment compensation" as "reemployment assistance"; amending s. 443.012, F.S.; renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission; amending s. 443.036, F.S.; providing a definition for the term "reemployment assistance"; revising references to conform to changes made by the act; amending s. 443.071, F.S.; specifying what constitutes prima facie evidence that the person claimed and received reemployment assistance from the state through transaction history and payment; revising references to conform to changes made by the act; amending s. 443.091, F.S.; providing scoring requirements relating to initial skills reviews; providing for workforce training for certain eligible claimants; requiring the development and use of best practices; providing reporting requirements; providing work search requirements for certain claimants; revising references to conform to changes made by the act; providing for the applicability of certain exceptions relating to benefits based on employment with a private employer under contract with an educational institution; amending s. 443.101, F.S.; clarifying how a disqualification for benefits for fraud is imposed; revising references to conform to changes made by the act; amending s. 443.1216, F.S.; providing that

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

577-02440A-12 20121416c1

employee leasing companies may make a one-time election to report leased employees under the respective unemployment account of each leasing company client; providing procedures and application for such election; revising references to conform to the changes made by the act; amending s. 443.131, F.S.; prohibiting benefits from being charged to the employment record of an employer that is forced to lay off workers as a result of a manmade disaster of national significance; revising references to conform to changes made by the act; amending s. 443.151, F.S.; revising the statute of limitations related to the collection of unemployment compensation benefits overpayments; revising references to conform to changes made by the act; amending s. 443.171, F.S.; deleting an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by the act; amending s. 443.1715, F.S.; revising an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by the act; amending ss. 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03, 220.181, 220.191, 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381, 440.42, 443.051, 443.111,

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

59 443.1113, 443.1116, 443.1215, 443.1312, 443.1313,
60 443.1315, 443.1316, 443.1317, 443.141, 443.163,
61 443.17161, 443.181, 443.191, 443.221, 445.009,
62 445.016, 446.50, 448.110, 450.31, 450.33, 468.529,
63 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101,
64 921.0022, 946.513, 946.523, 985.618, 1003.496,
65 1008.39, and 1008.41, F.S.; revising references to
66 conform to changes made by the act; reviving,
67 readopting, and amending s. 443.1117, F.S., relating
68 to temporary extended benefits; providing for
69 retroactive application; providing for applicability
70 relating to extended benefits for certain weeks and
71 for periods of high unemployment; providing for
72 applicability; providing for severability; providing
73 that the act fulfills an important state interest;
74 providing effective dates.
75
76 Be It Enacted by the Legislature of the State of Florida:
77
78 Section 1. Section 443.011, Florida Statutes, is amended to
79 read:
80 443.011 Short title.—This chapter may be cited as the
81 "Reemployment Assistance Program ~~Unemployment Compensation~~ Law."
82 Section 2. Subsections (1), (3), (10), and (12) of section
83 443.012, Florida Statutes, are amended to read:
84 443.012 Reemployment Assistance ~~Unemployment~~ Appeals
85 Commission.—
86 (1) There is created within the Division of Workforce
87 Services of the Department of Economic Opportunity a

88 Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The
89 commission is composed of a chair and two other members
90 appointed by the Governor, subject to confirmation by the
91 Senate. Only one appointee may be a representative of employers,
92 as demonstrated by his or her previous vocation, employment, or
93 affiliation; and only one appointee may be a representative of
94 employees, as demonstrated by his or her previous vocation,
95 employment, or affiliation.
96 (a) The chair shall devote his or her entire time to
97 commission duties and is responsible for the administrative
98 functions of the commission.
99 (b) The chair has authority to appoint a general counsel
100 and other personnel to carry out the duties and responsibilities
101 of the commission.
102 (c) The chair must have the qualifications required by law
103 for a judge of the circuit court and may not engage in any other
104 business vocation or employment. Notwithstanding any other law,
105 the chair shall be paid a salary equal to that paid under state
106 law to a judge of the circuit court.
107 (d) The remaining members shall be paid a stipend of $100
108 for each day they are engaged in the work of the commission. The
109 chair and other members are entitled to be reimbursed for travel
110 expenses, as provided in s. 112.061.
111 (e) The total salary and travel expenses of each member of
112 the commission shall be paid from the Employment Security
113 Administration Trust Fund.
114 (3) The commission has all authority, powers, duties, and
115 responsibilities relating to reemployment assistance
116 ~~unemployment compensation~~ appeal proceedings under this chapter.

117 (10) The commission shall have a seal for authenticating
118 its orders, awards, and proceedings, upon which shall be
119 inscribed the words "State of Florida-Reemployment Assistance
120 ~~Unemployment~~ Appeals Commission-Seal," and it shall be
121 judicially noticed.
122 (12) Orders of the commission relating to reemployment
123 assistance ~~unemployment compensation~~ under this chapter are
124 subject to review only by notice of appeal to the district
125 courts of appeal in the manner provided in s. 443.151(4)(e).
126 Section 3. Subsections (12), (14), and (26) of section
127 443.036, Florida Statutes, are amended, present subsections (38)
128 through (46) are renumbered as subsections (39) through (47),
129 respectively, present subsections (38) and (42) are amended, and
130 a new subsection (38) is added to that section, to read:
131 443.036 Definitions.—As used in this chapter, the term:
132 (12) "Commission" means the Reemployment Assistance
133 ~~Unemployment~~ Appeals Commission.
134 (14) "Contribution" means a payment of payroll tax to the
135 Unemployment Compensation Trust Fund which is required under
136 this chapter to finance reemployment assistance ~~unemployment~~
137 benefits.
138 (26) "Initial skills review" means an online education or
139 training program, such as that established under s. 1004.99,
140 that is approved by the Department of Economic Opportunity
141 ~~Agency for Workforce Innovation~~ and designed to measure an
142 individual's mastery level of workplace skills.
143 (38) "Reemployment assistance" means cash benefits payable
144 to individuals with respect to their unemployment pursuant to
145 the provisions of this chapter. Where the context requires,

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146 reemployment assistance also means cash benefits payable to
147 individuals with respect to their unemployment pursuant to 5
148 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.
149 501-504, 1101-1110, and 1321-1324, or pursuant to state laws
150 which have been certified pursuant to 26 U.S.C. s. 3304 and 42
151 U.S.C. s. 503. Any reference to reemployment assistance shall
152 mean compensation payable from an unemployment fund as defined
153 in 26 U.S.C. s. 3306(f).
154 (39) ~~(38)~~ "Reimbursement" means a payment of money to the
155 Unemployment Compensation Trust Fund in lieu of a contribution
156 which is required under this chapter to finance reemployment
157 assistance ~~unemployment~~ benefits.
158 (43) ~~(42)~~ "Tax collection service provider" or "service
159 provider" means the state agency providing reemployment
160 assistance ~~unemployment~~ tax collection services under contract
161 with the Department of Economic Opportunity through an
162 interagency agreement pursuant to s. 443.1316.
163 Section 4. Paragraph (a) of subsection (1) and paragraphs
164 (b) and (d) of subsection (3) of section 443.051, Florida
165 Statutes, are amended to read:
166 443.051 Benefits not alienable; exception, child support
167 intercept.—
168 (1) DEFINITIONS.—As used in this section:
169 (a) "Reemployment assistance" or "unemployment
170 compensation" means any compensation payable under state law,
171 including amounts payable pursuant to an agreement under any
172 federal law providing for compensation, assistance, or
173 allowances for unemployment.
174 (3) EXCEPTION, SUPPORT INTERCEPT.—

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175 (b) For support obligations established on or after July 1,
176 2006, and for support obligations established before July 1,
177 2006, when the support order does not address the withholding of
178 reemployment assistance or unemployment compensation, the
179 department shall deduct and withhold 40 percent of the
180 reemployment assistance or unemployment compensation otherwise
181 payable to an individual disclosed under paragraph (a). If
182 delinquencies, arrearages, or retroactive support are owed and
183 repayment has not been ordered, the unpaid amounts are included
184 in the support obligation and are subject to withholding. If the
185 amount deducted exceeds the support obligation, the Department
186 of Revenue shall promptly refund the amount of the excess
187 deduction to the obligor. For support obligations in effect
188 before July 1, 2006, if the support order addresses the
189 withholding of reemployment assistance or unemployment
190 compensation, the department shall deduct and withhold the
191 amount ordered by the court or administrative agency that issued
192 the support order as disclosed by the Department of Revenue.
193 (d) Any amount deducted and withheld under this subsection
194 shall for all purposes be treated as if it were paid to the
195 individual as reemployment assistance or unemployment
196 compensation and paid by the individual to the Department of
197 Revenue for support obligations.
198 Section 5. Subsections (6), (7), and (8) of section
199 443.071, Florida Statutes, are amended to read:
200 443.071 Penalties.—
201 (6) The entry into evidence of an application for
202 reemployment assistance ~~unemployment~~ benefits initiated by the
203 use of the Internet claims program or the interactive voice

204 response system telephone claims program of the Department of
205 Economic Opportunity constitutes prima facie evidence of the
206 establishment of a personal benefit account by or for an
207 individual if the following information is provided: the
208 applicant's name, residence address, date of birth, social
209 security number, and present or former place of work.
210 (7) The entry into evidence of a transaction history
211 generated by a personal identification number, password, or
212 other identifying code used by the department in establishing
213 that a certification or claim for one or more weeks of benefits
214 was made against the benefit account of the individual, together
215 with documentation that payment was paid by a state warrant made
216 to the order of the person, ~~or by~~ direct deposit via electronic
217 means, or department-issued debit card, constitutes prima facie
218 evidence that the person claimed and received reemployment
219 assistance ~~unemployment~~ benefits from the state.
220 (8) All records relating to investigations of reemployment
221 assistance ~~unemployment compensation~~ fraud in the custody of the
222 Department of Economic Opportunity or its tax collection service
223 provider are available for examination by the Department of Law
224 Enforcement, the state attorneys, or the Office of the Statewide
225 Prosecutor in the prosecution of offenses under s. 817.568 or in
226 proceedings brought under this chapter.
227 Section 6. Paragraphs (c), (d), and (f) of subsection (1)
228 and subsection (3) of section 443.091, Florida Statutes, are
229 amended to read:
230 443.091 Benefit eligibility conditions.—
231 (1) An unemployed individual is eligible to receive
232 benefits for any week only if the Department of Economic

233 Opportunity finds that:
234 (c) To make continued claims for benefits, she or he is
235 reporting to the department in accordance with this paragraph
236 and department ~~agency~~ rules, and participating in an initial
237 skills review, as directed by the department ~~agency~~. Department
238 ~~Agency~~ rules may not conflict with s. 443.111(1)(b) , which
239 requires that each claimant continue to report regardless of any
240 pending appeal relating to her or his eligibility or
241 disqualification for benefits.
242 1. For each week of unemployment claimed, each report must,
243 at a minimum, include the name, address, and telephone number of
244 each prospective employer contacted, or the date the claimant
245 reported to a one-stop career center, pursuant to paragraph (d).
246 2. The administrator or operator of the initial skills
247 review shall notify the department ~~agency~~ when the individual
248 completes the initial skills review and report the results of
249 the review to the regional workforce board or the one-stop
250 career center as directed by the workforce board. The department
251 shall prescribe a numeric score on the initial skills review
252 that demonstrates a minimal proficiency in workforce skills. The
253 department, workforce board, or one-stop career center shall use
254 the initial skills review to develop a plan for referring
255 individuals to training and employment opportunities. The
256 failure of the individual to comply with this requirement will
257 result in the individual being determined ineligible for
258 benefits for the week in which the noncompliance occurred and
259 for any subsequent week of unemployment until the requirement is
260 satisfied. However, this requirement does not apply if the
261 individual is able to affirmatively attest to being unable to

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262 complete such review due to illiteracy or a language impediment
263 or is exempt from the work registration requirement as set forth
264 in paragraph (b).
265 3. Any individual that falls below the minimal proficiency
266 score prescribed by the department in subparagraph 2. on the
267 initial skills review shall be offered training opportunities
268 and encouraged to participate in such training at no cost to the
269 individual in order to improve his or her workforce skills to
270 the minimal proficiency level.
271 4. The department shall coordinate with Workforce Florida,
272 Inc., the workforce boards, and the one-stop career centers to
273 identify, develop, and utilize best practices for improving the
274 skills of individuals who choose to participate in training
275 opportunities and who have a minimal proficiency score below the
276 score prescribed in subparagraph 2.
277 5. The department, in coordination with Workforce Florida,
278 Inc., the workforce boards, and the one-stop career centers,
279 shall evaluate the use, effectiveness, and costs associated with
280 the training prescribed in subparagraph 3. and report its
281 findings and recommendations for training and the use of best
282 practices to the Governor, the President of the Senate, and the
283 Speaker of the House of Representatives by January 1, 2013.
284 (d) She or he is able to work and is available for work. In
285 order to assess eligibility for a claimed week of unemployment,
286 the department shall develop criteria to determine a claimant's
287 ability to work and availability for work. A claimant must be
288 actively seeking work in order to be considered available for
289 work. This means engaging in systematic and sustained efforts to
290 find work, including contacting at least five prospective

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291 employers for each week of unemployment claimed. The department
292 ~~agency~~ may require the claimant to provide proof of such efforts
293 to the one-stop career center as part of reemployment services.
294 The department ~~agency~~ shall conduct random reviews of work
295 search information provided by claimants. As an alternative to
296 contacting at least five prospective employers for any week of
297 unemployment claimed, a claimant may, for that same week, report
298 in person to a one-stop career center to meet with a
299 representative of the center and access reemployment services of
300 the center. The center shall keep a record of the services or
301 information provided to the claimant and shall provide the
302 records to the department ~~agency~~ upon request by the department
303 ~~agency~~. However:
304 1. Notwithstanding any other provision of this paragraph or
305 paragraphs (b) and (e), an otherwise eligible individual may not
306 be denied benefits for any week because she or he is in training
307 with the approval of the department, or by reason of s.
308 443.101(2) relating to failure to apply for, or refusal to
309 accept, suitable work. Training may be approved by the
310 department in accordance with criteria prescribed by rule. A
311 claimant's eligibility during approved training is contingent
312 upon satisfying eligibility conditions prescribed by rule.
313 2. Notwithstanding any other provision of this chapter, an
314 otherwise eligible individual who is in training approved under
315 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
316 determined ineligible or disqualified for benefits due to
317 enrollment in such training or because of leaving work that is
318 not suitable employment to enter such training. As used in this
319 subparagraph, the term "suitable employment" means work of a

320 substantially equal or higher skill level than the worker's past
321 adversely affected employment, as defined for purposes of the
322 Trade Act of 1974, as amended, the wages for which are at least
323 80 percent of the worker's average weekly wage as determined for
324 purposes of the Trade Act of 1974, as amended.
325 3. Notwithstanding any other provision of this section, an
326 otherwise eligible individual may not be denied benefits for any
327 week because she or he is before any state or federal court
328 pursuant to a lawfully issued summons to appear for jury duty.
329 4. Union members who customarily obtain employment through
330 a union hiring hall may satisfy the work search requirements of
331 this paragraph by reporting daily to their union hall.
332 5. The work search requirements of this paragraph do not
333 apply to persons who are unemployed as a result of a temporary
334 layoff or who are claiming benefits under an approved short-time
335 compensation plan as provided in s. 443.1116.
336 6. In small counties as defined in s. 120.52(19), a
337 claimant engaging in systematic and sustained efforts to find
338 work must contact at least three prospective employers for each
339 week of unemployment claimed.
340 (f) She or he has been unemployed for a waiting period of 1
341 week. A week may ~~not~~ be counted as a waiting week ~~of~~
342 ~~unemployment~~ under this subsection only if ~~unless~~:
343 1. It occurs within the benefit year that includes the week
344 for which she or he claims payment of benefits;~~.~~
345 2. Benefits have not been paid for that week; and~~.~~
346 3. The individual was eligible for benefits for that week
347 as provided in this section and s. 443.101, except for the
348 requirements of this subsection and s. 443.101(5).

349 (3) Benefits based on service in employment described in s.
350 443.1216(2) and (3) are payable in the same amount, on the same
351 terms, and subject to the same conditions as benefits payable
352 based on other service subject to this chapter, except that:
353 (a) Benefits are not payable for services in an
354 instructional, research, or principal administrative capacity
355 for an educational institution or an institution of higher
356 education for any week of unemployment commencing during the
357 period between 2 successive academic years; during a similar
358 period between two regular terms, whether or not successive; or
359 during a period of paid sabbatical leave provided for in the
360 individual's contract, to any individual, if the individual
361 performs those services in the first of those academic years or
362 terms and there is a contract or a reasonable assurance that the
363 individual will perform services in any such capacity for any
364 educational institution or institution of higher education in
365 the second of those academic years or terms.
366 (b) Benefits may not be based on services in any other
367 capacity for an educational institution or an institution of
368 higher education to any individual for any week that commences
369 during a period between 2 successive academic years or terms if
370 the individual performs those services in the first of the
371 academic years or terms and there is a reasonable assurance that
372 the individual will perform those services in the second of the
373 academic years or terms. However, if compensation is denied to
374 any individual under this paragraph and the individual was not
375 offered an opportunity to perform those services for the
376 educational institution for the second of those academic years
377 or terms, that individual is entitled to a retroactive payment

378 of compensation for each week for which the individual filed a
379 timely claim for compensation and for which compensation was
380 denied solely by reason of this paragraph.
381 (c) Benefits are not payable based on services provided to
382 an educational institution or institution of higher learning to
383 any individual for any week that commences during an established
384 and customary vacation period or holiday recess if the
385 individual performs any services described in paragraph (a) or
386 paragraph (b) in the period immediately before the vacation
387 period or holiday recess and there is a reasonable assurance
388 that the individual will perform any service in the period
389 immediately after the vacation period or holiday recess.
390 (d) Benefits are not payable for services in any capacity
391 specified in paragraphs (a), (b), and (c) to any individual who
392 performed those services in an educational institution while in
393 the employ of a governmental agency or governmental entity that
394 is established and operated exclusively for the purpose of
395 providing those services to one or more educational
396 institutions.
397 (e) Benefits are not payable for services in any capacity
398 specified in paragraphs (a), (b), (c), and (d) to any individual
399 who provided those services to or on behalf of an educational
400 institution, or an institution of higher education.
401 (f) Beginning July 1, 2013, paragraphs (a)-(e) apply to any
402 individual who provided services for an educational institution
403 while in the employ of a private employer holding a contractual
404 relationship with such educational institution, but only if at
405 least 75 percent of the individual's base period wages with the
406 private employer are attributable to services performed in an

407 educational institution.
408 (g) ~~(f)~~ As used in this subsection, the term:
409 1. "Fixed contract" means a written agreement of employment
410 for a specified period of time.
411 2. "Continuing contract" means a written agreement that is
412 automatically renewed until terminated by one of the parties to
413 the contract.
414 Section 7. Subsections (5), (6), (9), and (11) and
415 paragraph (b) of subsection (10) of section 443.101, Florida
416 Statutes, are amended to read:
417 443.101 Disqualification for benefits.—An individual shall
418 be disqualified for benefits:
419 (5) For any week with respect to which or a part of which
420 he or she has received or is seeking reemployment assistance or
421 unemployment benefits under a reemployment assistance or ~~an~~
422 unemployment compensation law of another state or of the United
423 States. For the purposes of this subsection, a reemployment
424 assistance or ~~an~~ unemployment compensation law of the United
425 States is any law of the United States which provides for
426 payment of any type and in any amounts for periods of
427 unemployment due to lack of work. However, if the appropriate
428 agency of the other state or of the United States finally
429 determines that he or she is not entitled to reemployment
430 assistance or unemployment benefits, this disqualification does
431 not apply.
432 (6) For ~~a period not to exceed 1 year from the date of the~~
433 ~~discovery by the Department of Economic Opportunity of the~~
434 making ~~of~~ any false or fraudulent representation for the purpose
435 of obtaining benefits contrary to this chapter, constituting a

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436 violation under s. 443.071. The disqualification imposed under
437 this subsection shall begin with the week in which the false or
438 fraudulent representation is made and shall continue for a
439 period not to exceed 1 year after the date the Department of
440 Economic Opportunity discovers the false or fraudulent
441 representation and until any overpayment of benefits resulting
442 from such representation has been repaid in full. This
443 disqualification may be appealed in the same manner as any other
444 disqualification imposed under this section. A conviction by any
445 court of competent jurisdiction in this state of the offense
446 prohibited or punished by s. 443.071 is conclusive upon the
447 appeals referee and the commission of the making of the false or
448 fraudulent representation for which disqualification is imposed
449 under this section.
450 (9) If the individual was terminated from his or her work
451 as follows:
452 (a) If the Department of Economic Opportunity or the
453 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
454 that the individual was terminated from work for violation of
455 any criminal law, under any jurisdiction, which was in
456 connection with his or her work, and the individual was
457 convicted, or entered a plea of guilty or nolo contendere, the
458 individual is not entitled to reemployment assistance
459 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
460 adopted by the department, and until he or she has earned income
461 of at least 17 times his or her weekly benefit amount. If,
462 before an adjudication of guilt, an admission of guilt, or a
463 plea of nolo contendere, the employer proves by competent
464 substantial evidence to the department that the arrest was due

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465 to a crime against the employer or the employer's business,
466 customers, or invitees, the individual is not entitled to
467 reemployment assistance ~~unemployment~~ benefits.
468 (b) If the department or the Reemployment Assistance
469 ~~Unemployment~~ Appeals Commission finds that the individual was
470 terminated from work for any dishonest act in connection with
471 his or her work, the individual is not entitled to reemployment
472 assistance ~~unemployment~~ benefits for up to 52 weeks, pursuant to
473 rules adopted by the department, and until he or she has earned
474 income of at least 17 times his or her weekly benefit amount. If
475 the employer terminates an individual as a result of a dishonest
476 act in connection with his or her work and the department finds
477 misconduct in connection with his or her work, the individual is
478 not entitled to reemployment assistance ~~unemployment~~ benefits.
479
480 If an individual is disqualified for benefits, the account of
481 the terminating employer, if the employer is in the base period,
482 is noncharged at the time the disqualification is imposed.
483 (10) Subject to the requirements of this subsection, if the
484 claim is made based on the loss of employment as a leased
485 employee for an employee leasing company or as a temporary
486 employee for a temporary help firm.
487 (b) A temporary or leased employee is deemed to have
488 voluntarily quit employment and is disqualified for benefits
489 under subparagraph (1)(a)1. if, upon conclusion of his or her
490 latest assignment, the temporary or leased employee, without
491 good cause, failed to contact the temporary help or employee-
492 leasing firm for reassignment, if the employer advised the
493 temporary or leased employee at the time of hire and that the

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494 leased employee is notified also at the time of separation that
495 he or she must report for reassignment upon conclusion of each
496 assignment, regardless of the duration of the assignment, and
497 that reemployment assistance ~~unemployment~~ benefits may be denied
498 for failure to report. For purposes of this section, the time of
499 hire for a day laborer is upon his or her acceptance of the
500 first assignment following completion of an employment
501 application with the labor pool. The labor pool as defined in s.
502 448.22(1) must provide notice to the temporary employee upon
503 conclusion of the latest assignment that work is available the
504 next business day and that the temporary employee must report
505 for reassignment the next business day. The notice must be given
506 by means of a notice printed on the paycheck, written notice
507 included in the pay envelope, or other written notification at
508 the conclusion of the current assignment.
509 (11) If an individual is discharged from employment for
510 drug use as evidenced by a positive, confirmed drug test as
511 provided in paragraph (1)(d), or is rejected for offered
512 employment because of a positive, confirmed drug test as
513 provided in paragraph (2)(c), test results and chain of custody
514 documentation provided to the employer by a licensed and
515 approved drug-testing laboratory is self-authenticating and
516 admissible in reemployment assistance ~~unemployment compensation~~
517 hearings, and such evidence creates a rebuttable presumption
518 that the individual used, or was using, controlled substances,
519 subject to the following conditions:
520 (a) To qualify for the presumption described in this
521 subsection, an employer must have implemented a drug-free
522 workplace program under ss. 440.101 and 440.102, and must submit

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523 proof that the employer has qualified for the insurance
524 discounts provided under s. 627.0915, as certified by the
525 insurance carrier or self-insurance unit. In lieu of these
526 requirements, an employer who does not fit the definition of
527 "employer" in s. 440.102 may qualify for the presumption if the
528 employer is in compliance with equivalent or more stringent
529 drug-testing standards established by federal law or regulation.
530 (b) Only laboratories licensed and approved as provided in
531 s. 440.102(9), or as provided by equivalent or more stringent
532 licensing requirements established by federal law or regulation
533 may perform the drug tests.
534 (c) Disclosure of drug test results and other information
535 pertaining to drug testing of individuals who claim or receive
536 compensation under this chapter shall be governed by s.
537 443.1715.
538 Section 8. Paragraph (b) of subsection (1), subsection (2),
539 and paragraph (a) of subsection (5) of section 443.111, Florida
540 Statutes, are amended to read:
541 443.111 Payment of benefits.—
542 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
543 in accordance with rules adopted by the Department of Economic
544 Opportunity, subject to the following requirements:
545 (b) As required under s. 443.091(1), each claimant must
546 report at least biweekly to receive reemployment assistance
547 ~~unemployment~~ benefits and to attest to the fact that she or he
548 is able and available for work, has not refused suitable work,
549 is seeking work and has met the requirements of s. 443.091(d).
550 ~~contacted at least five prospective employers or reported in~~
551 ~~person to a one-stop career center for reemployment services for~~

552 ~~each week of unemployment claimed~~, and, if she or he has worked,
553 to report earnings from that work. Each claimant must continue
554 to report regardless of any appeal or pending appeal relating to
555 her or his eligibility or disqualification for benefits.
556 (2) QUALIFYING REQUIREMENTS.—To establish a benefit year
557 for reemployment assistance ~~unemployment~~ benefits, an individual
558 must have:
559 (a) Wage credits in two or more calendar quarters of the
560 individual's base period.
561 (b) Minimum total base period wage credits equal to the
562 high quarter wages multiplied by 1.5, but at least $3,400 in the
563 base period.
564 (5) DURATION OF BENEFITS.—
565 (a) As used in this section, the term "Florida average
566 unemployment rate" means the average of the 3 months for the
567 most recent third calendar year quarter of the seasonally
568 adjusted statewide unemployment rates as published by the
569 Department of Economic Opportunity ~~Agency for Workforce~~
570 ~~Innovation~~.
571 Section 9. Section 443.1113, Florida Statutes, is amended
572 to read:
573 443.1113 Reemployment Assistance ~~Unemployment Compensation~~
574 Claims and Benefits Information System.—
575 (1) To the extent that funds are appropriated for each
576 phase of the Reemployment Assistance ~~Unemployment Compensation~~
577 Claims and Benefits Information System by the Legislature, the
578 Department of Economic Opportunity shall replace and enhance the
579 functionality provided in the following systems with an
580 integrated Internet-based system that is known as the

581 "Reemployment Assistance ~~Unemployment Compensation~~ Claims and
582 Benefits Information System":
583 (a) Claims and benefit mainframe system.
584 (b) Florida unemployment Internet direct.
585 (c) Florida continued claim Internet directory.
586 (d) Call center interactive voice response system.
587 (e) Benefit overpayment screening system.
588 (f) Internet and Intranet appeals system.
589 (2) The Reemployment Assistance ~~Unemployment Compensation~~
590 Claims and Benefits System shall accomplish the following main
591 business objectives:
592 (a) Wherever cost-effective and operationally feasible,
593 eliminate or automate existing paper processes and enhance any
594 existing automated workflows in order to expedite customer
595 transactions and eliminate redundancy.
596 (b) Enable online, self-service access to claimant and
597 employer information and federal and state reporting.
598 (c) Integrate benefit payment control with the adjudication
599 program and collection system in order to improve the detection
600 of fraud.
601 (d) Comply with all requirements established in federal and
602 state law for reemployment assistance ~~unemployment compensation~~.
603 (e) Integrate with the Department of Revenue's statewide
604 unified tax system that collects reemployment assistance
605 ~~unemployment compensation~~ taxes.
606 (3) The scope of the Reemployment Assistance ~~Unemployment~~
607 ~~Compensation~~ Claims and Benefits Information System does not
608 include any of the following functionalities:
609 (a) Collection of reemployment assistance ~~unemployment~~

610 ~~compensation~~ taxes.
611 (b) General ledger, financial management, or budgeting
612 capabilities.
613 (c) Human resource planning or management capabilities.
614 (4) The project to implement the Reemployment Assistance
615 ~~Unemployment Compensation~~ Claims and Benefits Information System
616 shall be comprised of the following phases and corresponding
617 implementation timeframes:
618 (a) No later than the end of fiscal year 2009-2010
619 completion of the business re-engineering analysis and
620 documentation of both the detailed system requirements and the
621 overall system architecture.
622 (b) The Reemployment Assistance ~~Unemployment~~ Claims and
623 Benefits Internet portal that replaces the Florida Unemployment
624 Internet Direct and the Florida Continued Claims Internet
625 Directory systems, the Call Center Interactive Voice Response
626 System, the Benefit Overpayment Screening System, the Internet
627 and Intranet Appeals System, and the Claims and Benefits
628 Mainframe System shall be deployed to full operational status no
629 later than the end of fiscal year 2012-2013.
630 (5) The Department of Economic Opportunity shall implement
631 the following project governance structure until such time as
632 the project is completed, suspended, or terminated:
633 (a) The project sponsor for the Reemployment Assistance
634 ~~Unemployment Compensation~~ Claims and Benefits Information System
635 project is the department.
636 (b) The project shall be governed by an executive steering
637 committee composed of the following voting members or their
638 designees:

639 1. The executive director of the department.
640 2. The executive director of the Department of Revenue.
641 3. The director of the Division of Workforce Services
642 within the department.
643 4. The program director of the General Tax Administration
644 Program Office within the Department of Revenue.
645 5. The chief information officer of the department.
646 (c) The executive steering committee has the overall
647 responsibility for ensuring that the project meets its primary
648 objectives and is specifically responsible for:
649 1. Providing management direction and support to the
650 project management team.
651 2. Assessing the project's alignment with the strategic
652 goals of the department for administering the reemployment
653 assistance ~~unemployment compensation~~ program.
654 3. Reviewing and approving or disapproving any changes to
655 the project's scope, schedule, and costs.
656 4. Reviewing, approving or disapproving, and determining
657 whether to proceed with any major project deliverables.
658 5. Recommending suspension or termination of the project to
659 the Governor, the President of the Senate, and the Speaker of
660 the House of Representatives if it determines that the primary
661 objectives cannot be achieved.
662 (d) The project management team shall work under the
663 direction of the executive steering committee and shall be
664 minimally comprised of senior managers and stakeholders from the
665 department and the Department of Revenue. The project management
666 team is responsible for:
667 1. Providing daily planning, management, and oversight of

668 the project.
669 2. Submitting an operational work plan and providing
670 quarterly updates to that plan to the executive steering
671 committee. The plan must specify project milestones,
672 deliverables, and expenditures.
673 3. Submitting written monthly project status reports to the
674 executive steering committee which include:
675 a. Planned versus actual project costs;
676 b. An assessment of the status of major milestones and
677 deliverables;
678 c. Identification of any issues requiring resolution, the
679 proposed resolution for these issues, and information regarding
680 the status of the resolution;
681 d. Identification of risks that must be managed; and
682 e. Identification of and recommendations regarding
683 necessary changes in the project's scope, schedule, or costs.
684 All recommendations must be reviewed by project stakeholders
685 before submission to the executive steering committee in order
686 to ensure that the recommendations meet required acceptance
687 criteria.
688 Section 10. Paragraph (b) of subsection (8) of section
689 443.1116, Florida Statutes, is amended to read:
690 443.1116 Short-time compensation.—
691 (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO
692 THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—
693 (b) An individual who receives all of the short-time
694 compensation or combined reemployment assistance or unemployment
695 compensation and short-time compensation available in a benefit
696 year is considered an exhaustee for purposes of the extended

697 benefits program in s. 443.1115 and, if otherwise eligible under
698 those provisions, is eligible to receive extended benefits.
699 Section 11. Subsection (3) of section 443.1215, Florida
700 Statutes, is amended to read:
701 443.1215 Employers.—
702 (3) An employing unit that fails to keep the records of
703 employment required by this chapter and by the rules of the
704 Department of Economic Opportunity and the state agency
705 providing reemployment assistance ~~unemployment~~ tax collection
706 services is presumed to be an employer liable for the payment of
707 contributions under this chapter, regardless of the number of
708 individuals employed by the employing unit. However, the tax
709 collection service provider shall make written demand that the
710 employing unit keep and maintain required payroll records. The
711 demand must be made at least 6 months before assessing
712 contributions against an employing unit determined to be an
713 employer that is subject to this chapter solely by reason of
714 this subsection.
715 Section 12. Paragraphs (a) and (d) of subsection (1),
716 subsections (8) and (12), and paragraphs (f), (h), and (p) of
717 subsection (13) of section 443.1216, Florida Statutes, are
718 amended to read:
719 443.1216 Employment.—Employment, as defined in s. 443.036,
720 is subject to this chapter under the following conditions:
721 (1)(a) The employment subject to this chapter includes a
722 service performed, including a service performed in interstate
723 commerce, by:
724 1. An officer of a corporation.
725 2. An individual who, under the usual common-law rules

726 applicable in determining the employer-employee relationship, is
727 an employee. However, whenever a client, as defined in s.
728 443.036(18), which would otherwise be designated as an employing
729 unit has contracted with an employee leasing company to supply
730 it with workers, those workers are considered employees of the
731 employee leasing company. An employee leasing company may lease
732 corporate officers of the client to the client and other workers
733 to the client, except as prohibited by regulations of the
734 Internal Revenue Service. Employees of an employee leasing
735 company must be reported under the employee leasing company's
736 tax identification number and contribution rate for work
737 performed for the employee leasing company.
738 a. However, except for the internal employees of an
739 employee leasing company, each employee leasing company may make
740 a separate one-time election to report and pay contributions
741 under the tax identification number and contribution rate for
742 each client of the employee leasing company. Under the client
743 method, an employee leasing company choosing this option must
744 assign leased employees to the client company that is leasing
745 the employees. The client method is solely a method to report
746 and pay unemployment contributions and whichever method is
747 chosen, such election may not impact any other aspect of state
748 law. An employee leasing company that elects the client method
749 must pay contributions at the rates assigned to each client
750 company.
751 (I) The election applies to all of the employee leasing
752 company's current and future clients.
753 (II) The employee leasing company must notify the
754 Department of Revenue of its election by July 1, 2012, and such

755 election applies to reports and contributions for the first
756 quarter of the following calendar year. The notification must
757 include:
758 (A) A list of each client company and the unemployment
759 account number or, if one has not yet been issued, the federal
760 employment identification number, as established by the employee
761 leasing company upon the election to file by client method;
762 (B) A list of each client company's current and previous
763 employees and their respective social security numbers for the
764 prior 3 state fiscal years or, if the client company has not
765 been a client for the prior 3 state fiscal years, such portion
766 of the prior 3 state fiscal years that the client company has
767 been a client must be supplied;
768 (C) The wage data and benefit charges associated with each
769 client company for the prior 3 state fiscal years or, if the
770 client company has not been a client for the prior 3 state
771 fiscal years, such portion of the prior 3 state fiscal years
772 that the client company has been a client must be supplied. If
773 the client company's employment record is chargeable with
774 benefits for less than 8 calendar quarters while being a client
775 of the employee leasing company, the client company must pay
776 contributions at the initial rate of 2.7 percent; and
777 (D) The wage data and benefit charges for the prior 3 state
778 fiscal years that cannot be associated with a client company
779 must be reported and charged to the employee leasing company.
780 (III) Subsequent to choosing the client method, the
781 employee leasing company may not change its reporting method.
782 (IV) The employee leasing company shall file a Florida
783 Department of Revenue Employer's Quarterly Report for each

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784 client company by approved electronic means, and pay all
785 contributions by approved electronic means.
786 (V) For the purposes of calculating experience rates when
787 the client method is chosen, each client's own benefit charges
788 and wage data experience while with the employee leasing company
789 determines each client's tax rate where the client has been a
790 client of the employee leasing company for at least 8 calendar
791 quarters before the election. The client company shall continue
792 to report the nonleased employees under its tax rate.
793 (VI) The election is binding on each client of the employee
794 leasing company, for as long as a written agreement is in effect
795 between the client and the employee leasing company pursuant to
796 s. 468.525(3)(a). If the relationship between the employee
797 leasing company and the client terminates, the client retains
798 the wage and benefit history experienced under the employee
799 leasing company.
800 (VII) Notwithstanding which election method the employee
801 leasing company chooses, the applicable client company is an
802 employing unit for purposes of s. 443.071. The employee leasing
803 company or any of its officers or agents are liable for any
804 violation of s. 443.071 engaged in by such persons or entities.
805 The applicable client company or any of its officers or agents
806 are liable for any violation of s. 443.071 engaged in by such
807 persons or entities. The employee leasing company or its
808 applicable client company are not liable for any violation of s.
809 443.071 engaged in by the other party or by the other party's
810 officers or agents.
811 (VIII) If an employee leasing company fails to select the
812 client method of reporting not later than July 1, 2012, the

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813 entity is required to report under the employee leasing
814 company's tax identification number and contribution rate.
815 (IX) After an employee leasing company is licensed pursuant
816 to part XI of chapter 468, each newly licensed entity has 30
817 days after the date the license is granted to notify the tax
818 collection service provider in writing of their selection of the
819 client method. A newly licensed employee leasing company that
820 fails to timely select reporting pursuant to the client method
821 of reporting must report under the employee leasing company's
822 tax identification number and contribution rate.
823 (X) Irrespective of the election, each transfer of trade or
824 business, including workforce, or a portion thereof, between
825 employee leasing companies is subject to the provisions of s.
826 443.131(3)(g) if, at the time of the transfer, there is common
827 ownership, management, or control between the entities.
828 b.~~a.~~ In addition to any other report required to be filed
829 by law, an employee leasing company shall submit a report to the
830 Labor Market Statistics Center within the Department of Economic
831 Opportunity which includes each client establishment and each
832 establishment of the ~~employee~~ leasing company, or as otherwise
833 directed by the department. The report must include the
834 following information for each establishment:
835 (I) The trade or establishment name;
836 (II) The former reemployment assistance ~~unemployment~~
837 ~~compensation~~ account number, if available;
838 (III) The former federal employer's identification number
839 ~~(FEIN)~~, if available;
840 (IV) The industry code recognized and published by the
841 United States Office of Management and Budget, if available;

842 (V) A description of the client's primary business activity
843 in order to verify or assign an industry code;
844 (VI) The address of the physical location;
845 (VII) The number of full-time and part-time employees who
846 worked during, or received pay that was subject to reemployment
847 assistance ~~unemployment compensation~~ taxes for, the pay period
848 including the 12th of the month for each month of the quarter;
849 (VIII) The total wages subject to reemployment assistance
850 ~~unemployment compensation~~ taxes paid during the calendar
851 quarter;
852 (IX) An internal identification code to uniquely identify
853 each establishment of each client;
854 (X) The month and year that the client entered into the
855 contract for services; and
856 (XI) The month and year that the client terminated the
857 contract for services.
858 c.~~b.~~ The report must ~~shall~~ be submitted electronically or
859 in a manner otherwise prescribed by the Department of Economic
860 Opportunity in the format specified by the Bureau of Labor
861 Statistics of the United States Department of Labor for its
862 Multiple Worksite Report for Professional Employer
863 Organizations. The report must be provided quarterly to the
864 Labor Market Statistics Center within the department, or as
865 otherwise directed by the department, and must be filed by the
866 last day of the month immediately after ~~following~~ the end of the
867 calendar quarter. The information required in sub-sub-
868 subparagraphs b.(X) and (XI) ~~a.(X) and (XI)~~ need be provided
869 only in the quarter in which the contract to which it relates
870 was entered into or terminated. The sum of the employment data

871 and the sum of the wage data in this report must match the
872 employment and wages reported in the reemployment assistance
873 ~~unemployment compensation~~ quarterly tax and wage report. A
874 report is not required for any calendar quarter preceding the
875 third calendar quarter of 2010.
876 d.~~c.~~ The department shall adopt rules as necessary to
877 administer this subparagraph, and may administer, collect,
878 enforce, and waive the penalty imposed by s. 443.141(1)(b) for
879 the report required by this subparagraph.
880 e.~~d.~~ For the purposes of this subparagraph, the term
881 "establishment" means any location where business is conducted
882 or where services or industrial operations are performed.
883 3. An individual other than an individual who is an
884 employee under subparagraph 1. or subparagraph 2., who performs
885 services for remuneration for any person:
886 a. As an agent-driver or commission-driver engaged in
887 distributing meat products, vegetable products, fruit products,
888 bakery products, beverages other than milk, or laundry or
889 drycleaning services for his or her principal.
890 b. As a traveling or city salesperson engaged on a full-
891 time basis in the solicitation on behalf of, and the
892 transmission to, his or her principal of orders from
893 wholesalers, retailers, contractors, or operators of hotels,
894 restaurants, or other similar establishments for merchandise for
895 resale or supplies for use in the ~~their~~ business operations.
896 This sub-subparagraph does not apply to an agent-driver or a
897 commission-driver and does not apply to sideline sales
898 activities performed on behalf of a person other than the
899 salesperson's principal.

900 4. The services described in subparagraph 3. are employment
901 subject to this chapter only if:
902 a. The contract of service contemplates that substantially
903 all of the services are to be performed personally by the
904 individual;
905 b. The individual does not have a substantial investment in
906 facilities used in connection with the services, other than
907 facilities used for transportation; and
908 c. The services are not in the nature of a single
909 transaction that is not part of a continuing relationship with
910 the person for whom the services are performed.
911 (d) If two or more related corporations concurrently employ
912 the same individual and compensate the individual through a
913 common paymaster, each related corporation is considered to have
914 paid wages to the individual only in the amounts actually
915 disbursed by that corporation to the individual and is not
916 considered to have paid the wages actually disbursed to the
917 individual by another of the related corporations. The
918 department and the state agency providing reemployment
919 assistance ~~unemployment~~ tax collection services may adopt rules
920 necessary to administer this paragraph.
921 1. As used in this paragraph, the term "common paymaster"
922 means a member of a group of related corporations that disburses
923 wages to concurrent employees on behalf of the related
924 corporations and that is responsible for keeping payroll records
925 for those concurrent employees. A common paymaster is not
926 required to disburse wages to all the employees of the related
927 corporations; however, this subparagraph does not apply to wages
928 of concurrent employees which are not disbursed through a common

929 paymaster. A common paymaster must pay concurrently employed
930 individuals under this subparagraph by one combined paycheck.
931 2. As used in this paragraph, the term "concurrent
932 employment" means the existence of simultaneous employment
933 relationships between an individual and related corporations.
934 Those relationships require the performance of services by the
935 employee for the benefit of the related corporations, including
936 the common paymaster, in exchange for wages that, if deductible
937 for the purposes of federal income tax, are deductible by the
938 related corporations.
939 3. Corporations are considered related corporations for an
940 entire calendar quarter if they satisfy any one of the following
941 tests at any time during the calendar quarter:
942 a. The corporations are members of a "controlled group of
943 corporations" as defined in s. 1563 of the Internal Revenue Code
944 of 1986 or would be members if s. 1563(a)(4) and (b) did not
945 apply.
946 b. In the case of a corporation that does not issue stock,
947 at least 50 percent of the members of the board of directors or
948 other governing body of one corporation are members of the board
949 of directors or other governing body of the other corporation or
950 the holders of at least 50 percent of the voting power to select
951 those members are concurrently the holders of at least 50
952 percent of the voting power to select those members of the other
953 corporation.
954 c. At least 50 percent of the officers of one corporation
955 are concurrently officers of the other corporation.
956 d. At least 30 percent of the employees of one corporation
957 are concurrently employees of the other corporation.

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958 4. The common paymaster must report to the tax collection
959 service provider, as part of the reemployment assistance
960 ~~unemployment compensation~~ quarterly tax and wage report, the
961 state reemployment assistance ~~unemployment compensation~~ account
962 number and name of each related corporation for which concurrent
963 employees are being reported. Failure to timely report this
964 information shall result in the related corporations being
965 denied common paymaster status for that calendar quarter.
966 5. The common paymaster shall remit ~~also has the primary~~
967 ~~responsibility for remitting~~ contributions due under this
968 chapter for the wages it disburses as the common paymaster. The
969 common paymaster must compute these contributions as though it
970 were the sole employer of the concurrently employed individuals.
971 If a common paymaster fails to timely remit these contributions
972 or reports, in whole or in part, the common paymaster is ~~remains~~
973 liable for the full amount of the unpaid portion of these
974 contributions. In addition, each of the other related
975 corporations using the common paymaster is jointly and severally
976 liable for its appropriate share of these contributions. Each
977 related corporation's share equals the greater of:
978 a. The liability of the common paymaster under this
979 chapter, after taking into account any contributions made.
980 b. The liability under this chapter which, notwithstanding
981 this section, would have existed for the wages from the other
982 related corporations, reduced by an allocable portion of any
983 contributions previously paid by the common paymaster for those
984 wages.
985 (8) Services not covered under paragraph (7)(b) which are
986 performed entirely outside of this state, and for which

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987 contributions are not required or paid under a reemployment
988 assistance or ~~an~~ unemployment compensation law of any other
989 state or of the Federal Government, are deemed to be employment
990 subject to this chapter if the individual performing the
991 services is a resident of this state and the tax collection
992 service provider approves the election of the employing unit for
993 whom the services are performed, electing that the entire
994 service of the individual is deemed to be employment subject to
995 this chapter.
996 (12) The employment subject to this chapter includes
997 services covered by a reciprocal arrangement under s. 443.221
998 between the Department of Economic Opportunity or its tax
999 collection service provider and the agency charged with the
1000 administration of another state reemployment assistance or
1001 unemployment compensation law or a federal reemployment
1002 assistance or unemployment compensation law, under which all
1003 services performed by an individual for an employing unit are
1004 deemed to be performed entirely within this state, if the
1005 department or its tax collection service provider approved an
1006 election of the employing unit in which all of the services
1007 performed by the individual during the period covered by the
1008 election are deemed to be insured work.
1009 (13) The following are exempt from coverage under this
1010 chapter:
1011 (f) Service performed in the employ of a public employer as
1012 defined in s. 443.036, except as provided in subsection (2), and
1013 service performed in the employ of an instrumentality of a
1014 public employer as described in s. 443.036(36)(b) or (c)
1015 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is

1016 immune under the United States Constitution from the tax imposed
1017 by s. 3301 of the Internal Revenue Code for that service.
1018 (h) Service for which reemployment assistance ~~unemployment~~
1019 ~~compensation~~ is payable under a reemployment assistance or ~~an~~
1020 unemployment compensation system established by the United
1021 States Congress, of which this chapter is not a part.
1022 (p) Service covered by an arrangement between the
1023 Department of Economic Opportunity, or its tax collection
1024 service provider, and the agency charged with the administration
1025 of another state or federal reemployment assistance or
1026 unemployment compensation law under which all services performed
1027 by an individual for an employing unit during the period covered
1028 by the employing unit's duly approved election is deemed to be
1029 performed entirely within the other agency's state or under the
1030 federal law.
1031 Section 13. Paragraph (a) and (f) of subsection (3) of
1032 section 443.131, Florida Statutes, are amended to read:
1033 443.131 Contributions.—
1034 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
1035 EXPERIENCE.—
1036 (a) *Employment records.*—The regular and short-time
1037 compensation benefits paid to an eligible individual shall be
1038 charged to the employment record of each employer who paid the
1039 individual wages of at least $100 during the individual's base
1040 period in proportion to the total wages paid by all employers
1041 who paid the individual wages during the individual's base
1042 period. Benefits may not be charged to the employment record of
1043 an employer who furnishes part-time work to an individual who,
1044 because of loss of employment with one or more other employers,

1045 is eligible for partial benefits while being furnished part-time
1046 work by the employer on substantially the same basis and in
1047 substantially the same amount as the individual's employment
1048 during his or her base period, regardless of whether this part-
1049 time work is simultaneous or successive to the individual's lost
1050 employment. Further, as provided in s. 443.151(3), benefits may
1051 not be charged to the employment record of an employer who
1052 furnishes the Department of Economic Opportunity with notice, as
1053 prescribed in rules of the department, that any of the following
1054 apply:
1055 1. If an individual leaves his or her work without good
1056 cause attributable to the employer or is discharged by the
1057 employer for misconduct connected with his or her work, benefits
1058 subsequently paid to the individual based on wages paid by the
1059 employer before the separation may not be charged to the
1060 employment record of the employer.
1061 2. If an individual is discharged by the employer for
1062 unsatisfactory performance during an initial employment
1063 probationary period, benefits subsequently paid to the
1064 individual based on wages paid during the probationary period by
1065 the employer before the separation may not be charged to the
1066 employer's employment record. As used in this subparagraph, the
1067 term "initial employment probationary period" means an
1068 established probationary plan that applies to all employees or a
1069 specific group of employees and that does not exceed 90 calendar
1070 days following the first day a new employee begins work. The
1071 employee must be informed of the probationary period within the
1072 first 7 days of work. The employer must demonstrate by
1073 conclusive evidence that the individual was separated because of

1074 unsatisfactory work performance and not because of lack of work
1075 due to temporary, seasonal, casual, or other similar employment
1076 that is not of a regular, permanent, and year-round nature.
1077 3. Benefits subsequently paid to an individual after his or
1078 her refusal without good cause to accept suitable work from an
1079 employer may not be charged to the employment record of the
1080 employer if any part of those benefits are based on wages paid
1081 by the employer before the individual's refusal to accept
1082 suitable work. As used in this subparagraph, the term "good
1083 cause" does not include distance to employment caused by a
1084 change of residence by the individual. The department shall
1085 adopt rules prescribing for the payment of all benefits whether
1086 this subparagraph applies regardless of whether a
1087 disqualification under s. 443.101 applies to the claim.
1088 4. If an individual is separated from work as a direct
1089 result of a natural disaster declared under the Robert T.
1090 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
1091 ss. 5121 et seq., benefits subsequently paid to the individual
1092 based on wages paid by the employer before the separation may
1093 not be charged to the employment record of the employer.
1094 5. If an individual is separated from work as a direct
1095 result of an oil spill, terrorist attack, or other similar
1096 disaster of national significance not subject to a declaration
1097 under the Robert T. Stafford Disaster Relief and Emergency
1098 Assistance Act, benefits subsequently paid to the individual
1099 based on wages paid by the employer before the separation may
1100 not be charged to the employment record of the employer.
1101 (f) *Transfer of employment records.*—
1102 1. For the purposes of this subsection, two or more

1103 employers who are parties to a transfer of business or the
1104 subject of a merger, consolidation, or other form of
1105 reorganization, effecting a change in legal identity or form,
1106 are deemed a single employer and are considered to be one
1107 employer with a continuous employment record if the tax
1108 collection service provider finds that the successor employer
1109 continues to carry on the employing enterprises of all of the
1110 predecessor employers and that the successor employer has paid
1111 all contributions required of and due from all of the
1112 predecessor employers and has assumed liability for all
1113 contributions that may become due from all of the predecessor
1114 employers. In addition, an employer may not be considered a
1115 successor under this subparagraph if the employer purchases a
1116 company with a lower rate into which employees with job
1117 functions unrelated to the business endeavors of the predecessor
1118 are transferred for the purpose of acquiring the low rate and
1119 avoiding payment of contributions. As used in this paragraph,
1120 notwithstanding s. 443.036(14), the term "contributions" means
1121 all indebtedness to the tax collection service provider,
1122 including, but not limited to, interest, penalty, collection
1123 fee, and service fee. A successor employer must accept the
1124 transfer of all of the predecessor employers' employment records
1125 within 30 days after the date of the official notification of
1126 liability by succession. If a predecessor employer has unpaid
1127 contributions or outstanding quarterly reports, the successor
1128 employer must pay the total amount with certified funds within
1129 30 days after the date of the notice listing the total amount
1130 due. After the total indebtedness is paid, the tax collection
1131 service provider shall transfer the employment records of all of

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1132 the predecessor employers to the successor employer's employment
1133 record. The tax collection service provider shall determine the
1134 contribution rate of the combined successor and predecessor
1135 employers upon the transfer of the employment records, as
1136 prescribed by rule, in order to calculate any change in the
1137 contribution rate resulting from the transfer of the employment
1138 records.
1139 2. Regardless of whether a predecessor employer's
1140 employment record is transferred to a successor employer under
1141 this paragraph, the tax collection service provider shall treat
1142 the predecessor employer, if he or she subsequently employs
1143 individuals, as an employer without a previous employment record
1144 or, if his or her coverage is terminated under s. 443.121, as a
1145 new employing unit.
1146 3. The state agency providing reemployment assistance
1147 ~~unemployment~~ tax collection services may adopt rules governing
1148 the partial transfer of experience rating when an employer
1149 transfers an identifiable and segregable portion of his or her
1150 payrolls and business to a successor employing unit. As a
1151 condition of each partial transfer, these rules must require the
1152 following to be filed with the tax collection service provider:
1153 an application by the successor employing unit, an agreement by
1154 the predecessor employer, and the evidence required by the tax
1155 collection service provider to show the benefit experience and
1156 payrolls attributable to the transferred portion through the
1157 date of the transfer. These rules must provide that the
1158 successor employing unit, if not an employer subject to this
1159 chapter, becomes an employer as of the date of the transfer and
1160 that the transferred portion of the predecessor employer's

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1161 employment record is removed from the employment record of the
1162 predecessor employer. For each calendar year after the date of
1163 the transfer of the employment record in the records of the tax
1164 collection service provider, the service provider shall compute
1165 the contribution rate payable by the successor employer or
1166 employing unit based on his or her employment record, combined
1167 with the transferred portion of the predecessor employer's
1168 employment record. These rules may also prescribe what
1169 contribution rates are payable by the predecessor and successor
1170 employers for the period between the date of the transfer of the
1171 transferred portion of the predecessor employer's employment
1172 record in the records of the tax collection service provider and
1173 the first day of the next calendar year.
1174 4. This paragraph does not apply to an employee leasing
1175 company and client contractual agreement as defined in s.
1176 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax
1177 collection service provider shall, if the contractual agreement
1178 is terminated or the employee leasing company fails to submit
1179 reports or pay contributions as required by the service
1180 provider, treat the client as a new employer without previous
1181 employment record unless the client is otherwise eligible for a
1182 variation from the standard rate.
1183 Section 14. Paragraph (d) of subsection (2) of section
1184 443.1312, Florida Statutes, is amended to read:
1185 443.1312 Reimbursements; nonprofit organizations.—Benefits
1186 paid to employees of nonprofit organizations shall be financed
1187 in accordance with this section.
1188 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
1189 REIMBURSEMENT.—A nonprofit organization that is, or becomes,

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1190 subject to this chapter under s. 443.1215(1)(c) or s.
1191 443.121(3)(a) must pay contributions under s. 443.131 unless it
1192 elects, in accordance with this subsection, to reimburse the
1193 Unemployment Compensation Trust Fund for all of the regular
1194 benefits, short-time compensation benefits, and one-half of the
1195 extended benefits paid, which are attributable to service in the
1196 employ of the nonprofit organization, to individuals for weeks
1197 of unemployment which begin during the effective period of the
1198 election.
1199 (d) In accordance with rules adopted by the Department of
1200 Economic Opportunity or the state agency providing reemployment
1201 assistance ~~unemployment~~ tax collection services, the tax
1202 collection service provider shall notify each nonprofit
1203 organization of any determination of the organization's status
1204 as an employer, the effective date of any election the
1205 organization makes, and the effective date of any termination of
1206 the election. Each determination is subject to reconsideration,
1207 appeal, and review under s. 443.141(2)(c).
1208 Section 15. Subsection (3) and paragraph (a) of subsection
1209 (4) of section 443.1313, Florida Statutes, are amended to read:
1210 443.1313 Public employers; reimbursements; election to pay
1211 contributions.—Benefits paid to employees of a public employer,
1212 as defined in s. 443.036, based on service described in s.
1213 443.1216(2) shall be financed in accordance with this section.
1214 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
1215 or contributing employer under this section, a public employer
1216 may not change this election for at least 2 calendar years. This
1217 subsection does not prevent a public employer subject to this
1218 subsection from changing its election after completing 2

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1219 calendar years under another financing method if the new
1220 election is timely filed. The state agency providing
1221 reemployment assistance ~~unemployment~~ tax collection services may
1222 adopt rules prescribing procedures for changing methods of
1223 reporting.
1224 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
1225 ~~COMPENSATION~~ BENEFIT ACCOUNT.—
1226 (a) There is established within the Unemployment
1227 Compensation Trust Fund a Public Employers Reemployment
1228 Assistance ~~Unemployment Compensation~~ Benefit Account, which must
1229 be maintained as a separate account within the trust fund. All
1230 benefits paid to the employees of a public employer that elects
1231 to become a contributing employer under paragraph (b) must be
1232 charged to the Public Employers Unemployment Compensation
1233 Benefit Account.
1234 Section 16. Subsection (7) of section 443.1315, Florida
1235 Statutes, is amended to read:
1236 443.1315 Treatment of Indian tribes.—
1237 (7) The Department of Economic Opportunity and the state
1238 agency providing reemployment assistance ~~unemployment~~ tax
1239 collection services shall adopt rules necessary to administer
1240 this section.
1241 Section 17. Section 443.1316, Florida Statutes, is amended
1242 to read:
1243 443.1316 Reemployment assistance ~~Unemployment~~ tax
1244 collection services; interagency agreement.—
1245 (1) The Department of Economic Opportunity shall contract
1246 with the Department of Revenue, through an interagency
1247 agreement, to perform the duties of the tax collection service

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1248 provider and provide other reemployment assistance ~~unemployment~~
1249 tax collection services under this chapter. Under the
1250 interagency agreement, the tax collection service provider may
1251 only implement:
1252 (a) The provisions of this chapter conferring duties upon
1253 the tax collection service provider.
1254 (b) The provisions of law conferring duties upon the
1255 department which are specifically delegated to the tax
1256 collection service provider in the interagency agreement.
1257 (2)(a) The Department of Revenue is considered to be
1258 administering a revenue law of this state when the department
1259 implements this chapter, or otherwise provides reemployment
1260 assistance ~~unemployment~~ tax collection services, under contract
1261 with the department through the interagency agreement.
1262 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
1263 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
1264 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
1265 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
1266 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
1267 213.757 apply to the collection of reemployment assistance
1268 ~~unemployment~~ contributions and reimbursements by the Department
1269 of Revenue unless prohibited by federal law.
1270 Section 18. Paragraph (a) of subsection (1) and subsections
1271 (2) and (3) of section 443.1317, Florida Statutes, are amended
1272 to read:
1273 443.1317 Rulemaking authority; enforcement of rules.—
1274 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—
1275 (a) Except as otherwise provided in s. 443.012, the
1276 Department of Economic Opportunity has ultimate authority over

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1277 the administration of the Reemployment Assistance ~~Unemployment~~
1278 ~~Compensation~~ Program.
1279 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
1280 providing reemployment assistance ~~unemployment~~ tax collection
1281 services under contract with the Department of Economic
1282 Opportunity through an interagency agreement pursuant to s.
1283 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
1284 subject to approval by the department, to administer the
1285 provisions of law described in s. 443.1316(1)(a) and (b) which
1286 are within this chapter. These rules must not conflict with the
1287 rules adopted by the department or with the interagency
1288 agreement.
1289 (3) ENFORCEMENT OF RULES.—The Department of Economic
1290 Opportunity may enforce any rule adopted by the state agency
1291 providing reemployment assistance ~~unemployment~~ tax collection
1292 services to administer this chapter. The tax collection service
1293 provider may enforce any rule adopted by the department to
1294 administer the provisions of law described in s. 443.1316(1)(a)
1295 and (b).
1296 Section 19. Paragraphs (b) and (g) of subsection (1),
1297 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
1298 subsection (4) of section 443.141, Florida Statutes, are amended
1299 to read:
1300 443.141 Collection of contributions and reimbursements.—
1301 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
1302 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—
1303 (b) *Penalty for delinquent, erroneous, incomplete, or*
1304 *insufficient reports.*—
1305 1. An employing unit that fails to file any report required

1306 by the Department of Economic Opportunity or its tax collection
1307 service provider, in accordance with rules for administering
1308 this chapter, shall pay to the service provider for each
1309 delinquent report the sum of $25 for each 30 days or fraction
1310 thereof that the employing unit is delinquent, unless the
1311 department ~~agency~~ or its service provider, whichever required
1312 the report, finds that the employing unit has good reason for
1313 failing to file the report. The department or its service
1314 provider may assess penalties only through the date of the
1315 issuance of the final assessment notice. However, additional
1316 penalties accrue if the delinquent report is subsequently filed.
1317 2.a. An employing unit that files an erroneous, incomplete,
1318 or insufficient report with the department or its tax collection
1319 service provider shall pay a penalty. The amount of the penalty
1320 is $50 or 10 percent of any tax due, whichever is greater, but
1321 no more than $300 per report. The penalty shall be added to any
1322 tax, penalty, or interest otherwise due.
1323 b. The department or its tax collection service provider
1324 shall waive the penalty if the employing unit files an accurate,
1325 complete, and sufficient report within 30 days after a penalty
1326 notice is issued to the employing unit. The penalty may not be
1327 waived pursuant to this subparagraph more than one time during a
1328 12-month period.
1329 c. As used in this subsection, the term "erroneous,
1330 incomplete, or insufficient report" means a report so lacking in
1331 information, completeness, or arrangement that the report cannot
1332 be readily understood, verified, or reviewed. Such reports
1333 include, but are not limited to, reports having missing wage or
1334 employee information, missing or incorrect social security

1335 numbers, or illegible entries; reports submitted in a format
1336 that is not approved by the department or its tax collection
1337 service provider; and reports showing gross wages that do not
1338 equal the total of the wages of each employee. However, the term
1339 does not include a report that merely contains inaccurate data
1340 that was supplied to the employer by the employee, if the
1341 employer was unaware of the inaccuracy.
1342 3. Penalties imposed pursuant to this paragraph shall be
1343 deposited in the Special Employment Security Administration
1344 Trust Fund.
1345 4. The penalty and interest for a delinquent, erroneous,
1346 incomplete, or insufficient report may be waived if the penalty
1347 or interest is inequitable. The provisions of s. 213.24(1) apply
1348 to any penalty or interest that is imposed under this section.
1349 (g) *Adoption of rules.*—The department and the state agency
1350 providing reemployment assistance ~~unemployment~~ tax collection
1351 services may adopt rules to administer this subsection.
1352 (2) REPORTS, CONTRIBUTIONS, APPEALS.—
1353 (c) *Appeals.*—The department and the state agency providing
1354 reemployment assistance ~~unemployment~~ tax collection services
1355 shall adopt rules prescribing the procedures for an employing
1356 unit determined to be an employer to file an appeal and be
1357 afforded an opportunity for a hearing on the determination.
1358 Pending a hearing, the employing unit must file reports and pay
1359 contributions in accordance with s. 443.131.
1360 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
1361 CONTRIBUTIONS AND REIMBURSEMENTS.—
1362 (c) Any agent or employee designated by the Department of
1363 Economic Opportunity or its tax collection service provider may

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1364 administer an oath to any person for any return or report
1365 required by this chapter or by the rules of the department or
1366 the state agency providing reemployment assistance ~~unemployment~~
1367 tax collection services, and an oath made before the department
1368 or its service provider or any authorized agent or employee has
1369 the same effect as an oath made before any judicial officer or
1370 notary public of the state.
1371 (e) The tax collection service provider may commence an
1372 action in any other state to collect reemployment assistance
1373 ~~unemployment compensation~~ contributions, reimbursements,
1374 penalties, and interest legally due this state. The officials of
1375 other states that extend a like comity to this state may sue for
1376 the collection of contributions, reimbursements, interest, and
1377 penalties in the courts of this state. The courts of this state
1378 shall recognize and enforce liability for contributions,
1379 reimbursements, interest, and penalties imposed by other states
1380 that extend a like comity to this state.
1381 Section 20. Paragraph (b) of subsection (1), paragraph (b)
1382 of subsection (2), paragraph (c) of subsection (3), and
1383 paragraphs (a) and (b) of subsection (6) of section 443.151,
1384 Florida Statutes, are amended to read:
1385 443.151 Procedure concerning claims.—
1386 (1) POSTING OF INFORMATION.—
1387 (b)1. The department shall advise each individual filing a
1388 new claim for reemployment assistance ~~unemployment compensation~~,
1389 at the time of filing the claim, that:
1390 a. Reemployment assistance ~~unemployment compensation~~ is
1391 subject to federal income tax.
1392 b. Requirements exist pertaining to estimated tax payments.

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1393 c. The individual may elect to have federal income tax
1394 deducted and withheld from the individual's payment of
1395 reemployment assistance ~~unemployment compensation~~ at the amount
1396 specified in the federal Internal Revenue Code.
1397 d. The individual is not permitted to change a previously
1398 elected withholding status more than twice per calendar year.
1399 2. Amounts deducted and withheld from reemployment
1400 assistance ~~unemployment compensation~~ must remain in the
1401 Unemployment Compensation Trust Fund until transferred to the
1402 federal taxing authority as payment of income tax.
1403 3. The department shall follow all procedures specified by
1404 the United States Department of Labor and the federal Internal
1405 Revenue Service pertaining to the deducting and withholding of
1406 income tax.
1407 4. If more than one authorized request for deduction and
1408 withholding is made, amounts must be deducted and withheld in
1409 accordance with the following priorities:
1410 a. Reemployment assistance ~~Unemployment~~ overpayments have
1411 first priority;
1412 b. Child support payments have second priority; and
1413 c. Withholding under this subsection has third priority.
1414 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1415 CLAIMANTS AND EMPLOYERS.—
1416 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~
1417 ~~Compensation~~ Claims and Benefits Information System described in
1418 s. 443.1113 is fully operational, the process for filing claims
1419 must incorporate the process for registering for work with the
1420 workforce information systems established pursuant to s.
1421 445.011. A claim for benefits may not be processed until the

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1422 work registration requirement is satisfied. The department may
1423 adopt rules as necessary to administer the work registration
1424 requirement set forth in this paragraph.
1425 (3) DETERMINATION OF ELIGIBILITY.—
1426 (c) *Nonmonetary determinations.*—If the department receives
1427 information that may result in a denial of benefits, the
1428 department must complete an investigation of the claim required
1429 by subsection (2) and provide notice of a nonmonetary
1430 determination to the claimant and the employer from whom the
1431 claimant's reason for separation affects his or her entitlement
1432 to benefits. The determination must state the reason for the
1433 determination and whether the reemployment assistance
1434 ~~unemployment~~ tax account of the contributing employer is charged
1435 for benefits paid on the claim. The nonmonetary determination is
1436 final unless within 20 days after the mailing of the notices to
1437 the parties' last known addresses, or in lieu of mailing, within
1438 20 days after the delivery of the notices, an appeal or written
1439 request for reconsideration is filed by the claimant or other
1440 party entitled to notice. The department may adopt rules as
1441 necessary to implement the processes described in this paragraph
1442 relating to notices of nonmonetary determination and the appeals
1443 or reconsideration requests filed in response to such notices,
1444 and may adopt rules prescribing the manner and procedure by
1445 which employers within the base period of a claimant become
1446 entitled to notice of nonmonetary determination.
1447 (6) RECOVERY AND RECOUPMENT.—
1448 (a) Any person who, by reason of her or his fraud, receives
1449 benefits under this chapter to which she or he is not entitled
1450 is liable for repaying those benefits to the Department of

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1451 Economic Opportunity on behalf of the trust fund or, in the
1452 discretion of the department, to have those benefits deducted
1453 from future benefits payable to her or him under this chapter.
1454 To enforce this paragraph, the department must find the
1455 existence of fraud through a redetermination or decision under
1456 this section within 2 years after the fraud was committed. Any
1457 recovery or recoupment of benefits must be commenced ~~effected~~
1458 within 7 ~~5~~ years after the redetermination or decision.
1459 (b) Any person who, by reason other than her or his fraud,
1460 receives benefits under this chapter to which, under a
1461 redetermination or decision pursuant to this section, she or he
1462 is not entitled, is liable for repaying those benefits to the
1463 department on behalf of the trust fund or, in the discretion of
1464 the department, to have those benefits deducted from any future
1465 benefits payable to her or him under this chapter. Any recovery
1466 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~
1467 years after the redetermination or decision.
1468 Section 21. Subsection (1) and paragraph (c) of subsection
1469 (3) of section 443.163, Florida Statutes, are amended to read:
1470 443.163 Electronic reporting and remitting of contributions
1471 and reimbursements.—
1472 (1) An employer may file any report and remit any
1473 contributions or reimbursements required under this chapter by
1474 electronic means. The Department of Economic Opportunity or the
1475 state agency providing reemployment assistance ~~unemployment~~ tax
1476 collection services shall adopt rules prescribing the format and
1477 instructions necessary for electronically filing reports and
1478 remitting contributions and reimbursements to ensure a full
1479 collection of contributions and reimbursements due. The

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1480 acceptable method of transfer, the method, form, and content of
1481 the electronic means, and the method, if any, by which the
1482 employer will be provided with an acknowledgment shall be
1483 prescribed by the department or its tax collection service
1484 provider. However, any employer who employed 10 or more
1485 employees in any quarter during the preceding state fiscal year
1486 must file the Employers Quarterly Reports (UCT-6) for the
1487 current calendar year and remit the contributions and
1488 reimbursements due by electronic means approved by the tax
1489 collection service provider. A person who prepared and reported
1490 for 100 or more employers in any quarter during the preceding
1491 state fiscal year must file the Employers Quarterly Reports
1492 (UCT-6) for each calendar quarter in the current calendar year,
1493 beginning with reports due for the second calendar quarter of
1494 2003, by electronic means approved by the tax collection service
1495 provider.
1496 (3) The tax collection service provider may waive the
1497 requirement to file an Employers Quarterly Report (UCT-6) by
1498 electronic means for employers that are unable to comply despite
1499 good faith efforts or due to circumstances beyond the employer's
1500 reasonable control.
1501 (c) The department or the state agency providing
1502 reemployment assistance ~~unemployment~~ tax collection services may
1503 establish by rule the length of time a waiver is valid and may
1504 determine whether subsequent waivers will be authorized, based
1505 on this subsection.
1506 Section 22. Subsections (2) and (5) and paragraphs (a) and
1507 (c) of subsection (9) of section 443.171, Florida Statutes, are
1508 amended to read:

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1509 443.171 Department of Economic Opportunity and commission;
1510 powers and duties; records and reports; proceedings; state-
1511 federal cooperation.—
1512 (2) PUBLICATION OF ACTS AND RULES.—The Department of
1513 Economic Opportunity shall cause to be printed and distributed
1514 to the public, or otherwise distributed to the public through
1515 the Internet or similar electronic means, the text of this
1516 chapter and of the rules for administering this chapter adopted
1517 by the department or the state agency providing reemployment
1518 assistance ~~unemployment~~ tax collection services and any other
1519 matter relevant and suitable. The department shall furnish this
1520 information to any person upon request. However, any pamphlet,
1521 rules, circulars, or reports required by this chapter may not
1522 contain any matter except the actual data necessary to complete
1523 them or the actual language of the rule, together with the
1524 proper notices.
1525 (5) RECORDS AND REPORTS.—Each employing unit shall keep
1526 true and accurate work records, containing the information
1527 required by the Department of Economic Opportunity or its tax
1528 collection service provider. These records must be open to
1529 inspection and are subject to being copied by the department or
1530 its tax collection service provider at any reasonable time and
1531 as often as necessary. The department or its tax collection
1532 service provider may require from any employing unit any sworn
1533 or unsworn reports, for persons employed by the employing unit,
1534 necessary for the effective administration of this chapter.
1535 However, a state or local governmental agency performing
1536 intelligence or counterintelligence functions need not report an
1537 employee if the head of that agency determines that reporting

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1538 the employee could endanger the safety of the employee or
1539 compromise an ongoing investigation or intelligence mission.
1540 ~~Information revealing the employing unit's or individual's~~
1541 ~~identity obtained from the employing unit or from any individual~~
1542 ~~through the administration of this chapter, is, except to the~~
1543 ~~extent necessary for the proper presentation of a claim or upon~~
1544 ~~written authorization of the claimant who has a workers'~~
1545 ~~compensation claim pending, confidential and exempt from s.~~
1546 ~~119.07(1). This confidential information is available only to~~
1547 ~~public employees in the performance of their public duties. Any~~
1548 ~~claimant, or the claimant's legal representative, at a hearing~~
1549 ~~before an appeals referee or the commission must be supplied~~
1550 ~~with information from these records to the extent necessary for~~
1551 ~~the proper presentation of her or his claim. Any employee or~~
1552 ~~member of the commission, any employee of the department or its~~
1553 ~~tax collection service provider, or any other person receiving~~
1554 ~~confidential information who violates this subsection commits a~~
1555 ~~misdemeanor of the second degree, punishable as provided in s.~~
1556 ~~775.082 or s. 775.083. However, the department or its tax~~
1557 ~~collection service provider may furnish to any employer copies~~
1558 ~~of any report previously submitted by that employer, upon the~~
1559 ~~request of the employer. The department or its tax collection~~
1560 ~~service provider may charge a reasonable fee for copies of~~
1561 ~~reports, which may not exceed the actual reasonable cost of the~~
1562 ~~preparation of the copies as prescribed by rules adopted by the~~
1563 ~~department or the state agency providing tax collection~~
1564 ~~services. Fees received by the department or its tax collection~~
1565 ~~service provider for copies furnished under this subsection must~~
1566 ~~be deposited in the Employment Security Administration Trust~~

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1567 ~~Fund.~~
1568 (9) STATE-FEDERAL COOPERATION.—
1569 (a)1. In the administration of this chapter, the Department
1570 of Economic Opportunity and its tax collection service provider
1571 shall cooperate with the United States Department of Labor to
1572 the fullest extent consistent with this chapter and shall take
1573 those actions, through the adoption of appropriate rules,
1574 administrative methods, and standards, necessary to secure for
1575 this state all advantages available under the provisions of
1576 federal law relating to reemployment assistance ~~unemployment~~
1577 ~~compensation~~.
1578 2. In the administration of the provisions in s. 443.1115,
1579 which are enacted to conform with the Federal-State Extended
1580 Unemployment Compensation Act of 1970, the department shall take
1581 those actions necessary to ensure that those provisions are
1582 interpreted and applied to meet the requirements of the federal
1583 act as interpreted by the United States Department of Labor and
1584 to secure for this state the full reimbursement of the federal
1585 share of extended benefits paid under this chapter which is
1586 reimbursable under the federal act.
1587 3. The department and its tax collection service provider
1588 shall comply with the regulations of the United States
1589 Department of Labor relating to the receipt or expenditure by
1590 this state of funds granted under federal law; shall submit the
1591 reports in the form and containing the information the United
1592 States Department of Labor requires; and shall comply with
1593 directions of the United States Department of Labor necessary to
1594 assure the correctness and verification of these reports.
1595 (c) The department and its tax collection service provider

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1596 shall cooperate with the agencies of other states, and shall
1597 make every proper effort within their means, to oppose and
1598 prevent any further action leading to the complete or
1599 substantial federalization of state reemployment assistance
1600 ~~unemployment compensation~~ funds or state employment security
1601 programs. The department and its tax collection service provider
1602 may make, and may cooperate with other appropriate agencies in
1603 making, studies as to the practicability and probable cost of
1604 possible new state-administered social security programs and the
1605 relative desirability of state, rather than federal, action in
1606 that field of study.
1607 Section 23. Subsections (1) and (2) of section 443.1715,
1608 Florida Statutes, are amended to read:
1609 443.1715 Disclosure of information; confidentiality.—
1610 (1) RECORDS AND REPORTS.—Information revealing an employing
1611 unit's or individual's identity obtained from the employing unit
1612 or any individual under the administration of this chapter, and
1613 any determination revealing that information, ~~except to the~~
1614 ~~extent necessary for the proper presentation of a claim or upon~~
1615 ~~written authorization of the claimant who has a workers'~~
1616 ~~compensation claim pending or is receiving compensation~~
1617 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
1618 24(a), Art. I of the State Constitution. This confidential
1619 information may be released in accordance with the provisions in
1620 20 C.F.R. part 603 ~~only to public employees in the performance~~
1621 ~~of their public duties~~. ~~Except as otherwise provided by law,~~
1622 ~~public employees receiving this confidential information must~~
1623 ~~maintain the confidentiality of the information. Any claimant,~~
1624 ~~or the claimant's legal representative, at a hearing before an~~

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1625 ~~appeals referee or the commission is entitled to information~~
1626 ~~from these records to the extent necessary for the proper~~
1627 ~~presentation of her or his claim. A person receiving~~
1628 ~~confidential information who violates this subsection commits a~~
1629 ~~misdemeanor of the second degree, punishable as provided in s.~~
1630 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or
1631 its tax collection service provider may, however, furnish to any
1632 employer copies of any report submitted by that employer upon
1633 the request of the employer and may furnish to any claimant
1634 copies of any report submitted by that claimant upon the request
1635 of the claimant. The department or its tax collection service
1636 provider may charge a reasonable fee for copies of these reports
1637 as prescribed by rule, which may not exceed the actual
1638 reasonable cost of the preparation of the copies. Fees received
1639 for copies under this subsection must be deposited in the
1640 Employment Security Administration Trust Fund.
1641 (2) DISCLOSURE OF INFORMATION.—
1642 (a) Subject to restrictions the Department of Economic
1643 Opportunity or the state agency providing reemployment
1644 assistance ~~unemployment~~ tax collection services adopts by rule,
1645 information declared confidential under this section is
1646 available to any agency of this or any other state, or any
1647 federal agency, charged with the administration of any
1648 reemployment assistance or unemployment compensation law or the
1649 maintenance of the one-stop delivery system, or the Bureau of
1650 Internal Revenue of the United States Department of the
1651 Treasury, or the Florida Department of Revenue. Information
1652 obtained in connection with the administration of the one-stop
1653 delivery system may be made available to persons or agencies for

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1654 purposes appropriate to the operation of a public employment
1655 service or a job-preparatory or career education or training
1656 program. The department shall, on a quarterly basis, furnish the
1657 National Directory of New Hires with information concerning the
1658 wages and reemployment assistance ~~unemployment~~ benefits paid to
1659 individuals, by the dates, in the format, and containing the
1660 information specified in the regulations of the United States
1661 Secretary of Health and Human Services. Upon request, the
1662 department shall furnish any agency of the United States charged
1663 with the administration of public works or assistance through
1664 public employment, and may furnish to any state agency similarly
1665 charged, the name, address, ordinary occupation, and employment
1666 status of each recipient of benefits and the recipient's rights
1667 to further benefits under this chapter. Except as otherwise
1668 provided by law, the receiving agency must retain the
1669 confidentiality of this information as provided in this section.
1670 The tax collection service provider may request the Comptroller
1671 of the Currency of the United States to examine the correctness
1672 of any return or report of any national banking association
1673 rendered under this chapter and may in connection with that
1674 request transmit any report or return for examination to the
1675 Comptroller of the Currency of the United States as provided in
1676 s. 3305(c) of the federal Internal Revenue Code.
1677 (b) The employer or the employer's workers' compensation
1678 carrier against whom a claim for benefits under chapter 440 has
1679 been made, or a representative of either, may request from the
1680 department records of wages of the employee reported to the
1681 department by any employer for the quarter that includes the
1682 date of the accident that is the subject of such claim and for

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1683 subsequent quarters.
1684 1. The request must be made with the authorization or
1685 consent of the employee or any employer who paid wages to the
1686 employee after the date of the accident.
1687 2. The employer or carrier shall make the request on a form
1688 prescribed by rule for such purpose by the department ~~agency~~.
1689 Such form shall contain a certification by the requesting party
1690 that it is a party entitled to the information requested.
1691 3. The department shall provide the most current
1692 information readily available within 15 days after receiving the
1693 request.
1694 Section 24. Subsections (1), (4), (5), (6), and (7) and
1695 paragraph (c) of subsection (2) of section 443.17161, Florida
1696 Statutes, are amended to read:
1697 443.17161 Authorized electronic access to employer
1698 information.—
1699 (1) Notwithstanding any other provision of this chapter,
1700 the Department of Economic Opportunity ~~Agency for Workforce~~
1701 ~~Innovation~~ shall contract with one or more consumer reporting
1702 agencies to provide users with secured electronic access to
1703 employer-provided information relating to the quarterly wages
1704 report submitted in accordance with the state's reemployment
1705 assistance ~~unemployment compensation~~ law. The access is limited
1706 to the wage reports for the appropriate amount of time for the
1707 purpose the information is requested.
1708 (2) Users must obtain consent in writing or by electronic
1709 signature from an applicant for credit, employment, or other
1710 permitted purposes. Any written or electronic signature consent
1711 from an applicant must be signed and must include the following:

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1712 (c) Notice that the files of the Department of Economic
1713 Opportunity ~~Agency for Workforce Innovation~~ or its tax
1714 collection service provider containing information concerning
1715 wage and employment history which is submitted by the applicant
1716 or his or her employers may be accessed; and
1717 (4) If a consumer reporting agency or user violates this
1718 section, the Department of Economic Opportunity ~~Agency for~~
1719 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the
1720 consumer reporting agency, terminate the contract established
1721 between the department ~~Agency for Workforce Innovation~~ and the
1722 consumer reporting agency or require the consumer reporting
1723 agency to terminate the contract established between the
1724 consumer reporting agency and the user under this section.
1725 (5) The Department of Economic Opportunity ~~Agency for~~
1726 ~~Workforce Innovation~~ shall establish minimum audit, security,
1727 net worth, and liability insurance standards, technical
1728 requirements, and any other terms and conditions considered
1729 necessary in the discretion of the state agency to safeguard the
1730 confidentiality of the information released under this section
1731 and to otherwise serve the public interest. The department
1732 ~~Agency for Workforce Innovation~~ shall also include, in
1733 coordination with any necessary state agencies, necessary audit
1734 procedures to ensure that these rules are followed.
1735 (6) In contracting with one or more consumer reporting
1736 agencies under this section, any revenues generated by the
1737 contract must be used to pay the entire cost of providing access
1738 to the information. Further, in accordance with federal
1739 regulations, any additional revenues generated by the Department
1740 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the

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1741 state under this section must be paid into the Administrative
1742 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
1743 the administration of the unemployment compensation system or be
1744 used as program income.
1745 (7) The Department of Economic Opportunity ~~Agency for~~
1746 ~~Workforce Innovation~~ may not provide wage and employment history
1747 information to any consumer reporting agency before the consumer
1748 reporting agency or agencies under contract with the department
1749 ~~Agency for Workforce Innovation~~ pay all development and other
1750 startup costs incurred by the state in connection with the
1751 design, installation, and administration of technological
1752 systems and procedures for the electronic access program.
1753 Section 25. Subsection (2) of section 443.181, Florida
1754 Statutes, is amended to read:
1755 443.181 Public employment service.—
1756 (2) All funds received by this state under 29 U.S.C. ss.
1757 49-49l-1 must be paid into the Employment Security
1758 Administration Trust Fund, and these funds are available to the
1759 Department of Economic Opportunity for expenditure as provided
1760 by this chapter or by federal law. For the purpose of
1761 establishing and maintaining one-stop career centers, the
1762 department may enter into agreements with the Railroad
1763 Retirement Board or any other agency of the United States
1764 charged with the administration of a reemployment assistance or
1765 ~~an~~ unemployment compensation law, with any political subdivision
1766 of this state, or with any private, nonprofit organization. As a
1767 part of any such agreement, the department may accept moneys,
1768 services, or quarters as a contribution to the Employment
1769 Security Administration Trust Fund.

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1770 Section 26. Subsection (6) of section 443.191, Florida
1771 Statutes, is amended to read:
1772 443.191 Unemployment Compensation Trust Fund; establishment
1773 and control.—
1774 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
1775 Compensation Trust Fund is the sole and exclusive source for
1776 paying reemployment assistance ~~unemployment~~ benefits, and these
1777 benefits are due and payable only to the extent that
1778 contributions or reimbursements, with increments thereon,
1779 actually collected and credited to the fund and not otherwise
1780 appropriated or allocated, are available for payment. The state
1781 shall administer the fund without any liability on the part of
1782 the state beyond the amount of moneys received from the United
1783 States Department of Labor or other federal agency.
1784 Section 27. Paragraphs (b), (c), and (d) of subsection (1)
1785 and subsections (3) and (4) of section 443.221, Florida
1786 Statutes, are amended to read:
1787 443.221 Reciprocal arrangements.—
1788 (1)
1789 (b) For services to be considered as performed within a
1790 state under a reciprocal agreement, the employing unit must have
1791 an election in effect for those services, which is approved by
1792 the agency charged with the administration of such state's
1793 reemployment assistance or unemployment compensation law, under
1794 which all the services performed by the individual for the
1795 employing unit are deemed to be performed entirely within that
1796 state.
1797 (c) The department shall participate in any arrangements
1798 for the payment of compensation on the basis of combining an

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1799 individual's wages and employment covered under this chapter
1800 with her or his wages and employment covered under the
1801 reemployment assistance or unemployment compensation laws of
1802 other states, which are approved by the United States Secretary
1803 of Labor, in consultation with the state reemployment assistance
1804 or unemployment compensation agencies, as reasonably calculated
1805 to assure the prompt and full payment of compensation in those
1806 situations and which include provisions for:
1807 1. Applying the base period of a single state law to a
1808 claim involving the combining of an individual's wages and
1809 employment covered under two or more state reemployment
1810 assistance or unemployment compensation laws; and
1811 2. Avoiding the duplicate use of wages and employment
1812 because of the combination.
1813 (d) Contributions or reimbursements due under this chapter
1814 with respect to wages for insured work are, for the purposes of
1815 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
1816 to the fund as of the date payment was made as contributions or
1817 reimbursements therefor under another state or federal
1818 reemployment assistance or unemployment compensation law, but an
1819 arrangement may not be entered into unless it contains
1820 provisions for reimbursement to the fund of the contributions or
1821 reimbursements and the actual earnings thereon as the department
1822 or its tax collection service provider finds are fair and
1823 reasonable as to all affected interests.
1824 (3) The Department of Economic Opportunity or its tax
1825 collection service provider may enter into reciprocal
1826 arrangements with other states or the Federal Government, or
1827 both, for exchanging services, determining and enforcing payment

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1828 obligations, and making available facilities and information.
1829 The department or its tax collection service provider may
1830 conduct investigations, secure and transmit information, make
1831 available services and facilities, and exercise other powers
1832 provided under this chapter to facilitate the administration of
1833 any reemployment assistance or unemployment compensation or
1834 public employment service law and, in a similar manner, accept
1835 and use information, services, and facilities made available to
1836 this state by the agency charged with the administration of any
1837 other unemployment compensation or public employment service
1838 law.
1839 (4) To the extent permissible under federal law, the
1840 Department of Economic Opportunity may enter into or cooperate
1841 in arrangements whereby facilities and services provided under
1842 this chapter and facilities and services provided under the
1843 reemployment assistance or unemployment compensation law of any
1844 foreign government may be used for the taking of claims and the
1845 payment of benefits under the employment security law of the
1846 state or under a similar law of that government.
1847 Section 28. Paragraph (c) of subsection (5) and subsection
1848 (8) of section 20.60, Florida Statutes, are amended to read:
1849 20.60 Department of Economic Opportunity; creation; powers
1850 and duties.—
1851 (5) The divisions within the department have specific
1852 responsibilities to achieve the duties, responsibilities, and
1853 goals of the department. Specifically:
1854 (c) The Division of Workforce Services shall:
1855 1. Prepare and submit a unified budget request for
1856 workforce in accordance with chapter 216 for, and in conjunction

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1857 with, Workforce Florida, Inc., and its board.
1858 2. Ensure that the state appropriately administers federal
1859 and state workforce funding by administering plans and policies
1860 of Workforce Florida, Inc., under contract with Workforce
1861 Florida, Inc. The operating budget and midyear amendments
1862 thereto must be part of such contract.
1863 a. All program and fiscal instructions to regional
1864 workforce boards shall emanate from the Department of Economic
1865 Opportunity pursuant to plans and policies of Workforce Florida,
1866 Inc., which shall be responsible for all policy directions to
1867 the regional workforce boards.
1868 b. Unless otherwise provided by agreement with Workforce
1869 Florida, Inc., administrative and personnel policies of the
1870 Department of Economic Opportunity shall apply.
1871 3. Implement the state's reemployment assistance
1872 ~~unemployment compensation~~ program. The Department of Economic
1873 Opportunity shall ensure that the state appropriately
1874 administers the reemployment assistance ~~unemployment~~
1875 ~~compensation~~ program pursuant to state and federal law.
1876 4. Assist in developing the 5-year statewide strategic plan
1877 required by this section.
1878 (8) The Reemployment Assistance ~~Unemployment~~ Appeals
1879 Commission, authorized by s. 443.012, is not subject to control,
1880 supervision, or direction by the department in the performance
1881 of its powers and duties but shall receive any and all support
1882 and assistance from the department which is required for the
1883 performance of its duties.
1884 Section 29. Paragraph (a) of subsection (1) of section
1885 27.52, Florida Statutes, is amended to read:

1886 27.52 Determination of indigent status.—
1887 (1) APPLICATION TO THE CLERK.—A person seeking appointment
1888 of a public defender under s. 27.51 based upon an inability to
1889 pay must apply to the clerk of the court for a determination of
1890 indigent status using an application form developed by the
1891 Florida Clerks of Court Operations Corporation with final
1892 approval by the Supreme Court.
1893 (a) The application must include, at a minimum, the
1894 following financial information:
1895 1. Net income, consisting of total salary and wages, minus
1896 deductions required by law, including court-ordered support
1897 payments.
1898 2. Other income, including, but not limited to, social
1899 security benefits, union funds, veterans' benefits, workers'
1900 compensation, other regular support from absent family members,
1901 public or private employee pensions, reemployment assistance or
1902 unemployment compensation, dividends, interest, rent, trusts,
1903 and gifts.
1904 3. Assets, including, but not limited to, cash, savings
1905 accounts, bank accounts, stocks, bonds, certificates of deposit,
1906 equity in real estate, and equity in a boat or a motor vehicle
1907 or in other tangible property.
1908 4. All liabilities and debts.
1909 5. If applicable, the amount of any bail paid for the
1910 applicant's release from incarceration and the source of the
1911 funds.
1912
1913 The application must include a signature by the applicant which
1914 attests to the truthfulness of the information provided. The

1915 application form developed by the corporation must include
1916 notice that the applicant may seek court review of a clerk's
1917 determination that the applicant is not indigent, as provided in
1918 this section.
1919 Section 30. Subsection (6) of section 40.24, Florida
1920 Statutes, is amended to read:
1921 40.24 Compensation and reimbursement policy.—
1922 (6) A juror who receives reemployment assistance
1923 ~~unemployment~~ benefits does not lose such benefits because he or
1924 she receives compensation for juror service.
1925 Section 31. Paragraph (a) of subsection (7) of section
1926 45.031, Florida Statutes, is amended to read:
1927 45.031 Judicial sales procedure.—In any sale of real or
1928 personal property under an order or judgment, the procedures
1929 provided in this section and ss. 45.0315-45.035 may be followed
1930 as an alternative to any other sale procedure if so ordered by
1931 the court.
1932 (7) DISBURSEMENTS OF PROCEEDS.—
1933 (a) On filing a certificate of title, the clerk shall
1934 disburse the proceeds of the sale in accordance with the order
1935 or final judgment and shall file a report of such disbursements
1936 and serve a copy of it on each party, and on the Department of
1937 Revenue if the department was named as a defendant in the action
1938 or if the Department of Economic Opportunity or the former
1939 Agency for Workforce Innovation was named as a defendant while
1940 the Department of Revenue was providing reemployment assistance
1941 ~~unemployment~~ tax collection services under contract with the
1942 Department of Economic Opportunity or the former Agency for
1943 Workforce Innovation through an interagency agreement pursuant

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1944 to s. 443.1316.
1945 Section 32. Subsection (2) of section 55.204, Florida
1946 Statutes, is amended to read:
1947 55.204 Duration and continuation of judgment lien;
1948 destruction of records.—
1949 (2) Liens securing the payment of child support or tax
1950 obligations under s. 95.091(1)(b) lapse 20 years after the date
1951 of the original filing of the warrant or other document required
1952 by law to establish a lien. Liens securing the payment of
1953 reemployment assistance ~~unemployment~~ tax obligations lapse 10
1954 years after the date of the original filing of the notice of
1955 lien. A second lien based on the original filing may not be
1956 obtained.
1957 Section 33. Paragraph (a) of subsection (1) of section
1958 57.082, Florida Statutes, is amended to read:
1959 57.082 Determination of civil indigent status.—
1960 (1) APPLICATION TO THE CLERK.—A person seeking appointment
1961 of an attorney in a civil case eligible for court-appointed
1962 counsel, or seeking relief from payment of filing fees and
1963 prepayment of costs under s. 57.081, based upon an inability to
1964 pay must apply to the clerk of the court for a determination of
1965 civil indigent status using an application form developed by the
1966 Florida Clerks of Court Operations Corporation with final
1967 approval by the Supreme Court.
1968 (a) The application must include, at a minimum, the
1969 following financial information:
1970 1. Net income, consisting of total salary and wages, minus
1971 deductions required by law, including court-ordered support
1972 payments.

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1973 2. Other income, including, but not limited to, social
1974 security benefits, union funds, veterans' benefits, workers'
1975 compensation, other regular support from absent family members,
1976 public or private employee pensions, reemployment assistance or
1977 unemployment compensation, dividends, interest, rent, trusts,
1978 and gifts.
1979 3. Assets, including, but not limited to, cash, savings
1980 accounts, bank accounts, stocks, bonds, certificates of deposit,
1981 equity in real estate, and equity in a boat or a motor vehicle
1982 or in other tangible property.
1983 4. All liabilities and debts.
1984
1985 The application must include a signature by the applicant which
1986 attests to the truthfulness of the information provided. The
1987 application form developed by the corporation must include
1988 notice that the applicant may seek court review of a clerk's
1989 determination that the applicant is not indigent, as provided in
1990 this section.
1991 Section 34. Subsection (8) of section 61.046, Florida
1992 Statutes, is amended to read:
1993 61.046 Definitions.—As used in this chapter, the term:
1994 (8) "Income" means any form of payment to an individual,
1995 regardless of source, including, but not limited to: wages,
1996 salary, commissions and bonuses, compensation as an independent
1997 contractor, worker's compensation, disability benefits, annuity
1998 and retirement benefits, pensions, dividends, interest,
1999 royalties, trusts, and any other payments, made by any person,
2000 private entity, federal or state government, or any unit of
2001 local government. United States Department of Veterans Affairs

2002 disability benefits and reemployment assistance or unemployment
2003 compensation, as defined in chapter 443, are excluded from this
2004 definition of income except for purposes of establishing an
2005 amount of support.
2006 Section 35. Paragraph (a) of subsection (3) of section
2007 61.1824, Florida Statutes, is amended to read:
2008 61.1824 State Disbursement Unit.—
2009 (3) The State Disbursement Unit shall perform the following
2010 functions:
2011 (a) Disburse all receipts from intercepts, including, but
2012 not limited to, United States Internal Revenue Service,
2013 reemployment assistance or unemployment compensation, lottery,
2014 and administrative offset intercepts.
2015 Section 36. Paragraph (a) of subsection (2) of section
2016 61.30, Florida Statutes, is amended to read:
2017 61.30 Child support guidelines; retroactive child support.—
2018 (2) Income shall be determined on a monthly basis for each
2019 parent as follows:
2020 (a) Gross income shall include, but is not limited to, the
2021 following:
2022 1. Salary or wages.
2023 2. Bonuses, commissions, allowances, overtime, tips, and
2024 other similar payments.
2025 3. Business income from sources such as self-employment,
2026 partnership, close corporations, and independent contracts.
2027 "Business income" means gross receipts minus ordinary and
2028 necessary expenses required to produce income.
2029 4. Disability benefits.
2030 5. All workers' compensation benefits and settlements.

2031 6. Reemployment assistance or unemployment compensation.
2032 7. Pension, retirement, or annuity payments.
2033 8. Social security benefits.
2034 9. Spousal support received from a previous marriage or
2035 court ordered in the marriage before the court.
2036 10. Interest and dividends.
2037 11. Rental income, which is gross receipts minus ordinary
2038 and necessary expenses required to produce the income.
2039 12. Income from royalties, trusts, or estates.
2040 13. Reimbursed expenses or in kind payments to the extent
2041 that they reduce living expenses.
2042 14. Gains derived from dealings in property, unless the
2043 gain is nonrecurring.
2044 Section 37. Paragraph (a) of subsection (4) of section
2045 69.041, Florida Statutes, is amended to read:
2046 69.041 State named party; lien foreclosure, suit to quiet
2047 title.—
2048 (4)(a) The Department of Revenue has the right to
2049 participate in the disbursement of funds remaining in the
2050 registry of the court after distribution pursuant to s.
2051 45.031(7). The department shall participate in accordance with
2052 applicable procedures in any mortgage foreclosure action in
2053 which the department has a duly filed tax warrant, or interests
2054 under a lien arising from a judgment, order, or decree for
2055 support, as defined in s. 409.2554, or interest in an
2056 reemployment assistance ~~unemployment compensation~~ tax lien under
2057 contract with the Department of Economic Opportunity through an
2058 interagency agreement pursuant to s. 443.1316, against the
2059 subject property and with the same priority, regardless of

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2060 whether a default against the department, the Department of
2061 Economic Opportunity, or the former Agency for Workforce
2062 Innovation has been entered for failure to file an answer or
2063 other responsive pleading.
2064 Section 38. Subsection (1) of section 77.041, Florida
2065 Statutes, is amended to read:
2066 77.041 Notice to individual defendant for claim of
2067 exemption from garnishment; procedure for hearing.—
2068 (1) Upon application for a writ of garnishment by a
2069 plaintiff, if the defendant is an individual, the clerk of the
2070 court shall attach to the writ the following "Notice to
2071 Defendant":
2072
2073 NOTICE TO DEFENDANT OF RIGHT AGAINST
2074 GARNISHMENT OF WAGES, MONEY,
2075 AND OTHER PROPERTY
2076
2077 The Writ of Garnishment delivered to you with this Notice
2078 means that wages, money, and other property belonging to you
2079 have been garnished to pay a court judgment against you.
2080 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
2081 OR PROPERTY. READ THIS NOTICE CAREFULLY.
2082 State and federal laws provide that certain wages, money,
2083 and property, even if deposited in a bank, savings and loan, or
2084 credit union, may not be taken to pay certain types of court
2085 judgments. Such wages, money, and property are exempt from
2086 garnishment. The major exemptions are listed below on the form
2087 for Claim of Exemption and Request for Hearing. This list does
2088 not include all possible exemptions. You should consult a lawyer

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2089 for specific advice.
2090 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM
2091 BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY
2092 TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION
2093 AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE
2094 THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE
2095 CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU
2096 RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS.
2097 YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO
2098 THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES
2099 LISTED ON THE WRIT OF GARNISHMENT.
2100 If you request a hearing, it will be held as soon as
2101 possible after your request is received by the court. The
2102 plaintiff must file any objection within 3 business days if you
2103 hand delivered to the plaintiff a copy of the form for Claim of
2104 Exemption and Request for Hearing or, alternatively, 8 business
2105 days if you mailed a copy of the form for claim and request to
2106 the plaintiff. If the plaintiff files an objection to your Claim
2107 of Exemption and Request for Hearing, the clerk will notify you
2108 and the other parties of the time and date of the hearing. You
2109 may attend the hearing with or without an attorney. If the
2110 plaintiff fails to file an objection, no hearing is required,
2111 the writ of garnishment will be dissolved and your wages, money,
2112 or property will be released.
2113 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION
2114 IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY
2115 FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK
2116 CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL
2117 ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT

2118 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE
2119 AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK
2120 THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN
2121 YOUR AREA.
2122
2123 CLAIM OF EXEMPTION AND
2124 REQUEST FOR HEARING
2125
2126 I claim exemptions from garnishment under the following
2127 categories as checked:
.... 1. Head of family wages. (You must check a. or b. below.)
2128
.... a. I provide more than one-half of the support for a child or other dependent and have net earnings of $750 or less per week.
2129
.... b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than $750 per week, but have not agreed in writing to have my wages garnished.
2130
.... 2. Social Security benefits.
2131
.... 3. Supplemental Security Income benefits.
2132
.... 4. Public assistance (welfare).
2133
.... 5. Workers' Compensation.
2134

.... 6. Reemployment assistance or unemployment Compensation.

2135

.... 7. Veterans' benefits.

2136

.... 8. Retirement or profit-sharing benefits or pension money.

2137

.... 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.

2138

.... 10. Disability income benefits.

2139

.... 11. Prepaid College Trust Fund or Medical Savings Account.

2140

.... 12. Other exemptions as provided by law. .....(explain)

2141

2142

2143 I request a hearing to decide the validity of my claim. Notice
2144 of the hearing should be given to me at:

2145

2146 Address: .....
2147 Telephone number:.....

2148

2149 The statements made in this request are true to the best of my
2150 knowledge and belief.

2151

2152 .....
2153 Defendant's signature
2154 Date.....

2155

2156 STATE OF FLORIDA
2157 COUNTY OF

2158

2159 Sworn and subscribed to before me this ..... day of ...(month
2160 and year)..., by ...(name of person making statement)...
2161 Notary Public/Deputy Clerk
2162 Personally Known .....OR Produced Identification....
2163 Type of Identification Produced.....

2164

2165 Section 39. Paragraph (n) of subsection (2) of section
2166 110.205, Florida Statutes, is amended to read:
2167 110.205 Career service; exemptions.—
2168 (2) EXEMPT POSITIONS.—The exempt positions that are not
2169 covered by this part include the following:
2170 (n)1.a. In addition to those positions exempted by other
2171 paragraphs of this subsection, each department head may
2172 designate a maximum of 20 policymaking or managerial positions,
2173 as defined by the department and approved by the Administration
2174 Commission, as being exempt from the Career Service System.
2175 Career service employees who occupy a position designated as a
2176 position in the Selected Exempt Service under this paragraph
2177 shall have the right to remain in the Career Service System by
2178 opting to serve in a position not exempted by the employing
2179 agency. Unless otherwise fixed by law, the department shall set
2180 the salary and benefits of these positions in accordance with
2181 the rules of the Selected Exempt Service; provided, however,
2182 that if the agency head determines that the general counsel,
2183 chief Cabinet aide, public information administrator or

2184 comparable position for a Cabinet officer, inspector general, or
2185 legislative affairs director has both policymaking and
2186 managerial responsibilities and if the department determines
2187 that any such position has both policymaking and managerial
2188 responsibilities, the salary and benefits for each such position
2189 shall be established by the department in accordance with the
2190 rules of the Senior Management Service.
2191 b. In addition, each department may designate one
2192 additional position in the Senior Management Service if that
2193 position reports directly to the agency head or to a position in
2194 the Senior Management Service and if any additional costs are
2195 absorbed from the existing budget of that department.
2196 2. If otherwise exempt, employees of the Public Employees
2197 Relations Commission, the Commission on Human Relations, and the
2198 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
2199 the certification of their respective commission heads, may be
2200 provided for under this paragraph as members of the Senior
2201 Management Service, if otherwise qualified. However, the deputy
2202 general counsel of the Public Employees Relations Commission
2203 shall be compensated as members of the Selected Exempt Service.
2204 Section 40. Subsection (4) of section 110.502, Florida
2205 Statutes, is amended to read:
2206 110.502 Scope of act; status of volunteers.—
2207 (4) Persons working with state agencies pursuant to this
2208 part shall be considered as unpaid independent volunteers and
2209 shall not be entitled to reemployment assistance ~~unemployment~~
2210 ~~compensation~~.
2211 Section 41. Subsection (10) of section 120.80, Florida
2212 Statutes, is amended to read:

2213 120.80 Exceptions and special requirements; agencies.—
2214 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—
2215 (a) Notwithstanding s. 120.54, the rulemaking provisions of
2216 this chapter do not apply to reemployment assistance
2217 ~~unemployment~~ appeals referees.
2218 (b) Notwithstanding s. 120.54(5), the uniform rules of
2219 procedure do not apply to appeal proceedings conducted under
2220 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
2221 Commission, special deputies, or reemployment assistance
2222 ~~unemployment~~ appeals referees.
2223 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
2224 443 may not be conducted by an administrative law judge assigned
2225 by the division, but instead shall be conducted by the
2226 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
2227 reemployment assistance ~~unemployment compensation~~ appeals,
2228 reemployment assistance ~~unemployment~~ appeals referees, and the
2229 Department of Economic Opportunity or its special deputies under
2230 s. 443.141.
2231 Section 42. Subsection (4) of section 125.9502, Florida
2232 Statutes, is amended to read:
2233 125.9502 Scope of ss. 125.9501-125.9506; status of
2234 volunteers.—
2235 (4) Persons working with a unit of county government or a
2236 constitutional county officer pursuant to ss. 125.9501-125.9506
2237 are considered unpaid independent volunteers and are not
2238 entitled to reemployment assistance ~~unemployment compensation~~.
2239 Section 43. Paragraph (d) of subsection (1) and paragraph
2240 (b) of subsection (2) of section 212.096, Florida Statutes, are
2241 amended to read:

2242 212.096 Sales, rental, storage, use tax; enterprise zone
2243 jobs credit against sales tax.—
2244 (1) For the purposes of the credit provided in this
2245 section:
2246 (d) "Job" means a full-time position, as consistent with
2247 terms used by the Department of Economic Opportunity ~~Agency for~~
2248 ~~Workforce Innovation~~ and the United States Department of Labor
2249 for purposes of reemployment assistance ~~unemployment~~
2250 ~~compensation~~ tax administration and employment estimation
2251 resulting directly from a business operation in this state. This
2252 term may not include a temporary construction job involved with
2253 the construction of facilities or any job that has previously
2254 been included in any application for tax credits under s.
2255 220.181(1). The term also includes employment of an employee
2256 leased from an employee leasing company licensed under chapter
2257 468 if such employee has been continuously leased to the
2258 employer for an average of at least 36 hours per week for more
2259 than 6 months.
2260
2261 A person shall be deemed to be employed if the person performs
2262 duties in connection with the operations of the business on a
2263 regular, full-time basis, provided the person is performing such
2264 duties for an average of at least 36 hours per week each month.
2265 The person must be performing such duties at a business site
2266 located in the enterprise zone.
2267 (2)
2268 (b) The credit shall be computed as 20 percent of the
2269 actual monthly wages paid in this state to each new employee
2270 hired when a new job has been created, unless the business is

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2271 located within a rural enterprise zone pursuant to s. 290.004,
2272 in which case the credit shall be 30 percent of the actual
2273 monthly wages paid. If no less than 20 percent of the employees
2274 of the business are residents of an enterprise zone, excluding
2275 temporary and part-time employees, the credit shall be computed
2276 as 30 percent of the actual monthly wages paid in this state to
2277 each new employee hired when a new job has been created, unless
2278 the business is located within a rural enterprise zone, in which
2279 case the credit shall be 45 percent of the actual monthly wages
2280 paid. If the new employee hired when a new job is created is a
2281 participant in the welfare transition program, the following
2282 credit shall be a percent of the actual monthly wages paid: 40
2283 percent for $4 above the hourly federal minimum wage rate; 41
2284 percent for $5 above the hourly federal minimum wage rate; 42
2285 percent for $6 above the hourly federal minimum wage rate; 43
2286 percent for $7 above the hourly federal minimum wage rate; and
2287 44 percent for $8 above the hourly federal minimum wage rate.
2288 For purposes of this paragraph, monthly wages shall be computed
2289 as one-twelfth of the expected annual wages paid to such
2290 employee. The amount paid as wages to a new employee is the
2291 compensation paid to such employee that is subject to
2292 reemployment assistance ~~unemployment~~ tax. The credit shall be
2293 allowed for up to 24 consecutive months, beginning with the
2294 first tax return due pursuant to s. 212.11 after approval by the
2295 department.
2296 Section 44. Subsection (4) of section 213.053, Florida
2297 Statutes, is amended to read:
2298 213.053 Confidentiality and information sharing.—
2299 (4) The department, while providing reemployment assistance

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2300 ~~unemployment~~ tax collection services under contract with the
2301 Department of Economic Opportunity through an interagency
2302 agreement pursuant to s. 443.1316, may release reemployment
2303 assistance ~~unemployment~~ tax rate information to the agent of an
2304 employer who provides payroll services for more than 100
2305 employers, pursuant to the terms of a memorandum of
2306 understanding. The memorandum of understanding must state that
2307 the agent affirms, subject to the criminal penalties contained
2308 in ss. 443.171 and 443.1715, that the agent will retain the
2309 confidentiality of the information, that the agent has in effect
2310 a power of attorney from the employer which permits the agent to
2311 obtain reemployment assistance ~~unemployment~~ tax rate
2312 information, and that the agent shall provide the department
2313 with a copy of the employer's power of attorney upon request.
2314 Section 45. Paragraph (a) of subsection (6) of section
2315 216.292, Florida Statutes, is amended to read:
2316 216.292 Appropriations nontransferable; exceptions.—
2317 (6) The Chief Financial Officer shall transfer from any
2318 available funds of an agency or the judicial branch the
2319 following amounts and shall report all such transfers and the
2320 reasons therefor to the legislative appropriations committees
2321 and the Executive Office of the Governor:
2322 (a) The amount due to the Unemployment Compensation Trust
2323 Fund which is more than 90 days delinquent on reimbursements due
2324 to the Unemployment Compensation Trust Fund. The amount
2325 transferred shall be that certified by the state agency
2326 providing reemployment assistance ~~unemployment~~ tax collection
2327 services under contract with the Department of Economic
2328 Opportunity through an interagency agreement pursuant to s.

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2329 443.1316.
2330 Section 46. Paragraph (ff) of subsection (1) of section
2331 220.03, Florida Statutes, is amended to read:
2332 220.03 Definitions.—
2333 (1) SPECIFIC TERMS.—When used in this code, and when not
2334 otherwise distinctly expressed or manifestly incompatible with
2335 the intent thereof, the following terms shall have the following
2336 meanings:
2337 (ff) "Job" means a full-time position, as consistent with
2338 terms used by the Department of Economic Opportunity and the
2339 United States Department of Labor for purposes of reemployment
2340 assistance ~~unemployment compensation~~ tax administration and
2341 employment estimation resulting directly from business
2342 operations in this state. The term may not include a temporary
2343 construction job involved with the construction of facilities or
2344 any job that has previously been included in any application for
2345 tax credits under s. 212.096. The term also includes employment
2346 of an employee leased from an employee leasing company licensed
2347 under chapter 468 if the employee has been continuously leased
2348 to the employer for an average of at least 36 hours per week for
2349 more than 6 months.
2350 Section 47. Paragraph (b) of subsection (1) of section
2351 220.181, Florida Statutes, is amended to read:
2352 220.181 Enterprise zone jobs credit.—
2353 (1)
2354 (b) This credit applies only with respect to wages subject
2355 to reemployment assistance ~~unemployment~~ tax. The credit provided
2356 in this section does not apply:
2357 1. For any employee who is an owner, partner, or majority

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2358 stockholder of an eligible business.
2359 2. For any new employee who is employed for any period less
2360 than 3 months.
2361 Section 48. Paragraph (e) of subsection (1) of section
2362 220.191, Florida Statutes, is amended to read:
2363 220.191 Capital investment tax credit.—
2364 (1) DEFINITIONS.—For purposes of this section:
2365 (e) "Jobs" means full-time equivalent positions, as that
2366 term is consistent with terms used by the Department of Economic
2367 Opportunity and the United States Department of Labor for
2368 purposes of reemployment assistance ~~unemployment~~ tax
2369 administration and employment estimation, resulting directly
2370 from a project in this state. The term does not include
2371 temporary construction jobs involved in the construction of the
2372 project facility.
2373 Section 49. Paragraph (d) of subsection (3) of section
2374 220.194, Florida Statutes, is amended to read:
2375 220.194 Corporate income tax credits for spaceflight
2376 projects.—
2377 (3) DEFINITIONS.—As used in this section, the term:
2378 (d) "New job" means the full-time employment of an employee
2379 in a manner that is consistent with terms used by the Department
2380 of Economic Opportunity ~~Agency for Workforce Innovation~~ and the
2381 United States Department of Labor for purposes of reemployment
2382 assistance ~~unemployment compensation~~ tax administration and
2383 employment estimation. In order to meet the requirement for
2384 certification specified in paragraph (5)(b), a new job must:
2385 1. Pay new employees at least 115 percent of the statewide
2386 or countywide average annual private sector wage for the 3

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2387 taxable years immediately preceding filing an application for
2388 certification;
2389 2. Require a new employee to perform duties on a regular
2390 full-time basis in this state for an average of at least 36
2391 hours per week each month for the 3 taxable years immediately
2392 preceding filing an application for certification; and
2393 3. Not be held by a person who has previously been included
2394 as a new employee on an application for any credit authorized
2395 under this section.
2396 Section 50. Section 222.15, Florida Statutes, is amended to
2397 read:
2398 222.15 Wages or reemployment assistance or unemployment
2399 compensation payments due deceased employee may be paid spouse
2400 or certain relatives.—
2401 (1) It is lawful for any employer, in case of the death of
2402 an employee, to pay to the wife or husband, and in case there is
2403 no wife or husband, then to the child or children, provided the
2404 child or children are over the age of 18 years, and in case
2405 there is no child or children, then to the father or mother, any
2406 wages or travel expenses that may be due such employee at the
2407 time of his or her death.
2408 (2) It is also lawful for the Department of Economic
2409 Opportunity, in case of death of any unemployed individual, to
2410 pay to those persons referred to in subsection (1) any
2411 reemployment assistance or unemployment compensation payments
2412 that may be due to the individual at the time of his or her
2413 death.
2414 Section 51. Section 222.16, Florida Statutes, is amended to
2415 read:

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2416 222.16 Wages or reemployment assistance or unemployment
2417 compensation payments so paid not subject to administration.—Any
2418 wages, travel expenses, or reemployment assistance or
2419 unemployment compensation payments so paid under the authority
2420 of s. 222.15 shall not be considered as assets of the estate and
2421 subject to administration; provided, however, that the travel
2422 expenses so exempted from administration shall not exceed the
2423 sum of $300.
2424 Section 52. Paragraph (m) of subsection (1) of section
2425 255.20, Florida Statutes, is amended to read:
2426 255.20 Local bids and contracts for public construction
2427 works; specification of state-produced lumber.—
2428 (1) A county, municipality, special district as defined in
2429 chapter 189, or other political subdivision of the state seeking
2430 to construct or improve a public building, structure, or other
2431 public construction works must competitively award to an
2432 appropriately licensed contractor each project that is estimated
2433 in accordance with generally accepted cost-accounting principles
2434 to cost more than $300,000. For electrical work, the local
2435 government must competitively award to an appropriately licensed
2436 contractor each project that is estimated in accordance with
2437 generally accepted cost-accounting principles to cost more than
2438 $75,000. As used in this section, the term "competitively award"
2439 means to award contracts based on the submission of sealed bids,
2440 proposals submitted in response to a request for proposal,
2441 proposals submitted in response to a request for qualifications,
2442 or proposals submitted for competitive negotiation. This
2443 subsection expressly allows contracts for construction
2444 management services, design/build contracts, continuation

2445 contracts based on unit prices, and any other contract
2446 arrangement with a private sector contractor permitted by any
2447 applicable municipal or county ordinance, by district
2448 resolution, or by state law. For purposes of this section, cost
2449 includes the cost of all labor, except inmate labor, and the
2450 cost of equipment and materials to be used in the construction
2451 of the project. Subject to the provisions of subsection (3), the
2452 county, municipality, special district, or other political
2453 subdivision may establish, by municipal or county ordinance or
2454 special district resolution, procedures for conducting the
2455 bidding process.
2456 (m) Any contractor may be considered ineligible to bid by
2457 the governmental entity if the contractor has been found guilty
2458 by a court of any violation of federal labor or employment tax
2459 laws regarding subjects such as safety, tax withholding,
2460 workers' compensation, reemployment assistance or unemployment
2461 tax, social security and Medicare tax, wage or hour, or
2462 prevailing rate laws within the past 5 years.
2463 Section 53. Subsection (5) of section 288.075, Florida
2464 Statutes, is amended to read:
2465 288.075 Confidentiality of records.—
2466 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
2467 federal employer identification number, reemployment assistance
2468 ~~unemployment compensation~~ account number, or Florida sales tax
2469 registration number held by an economic development agency is
2470 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2471 of the State Constitution.
2472 Section 54. Paragraph (c) of subsection (1) of section
2473 288.1045, Florida Statutes, is amended to read:

2474 288.1045 Qualified defense contractor and space flight
2475 business tax refund program.—
2476 (1) DEFINITIONS.—As used in this section:
2477 (c) "Business unit" means an employing unit, as defined in
2478 s. 443.036, that is registered with the department for
2479 reemployment assistance ~~unemployment compensation~~ purposes or
2480 means a subcategory or division of an employing unit that is
2481 accepted by the department as a reporting unit.
2482 Section 55. Paragraph (d) of subsection (2) of section
2483 288.106, Florida Statutes, is amended to read:
2484 288.106 Tax refund program for qualified target industry
2485 businesses.—
2486 (2) DEFINITIONS.—As used in this section:
2487 (d) "Business" means an employing unit, as defined in s.
2488 443.036, that is registered for reemployment assistance
2489 ~~unemployment compensation~~ purposes with the state agency
2490 providing reemployment assistance ~~unemployment~~ tax collection
2491 services under an interagency agreement pursuant to s. 443.1316,
2492 or a subcategory or division of an employing unit that is
2493 accepted by the state agency providing reemployment assistance
2494 ~~unemployment~~ tax collection services as a reporting unit.
2495 Section 56. Paragraph (b) of subsection (3) of section
2496 288.1081, Florida Statutes, is amended to read:
2497 288.1081 Economic Gardening Business Loan Pilot Program.—
2498 (3)
2499 (b) A loan applicant must submit a written application to
2500 the loan administrator in the format prescribed by the loan
2501 administrator. The application must include:
2502 1. The applicant's federal employer identification number,

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2503 reemployment assistance ~~unemployment~~ account number, and sales
2504 or other tax registration number.
2505 2. The street address of the applicant's principal place of
2506 business in this state.
2507 3. A description of the type of economic activity, product,
2508 or research and development undertaken by the applicant,
2509 including the six-digit North American Industry Classification
2510 System code for each type of economic activity conducted by the
2511 applicant.
2512 4. The applicant's annual revenue, number of employees,
2513 number of full-time equivalent employees, and other information
2514 necessary to verify the applicant's eligibility for the pilot
2515 program under s. 288.1082(4)(a).
2516 5. The projected investment in the business, if any, which
2517 the applicant proposes in conjunction with the loan.
2518 6. The total investment in the business from all sources,
2519 if any, which the applicant proposes in conjunction with the
2520 loan.
2521 7. The number of net new full-time equivalent jobs that, as
2522 a result of the loan, the applicant proposes to create in this
2523 state as of December 31 of each year and the average annual wage
2524 of the proposed jobs.
2525 8. The total number of full-time equivalent employees the
2526 applicant currently employs in this state.
2527 9. The date that the applicant anticipates it needs the
2528 loan.
2529 10. A detailed explanation of why the loan is needed to
2530 assist the applicant in expanding jobs in the state.
2531 11. A statement that all of the applicant's available

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2532 corporate assets are pledged as collateral for the amount of the
2533 loan.
2534 12. A statement that the applicant, upon receiving the
2535 loan, agrees not to seek additional long-term debt without prior
2536 approval of the loan administrator.
2537 13. A statement that the loan is a joint obligation of the
2538 business and of each person who owns at least 20 percent of the
2539 business.
2540 14. Any additional information requested by the department
2541 or the loan administrator.
2542 Section 57. Paragraph (a) of subsection (3) of section
2543 288.1089, Florida Statutes, is amended to read:
2544 288.1089 Innovation Incentive Program.—
2545 (3) To be eligible for consideration for an innovation
2546 incentive award, an innovation business, a research and
2547 development entity, or an alternative and renewable energy
2548 company must submit a written application to the department
2549 before making a decision to locate new operations in this state
2550 or expand an existing operation in this state. The application
2551 must include, but not be limited to:
2552 (a) The applicant's federal employer identification number,
2553 reemployment assistance ~~unemployment~~ account number, and state
2554 sales tax registration number. If such numbers are not available
2555 at the time of application, they must be submitted to the
2556 department in writing before the disbursement of any payments
2557 under this section.
2558 Section 58. Subsection (1) of section 334.30, Florida
2559 Statutes, is amended to read:
2560 334.30 Public-private transportation facilities.—The

2561 Legislature finds and declares that there is a public need for
2562 the rapid construction of safe and efficient transportation
2563 facilities for the purpose of traveling within the state, and
2564 that it is in the public's interest to provide for the
2565 construction of additional safe, convenient, and economical
2566 transportation facilities.
2567 (1) The department may receive or solicit proposals and,
2568 with legislative approval as evidenced by approval of the
2569 project in the department's work program, enter into agreements
2570 with private entities, or consortia thereof, for the building,
2571 operation, ownership, or financing of transportation facilities.
2572 The department may advance projects programmed in the adopted 5-
2573 year work program or projects increasing transportation capacity
2574 and greater than $500 million in the 10-year Strategic
2575 Intermodal Plan using funds provided by public-private
2576 partnerships or private entities to be reimbursed from
2577 department funds for the project as programmed in the adopted
2578 work program. The department shall by rule establish an
2579 application fee for the submission of unsolicited proposals
2580 under this section. The fee must be sufficient to pay the costs
2581 of evaluating the proposals. The department may engage the
2582 services of private consultants to assist in the evaluation.
2583 Before approval, the department must determine that the proposed
2584 project:
2585 (a) Is in the public's best interest;
2586 (b) Would not require state funds to be used unless the
2587 project is on the State Highway System;
2588 (c) Would have adequate safeguards in place to ensure that
2589 no additional costs or service disruptions would be realized by

2590 the traveling public and residents of the state in the event of
2591 default or cancellation of the agreement by the department;
2592 (d) Would have adequate safeguards in place to ensure that
2593 the department or the private entity has the opportunity to add
2594 capacity to the proposed project and other transportation
2595 facilities serving similar origins and destinations; and
2596 (e) Would be owned by the department upon completion or
2597 termination of the agreement.
2598
2599 The department shall ensure that all reasonable costs to the
2600 state, related to transportation facilities that are not part of
2601 the State Highway System, are borne by the private entity. The
2602 department shall also ensure that all reasonable costs to the
2603 state and substantially affected local governments and
2604 utilities, related to the private transportation facility, are
2605 borne by the private entity for transportation facilities that
2606 are owned by private entities. For projects on the State Highway
2607 System, the department may use state resources to participate in
2608 funding and financing the project as provided for under the
2609 department's enabling legislation. Because the Legislature
2610 recognizes that private entities or consortia thereof would
2611 perform a governmental or public purpose or function when they
2612 enter into agreements with the department to design, build,
2613 operate, own, or finance transportation facilities, the
2614 transportation facilities, including leasehold interests
2615 thereof, are exempt from ad valorem taxes as provided in chapter
2616 196 to the extent property is owned by the state or other
2617 government entity, and from intangible taxes as provided in
2618 chapter 199 and special assessments of the state, any city,

2619 town, county, special district, political subdivision of the
2620 state, or any other governmental entity. The private entities or
2621 consortia thereof are exempt from tax imposed by chapter 201 on
2622 all documents or obligations to pay money which arise out of the
2623 agreements to design, build, operate, own, lease, or finance
2624 transportation facilities. Any private entities or consortia
2625 thereof must pay any applicable corporate taxes as provided in
2626 chapter 220, and reemployment assistance ~~unemployment~~
2627 ~~compensation~~ taxes as provided in chapter 443, and sales and use
2628 tax as provided in chapter 212 shall be applicable. The private
2629 entities or consortia thereof must also register and collect the
2630 tax imposed by chapter 212 on all their direct sales and leases
2631 that are subject to tax under chapter 212. The agreement between
2632 the private entity or consortia thereof and the department
2633 establishing a transportation facility under this chapter
2634 constitutes documentation sufficient to claim any exemption
2635 under this section.
2636 Section 59. Subsection (8) of section 408.809, Florida
2637 Statutes, is amended to read:
2638 408.809 Background screening; prohibited offenses.—
2639 (8) There is no reemployment assistance ~~unemployment~~
2640 ~~compensation~~ or other monetary liability on the part of, and no
2641 cause of action for damages arising against, an employer that,
2642 upon notice of a disqualifying offense listed under chapter 435
2643 or this section, terminates the person against whom the report
2644 was issued, whether or not that person has filed for an
2645 exemption with the Department of Health or the agency.
2646 Section 60. Paragraph (e) of subsection (7) of section
2647 409.2563, Florida Statutes, is amended to read:

2648 409.2563 Administrative establishment of child support
2649 obligations.—
2650 (7) ADMINISTRATIVE SUPPORT ORDER.—
2651 (e) An administrative support order must comply with ss.
2652 61.13(1) and 61.30. The department shall develop a standard form
2653 or forms for administrative support orders. An administrative
2654 support order must provide and state findings, if applicable,
2655 concerning:
2656 1. The full name and date of birth of the child or
2657 children;
2658 2. The name of the parent from whom support is being sought
2659 and the other parent or caregiver;
2660 3. The parent's duty and ability to provide support;
2661 4. The amount of the parent's monthly support obligation;
2662 5. Any obligation to pay retroactive support;
2663 6. The parent's obligation to provide for the health care
2664 needs of each child, whether through health insurance,
2665 contribution toward the cost of health insurance, payment or
2666 reimbursement of health care expenses for the child, or any
2667 combination thereof;
2668 7. The beginning date of any required monthly payments and
2669 health insurance;
2670 8. That all support payments ordered must be paid to the
2671 Florida State Disbursement Unit as provided by s. 61.1824;
2672 9. That the parents, or caregiver if applicable, must file
2673 with the department when the administrative support order is
2674 rendered, if they have not already done so, and update as
2675 appropriate the information required pursuant to paragraph
2676 (13)(b);

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2677 10. That both parents, or parent and caregiver if
2678 applicable, are required to promptly notify the department of
2679 any change in their mailing addresses pursuant to paragraph
2680 (13)(c); and
2681 11. That if the parent ordered to pay support receives
2682 reemployment assistance or unemployment compensation benefits,
2683 the payor shall withhold, and transmit to the department, 40
2684 percent of the benefits for payment of support, not to exceed
2685 the amount owed.
2686
2687 An income deduction order as provided by s. 61.1301 must be
2688 incorporated into the administrative support order or, if not
2689 incorporated into the administrative support order, the
2690 department or the Division of Administrative Hearings shall
2691 render a separate income deduction order.
2692 Section 61. Paragraph (a) of subsection (3), subsection
2693 (8), and paragraph (a) of subsection (9) of section 409.2576,
2694 Florida Statutes, are amended to read:
2695 409.2576 State Directory of New Hires.—
2696 (3) EMPLOYERS TO FURNISH REPORTS.—
2697 (a) Each employer subject to the reporting requirements of
2698 chapter 443 with 250 or more employees, shall provide to the
2699 State Directory of New Hires, a report listing the employer's
2700 legal name, address, and reemployment assistance ~~unemployment~~
2701 ~~compensation~~ identification number. The report must also provide
2702 the name and social security number of each new employee or
2703 rehired employee at the end of the first pay period following
2704 employment or reemployment.
2705 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State

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2706 Directory of New Hires must furnish information regarding newly
2707 hired or rehired employees to the National Directory of New
2708 Hires for matching with the records of other state case
2709 registries within 3 business days of entering such information
2710 from the employer into the State Directory of New Hires. The
2711 State Directory of New Hires shall enter into an agreement with
2712 the Department of Economic Opportunity or its tax collection
2713 service provider for the quarterly reporting to the National
2714 Directory of New Hires information on wages and reemployment
2715 assistance ~~unemployment compensation~~ taken from the quarterly
2716 report to the Secretary of Labor, now required by Title III of
2717 the Social Security Act, except that no report shall be filed
2718 with respect to an employee of a state or local agency
2719 performing intelligence or counterintelligence functions, if the
2720 head of such agency has determined that filing such a report
2721 could endanger the safety of the employee or compromise an
2722 ongoing investigation or intelligence mission.
2723 (9) DISCLOSURE OF INFORMATION.—
2724 (a) New hire information shall be disclosed to the state
2725 agency administering the following programs for the purposes of
2726 determining eligibility under those programs:
2727 1. Any state program funded under part A of Title IV of the
2728 Social Security Act;
2729 2. The Medicaid program under Title XIX of the Social
2730 Security Act;
2731 3. The reemployment assistance or unemployment compensation
2732 program under s. 3304 of the Internal Revenue Code of 1954;
2733 4. The food assistance program under the Food and Nutrition
2734 Act of 2008; and

2735 5. Any state program under a plan approved under Title I
2736 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
2737 Title XIV (Aid to the Permanently and Totally Disabled), or
2738 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
2739 Security Income for the Aged, Blind, and Disabled) of the Social
2740 Security Act.
2741 Section 62. Paragraph (f) of subsection (1) of section
2742 414.295, Florida Statutes, is amended to read:
2743 414.295 Temporary cash assistance programs; public records
2744 exemption.—
2745 (1) Personal identifying information of a temporary cash
2746 assistance program participant, a participant's family, or a
2747 participant's family or household member, except for information
2748 identifying a parent who does not live in the same home as the
2749 child, held by the department, the Office of Early Learning,
2750 Workforce Florida, Inc., the Department of Health, the
2751 Department of Revenue, the Department of Education, or a
2752 regional workforce board or local committee created pursuant to
2753 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
2754 24(a), Art. I of the State Constitution. Such confidential and
2755 exempt information may be released for purposes directly
2756 connected with:
2757 (f) The administration of the reemployment assistance
2758 ~~unemployment compensation~~ program.
2759 Section 63. Subsection (4) of section 435.06, Florida
2760 Statutes, is amended to read:
2761 435.06 Exclusion from employment.—
2762 (4) There is no reemployment assistance ~~unemployment~~
2763 ~~compensation~~ or other monetary liability on the part of, and no

2764 cause of action for damages against, an employer that, upon
2765 notice of a conviction or arrest for a disqualifying offense
2766 listed under this chapter, terminates the person against whom
2767 the report was issued or who was arrested, regardless of whether
2768 or not that person has filed for an exemption pursuant to this
2769 chapter.
2770 Section 64. Subsection (2) of section 440.12, Florida
2771 Statutes, is amended to read:
2772 440.12 Time for commencement and limits on weekly rate of
2773 compensation.—
2774 (2) Compensation for disability resulting from injuries
2775 which occur after December 31, 1974, shall not be less than $20
2776 per week. However, if the employee's wages at the time of injury
2777 are less than $20 per week, he or she shall receive his or her
2778 full weekly wages. If the employee's wages at the time of the
2779 injury exceed $20 per week, compensation shall not exceed an
2780 amount per week which is:
2781 (a) Equal to 100 percent of the statewide average weekly
2782 wage, determined as hereinafter provided for the year in which
2783 the injury occurred; however, the increase to 100 percent from
2784 66 2/3 percent of the statewide average weekly wage shall apply
2785 only to injuries occurring on or after August 1, 1979; and
2786 (b) Adjusted to the nearest dollar.
2787
2788 For the purpose of this subsection, the "statewide average
2789 weekly wage" means the average weekly wage paid by employers
2790 subject to the Florida Reemployment Assistance Program
2791 ~~Unemployment Compensation~~ Law as reported to the Department of
2792 Economic Opportunity for the four calendar quarters ending each

2793 June 30, which average weekly wage shall be determined by the
2794 Department of Economic Opportunity on or before November 30 of
2795 each year and shall be used in determining the maximum weekly
2796 compensation rate with respect to injuries occurring in the
2797 calendar year immediately following. The statewide average
2798 weekly wage determined by the Department of Economic Opportunity
2799 shall be reported annually to the Legislature.
2800 Section 65. Paragraph (c) of subsection (9) and subsection
2801 (10) of section 440.15, Florida Statutes, are amended to read:
2802 440.15 Compensation for disability.—Compensation for
2803 disability shall be paid to the employee, subject to the limits
2804 provided in s. 440.12(2), as follows:
2805 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
2806 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—
2807 (c) Disability compensation benefits payable for any week,
2808 including those benefits provided by paragraph (1)(f), may not
2809 be reduced pursuant to this subsection until the Social Security
2810 Administration determines the amount otherwise payable to the
2811 employee under 42 U.S.C. ss. 402 and 423 and the employee has
2812 begun receiving such social security benefit payments. The
2813 employee shall, upon demand by the department, the employer, or
2814 the carrier, authorize the Social Security Administration to
2815 release disability information relating to her or him and
2816 authorize the Department of Economic Opportunity to release
2817 reemployment assistance ~~unemployment compensation~~ information
2818 relating to her or him, in accordance with rules to be adopted
2819 by the department prescribing the procedure and manner for
2820 requesting the authorization and for compliance by the employee.
2821 The department or the employer or carrier may not make any

2822 payment of benefits for total disability or those additional
2823 benefits provided by paragraph (1)(f) for any period during
2824 which the employee willfully fails or refuses to authorize the
2825 release of information in the manner and within the time
2826 prescribed by such rules. The authority for release of
2827 disability information granted by an employee under this
2828 paragraph is effective for a period not to exceed 12 months and
2829 such authority may be renewed, as the department prescribes by
2830 rule.
2831 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
2832 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
2833 ~~UNEMPLOYMENT COMPENSATION~~.—
2834 (a) No compensation benefits shall be payable for temporary
2835 total disability or permanent total disability under this
2836 chapter for any week in which the injured employee has received,
2837 or is receiving, reemployment assistance or unemployment
2838 compensation benefits.
2839 (b) If an employee is entitled to temporary partial
2840 benefits pursuant to subsection (4) and reemployment assistance
2841 or unemployment compensation benefits, such reemployment
2842 assistance or unemployment compensation benefits shall be
2843 primary and the temporary partial benefits shall be supplemental
2844 only, the sum of the two benefits not to exceed the amount of
2845 temporary partial benefits which would otherwise be payable.
2846 Section 66. Subsections (4) and (7) of section 440.381,
2847 Florida Statutes, are amended to read:
2848 440.381 Application for coverage; reporting payroll;
2849 payroll audit procedures; penalties.—
2850 (4) Each employer must submit a copy of the quarterly

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2851 earnings report required by chapter 443 at the end of each
2852 quarter to the carrier and submit self-audits supported by the
2853 quarterly earnings reports required by chapter 443 and the rules
2854 adopted by the Department of Economic Opportunity or by the
2855 state agency providing reemployment assistance ~~unemployment~~ tax
2856 collection services under contract with the Department of
2857 Economic Opportunity through an interagency agreement pursuant
2858 to s. 443.1316. The reports must include a sworn statement by an
2859 officer or principal of the employer attesting to the accuracy
2860 of the information contained in the report.
2861 (7) If an employee suffering a compensable injury was not
2862 reported as earning wages on the last quarterly earnings report
2863 filed with the Department of Economic Opportunity or the state
2864 agency providing reemployment assistance ~~unemployment~~ tax
2865 collection services under contract with the Department of
2866 Economic Opportunity through an interagency agreement pursuant
2867 to s. 443.1316 before the accident, the employer shall indemnify
2868 the carrier for all workers' compensation benefits paid to or on
2869 behalf of the employee unless the employer establishes that the
2870 employee was hired after the filing of the quarterly report, in
2871 which case the employer and employee shall attest to the fact
2872 that the employee was employed by the employer at the time of
2873 the injury. Failure of the employer to indemnify the insurer
2874 within 21 days after demand by the insurer is grounds for the
2875 insurer to immediately cancel coverage. Any action for
2876 indemnification brought by the carrier is cognizable in the
2877 circuit court having jurisdiction where the employer or carrier
2878 resides or transacts business. The insurer is entitled to a
2879 reasonable attorney's fee if it recovers any portion of the

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2880 benefits paid in the action.
2881 Section 67. Subsection (2) of section 440.42, Florida
2882 Statutes, is amended to read:
2883 440.42 Insurance policies; liability.—
2884 (2) A workers' compensation insurance policy may require
2885 the employer to release certain employment and wage information
2886 maintained by the state pursuant to federal and state
2887 reemployment assistance ~~unemployment compensation~~ laws except to
2888 the extent prohibited or limited under federal law. By entering
2889 into a workers' compensation insurance policy with such a
2890 provision, the employer consents to the release of the
2891 information. The insurance carrier requiring such consent shall
2892 safeguard the information and maintain its confidentiality. The
2893 carrier shall limit use of the information to verifying
2894 compliance with the terms of the workers' compensation insurance
2895 policy. The department may charge a fee to cover the cost of
2896 disclosing the information.
2897 Section 68. Paragraph (i) of subsection (1) and paragraph
2898 (b) of subsection (9) of section 445.009, Florida Statutes, are
2899 amended to read:
2900 445.009 One-stop delivery system.—
2901 (1) The one-stop delivery system is the state's primary
2902 customer-service strategy for offering every Floridian access,
2903 through service sites or telephone or computer networks, to the
2904 following services:
2905 (i) Claim filing for reemployment assistance ~~unemployment~~
2906 ~~compensation~~ services.
2907 (9)
2908 (b) The network shall assure that a uniform method is used

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2909 to determine eligibility for and management of services provided
2910 by agencies that conduct workforce development activities. The
2911 Department of Management Services shall develop strategies to
2912 allow access to the databases and information management systems
2913 of the following systems in order to link information in those
2914 databases with the one-stop delivery system:
2915 1. The Reemployment Assistance ~~Unemployment Compensation~~
2916 Program under chapter 443.
2917 2. The public employment service described in s. 443.181.
2918 3. The FLORIDA System and the components related to
2919 temporary cash assistance, food assistance, and Medicaid
2920 eligibility.
2921 4. The Student Financial Assistance System of the
2922 Department of Education.
2923 5. Enrollment in the public postsecondary education system.
2924 6. Other information systems determined appropriate by
2925 Workforce Florida, Inc.
2926 Section 69. Subsection (6) of section 445.016, Florida
2927 Statutes, is amended to read:
2928 445.016 Untried Worker Placement and Employment Incentive
2929 Act.—
2930 (6) During an untried worker's probationary placement, the
2931 for-profit or not-for-profit agent shall be the employer of
2932 record of that untried worker, and shall provide workers'
2933 compensation and reemployment assistance ~~unemployment~~
2934 ~~compensation~~ coverage as provided by law. The business employing
2935 the untried worker through the agent may be eligible to apply
2936 for any tax credits, wage supplementation, wage subsidy, or
2937 employer payment for that employee that are authorized in law or

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2938 by agreement with the employer. After satisfactory completion of
2939 such a probationary period, an untried worker shall not be
2940 considered an untried worker.
2941 Section 70. Paragraph (c) of subsection (2) and paragraph
2942 (a) of subsection (3) of section 446.50, Florida Statutes, are
2943 amended to read:
2944 446.50 Displaced homemakers; multiservice programs; report
2945 to the Legislature; Displaced Homemaker Trust Fund created.—
2946 (2) DEFINITION.—For the purposes of this section, the term
2947 "displaced homemaker" means an individual who:
2948 (c) Is not adequately employed, as defined by rule of the
2949 Department of Economic Opportunity ~~agency~~;
2950 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2951 OPPORTUNITY.—
2952 (a) The Department of Economic Opportunity, under plans
2953 established by Workforce Florida, Inc., shall establish, or
2954 contract for the establishment of, programs for displaced
2955 homemakers which shall include:
2956 1. Job counseling, by professionals and peers, specifically
2957 designed for a person entering the job market after a number of
2958 years as a homemaker.
2959 2. Job training and placement services, including:
2960 a. Training programs for available jobs in the public and
2961 private sectors, taking into account the skills and job
2962 experiences of a homemaker and developed by working with public
2963 and private employers.
2964 b. Assistance in locating available employment for
2965 displaced homemakers, some of whom could be employed in existing
2966 job training and placement programs.

2967 c. Utilization of the services of the state employment
2968 service in locating employment opportunities.
2969 3. Financial management services providing information and
2970 assistance with respect to insurance, including, but not limited
2971 to, life, health, home, and automobile insurance, and taxes,
2972 estate and probate problems, mortgages, loans, and other related
2973 financial matters.
2974 4. Educational services, including high school equivalency
2975 degree and such other courses as the department determines would
2976 be of interest and benefit to displaced homemakers.
2977 5. Outreach and information services with respect to
2978 federal and state employment, education, health, and
2979 reemployment ~~unemployment~~ assistance programs that the
2980 department determines would be of interest and benefit to
2981 displaced homemakers.
2982 Section 71. Paragraph (b) of subsection (4) of section
2983 448.110, Florida Statutes, is amended to read:
2984 448.110 State minimum wage; annual wage adjustment;
2985 enforcement.—
2986 (4)
2987 (b) The Department of Revenue and the Department of
2988 Economic Opportunity shall annually publish the amount of the
2989 adjusted state minimum wage and the effective date. Publication
2990 shall occur by posting the adjusted state minimum wage rate and
2991 the effective date on the Internet home pages of the Department
2992 of Economic Opportunity and the Department of Revenue by October
2993 15 of each year. In addition, to the extent funded in the
2994 General Appropriations Act, the Department of Economic
2995 Opportunity shall provide written notice of the adjusted rate

2996 and the effective date of the adjusted state minimum wage to all
2997 employers registered in the most current reemployment assistance
2998 ~~unemployment compensation~~ database. Such notice shall be mailed
2999 by November 15 of each year using the addresses included in the
3000 database. Employers are responsible for maintaining current
3001 address information in the reemployment assistance ~~unemployment~~
3002 ~~compensation~~ database. The Department of Economic Opportunity is
3003 not responsible for failure to provide notice due to incorrect
3004 or incomplete address information in the database. The
3005 Department of Economic Opportunity shall provide the Department
3006 of Revenue with the adjusted state minimum wage rate information
3007 and effective date in a timely manner.
3008 Section 72. Paragraph (e) of subsection (2) of section
3009 450.31, Florida Statutes, is amended to read:
3010 450.31 Issuance, revocation, and suspension of, and refusal
3011 to issue or renew, certificate of registration.—
3012 (2) The department may revoke, suspend, or refuse to issue
3013 or renew any certificate of registration when it is shown that
3014 the farm labor contractor has:
3015 (e) Failed to pay reemployment assistance ~~unemployment~~
3016 ~~compensation~~ taxes as determined by the Department of Economic
3017 Opportunity; or
3018 Section 73. Subsection (9) of section 450.33, Florida
3019 Statutes, is amended to read:
3020 450.33 Duties of farm labor contractor.—Every farm labor
3021 contractor must:
3022 (9) Comply with all applicable statutes, rules, and
3023 regulations of the United States and of the State of Florida for
3024 the protection or benefit of labor, including, but not limited

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3025 to, those providing for wages, hours, fair labor standards,
3026 social security, workers' compensation, reemployment assistance
3027 or unemployment compensation, child labor, and transportation.
3028 Section 74. Subsections (1) and (3) of section 468.529,
3029 Florida Statutes, are amended to read:
3030 468.529 Licensee's insurance; employment tax; benefit
3031 plans.—
3032 (1) A licensed employee leasing company is the employer of
3033 the leased employees, except that this provision is not intended
3034 to affect the determination of any issue arising under Pub. L.
3035 No. 93-406, the Employee Retirement Income Security Act, as
3036 amended from time to time. An employee leasing company shall be
3037 responsible for timely payment of reemployment assistance
3038 ~~unemployment~~ taxes pursuant to chapter 443, and shall be
3039 responsible for providing workers' compensation coverage
3040 pursuant to chapter 440. However, no licensed employee leasing
3041 company shall sponsor a plan of self-insurance for health
3042 benefits, except as may be permitted by the provisions of the
3043 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,
3044 the Employee Retirement Income Security Act, as amended from
3045 time to time. For purposes of this section, a "plan of self-
3046 insurance" shall exclude any arrangement where an admitted
3047 insurance carrier has issued a policy of insurance primarily
3048 responsible for the obligations of the health plan.
3049 (3) A licensed employee leasing company shall within 30
3050 days after initiation or termination notify its workers'
3051 compensation insurance carrier, the Division of Workers'
3052 Compensation of the Department of Financial Services, and the
3053 state agency providing reemployment assistance ~~unemployment~~ tax

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3054 collection services under contract with the Department of
3055 Economic Opportunity through an interagency agreement pursuant
3056 to s. 443.1316 of both the initiation or the termination of the
3057 company's relationship with any client company.
3058 Section 75. Subsection (8) of section 553.791, Florida
3059 Statutes, is amended to read:
3060 553.791 Alternative plans review and inspection.—
3061 (8) A private provider performing required inspections
3062 under this section shall inspect each phase of construction as
3063 required by the applicable codes. The private provider shall be
3064 permitted to send a duly authorized representative to the
3065 building site to perform the required inspections, provided all
3066 required reports are prepared by and bear the signature of the
3067 private provider or the private provider's duly authorized
3068 representative. The duly authorized representative must be an
3069 employee of the private provider entitled to receive
3070 reemployment assistance ~~unemployment compensation~~ benefits under
3071 chapter 443. The contractor's contractual or legal obligations
3072 are not relieved by any action of the private provider.
3073 Section 76. Paragraph (b) of subsection (5) of section
3074 624.509, Florida Statutes, is amended to read:
3075 624.509 Premium tax; rate and computation.—
3076 (5)
3077 (b) For purposes of this subsection:
3078 1. The term "salaries" does not include amounts paid as
3079 commissions.
3080 2. The term "employees" does not include independent
3081 contractors or any person whose duties require that the person
3082 hold a valid license under the Florida Insurance Code, except

3083 adjusters, managing general agents, and service representatives,
3084 as defined in s. 626.015.
3085 3. The term "net tax" means the tax imposed by this section
3086 after applying the calculations and credits set forth in
3087 subsection (4).
3088 4. An affiliated group of corporations that created a
3089 service company within its affiliated group on July 30, 2002,
3090 shall allocate the salary of each service company employee
3091 covered by contracts with affiliated group members to the
3092 companies for which the employees perform services. The salary
3093 allocation is based on the amount of time during the tax year
3094 that the individual employee spends performing services or
3095 otherwise working for each company over the total amount of time
3096 the employee spends performing services or otherwise working for
3097 all companies. The total amount of salary allocated to an
3098 insurance company within the affiliated group shall be included
3099 as that insurer's employee salaries for purposes of this
3100 section.
3101 a. Except as provided in subparagraph (a)2., the term
3102 "affiliated group of corporations" means two or more
3103 corporations that are entirely owned by a single corporation and
3104 that constitute an affiliated group of corporations as defined
3105 in s. 1504(a) of the Internal Revenue Code.
3106 b. The term "service company" means a separate corporation
3107 within the affiliated group of corporations whose employees
3108 provide services to affiliated group members and which are
3109 treated as service company employees for reemployment assistance
3110 or unemployment compensation and common law purposes. The
3111 holding company of an affiliated group may not qualify as a

3112 service company. An insurance company may not qualify as a
3113 service company.
3114 c. If an insurance company fails to substantiate, whether
3115 by means of adequate records or otherwise, its eligibility to
3116 claim the service company exception under this section, or its
3117 salary allocation under this section, no credit shall be
3118 allowed.
3119 5. A service company that is a subsidiary of a mutual
3120 insurance holding company, which mutual insurance holding
3121 company was in existence on or before January 1, 2000, shall
3122 allocate the salary of each service company employee covered by
3123 contracts with members of the mutual insurance holding company
3124 system to the companies for which the employees perform
3125 services. The salary allocation is based on the ratio of the
3126 amount of time during the tax year which the individual employee
3127 spends performing services or otherwise working for each company
3128 to the total amount of time the employee spends performing
3129 services or otherwise working for all companies. The total
3130 amount of salary allocated to an insurance company within the
3131 mutual insurance holding company system shall be included as
3132 that insurer's employee salaries for purposes of this section.
3133 However, this subparagraph does not apply for any tax year
3134 unless funds sufficient to offset the anticipated salary credits
3135 have been appropriated to the General Revenue Fund prior to the
3136 due date of the final return for that year.
3137 a. The term "mutual insurance holding company system" means
3138 two or more corporations that are subsidiaries of a mutual
3139 insurance holding company and in compliance with part IV of
3140 chapter 628.

3141 b. The term "service company" means a separate corporation
3142 within the mutual insurance holding company system whose
3143 employees provide services to other members of the mutual
3144 insurance holding company system and are treated as service
3145 company employees for reemployment assistance or unemployment
3146 compensation and common-law purposes. The mutual insurance
3147 holding company may not qualify as a service company.
3148 c. If an insurance company fails to substantiate, whether
3149 by means of adequate records or otherwise, its eligibility to
3150 claim the service company exception under this section, or its
3151 salary allocation under this section, no credit shall be
3152 allowed.
3153 Section 77. Paragraph (c) of subsection (8) of section
3154 679.4061, Florida Statutes, is amended to read:
3155 679.4061 Discharge of account debtor; notification of
3156 assignment; identification and proof of assignment; restrictions
3157 on assignment of accounts, chattel paper, payment intangibles,
3158 and promissory notes ineffective.—
3159 (8) This section is subject to law other than this chapter
3160 which establishes a different rule for an account debtor who is
3161 an individual and who incurred the obligation primarily for
3162 personal, family, or household purposes. Subsections (4) and (6)
3163 do not apply to the creation, attachment, perfection, or
3164 enforcement of a security interest in:
3165 (c) The interest of a debtor who is a natural person in
3166 reemployment assistance or unemployment, alimony, disability,
3167 pension, or retirement benefits or victim compensation funds.
3168 Section 78. Paragraph (c) of subsection (6) of section
3169 679.4081, Florida Statutes, is amended to read:

3170 679.4081 Restrictions on assignment of promissory notes,
3171 health-care-insurance receivables, and certain general
3172 intangibles ineffective.—
3173 (6) Subsections (1) and (3) do not apply to the creation,
3174 attachment, perfection, or enforcement of a security interest
3175 in:
3176 (c) The interest of a debtor who is a natural person in
3177 reemployment assistance or unemployment, alimony, disability,
3178 pension, or retirement benefits or victim compensation funds.
3179 Section 79. Paragraph (a) of subsection (1) of section
3180 895.02, Florida Statutes, is amended to read:
3181 895.02 Definitions.—As used in ss. 895.01-895.08, the term:
3182 (1) "Racketeering activity" means to commit, to attempt to
3183 commit, to conspire to commit, or to solicit, coerce, or
3184 intimidate another person to commit:
3185 (a) Any crime that is chargeable by petition, indictment,
3186 or information under the following provisions of the Florida
3187 Statutes:
3188 1. Section 210.18, relating to evasion of payment of
3189 cigarette taxes.
3190 2. Section 316.1935, relating to fleeing or attempting to
3191 elude a law enforcement officer and aggravated fleeing or
3192 eluding.
3193 3. Section 403.727(3)(b), relating to environmental
3194 control.
3195 4. Section 409.920 or s. 409.9201, relating to Medicaid
3196 fraud.
3197 5. Section 414.39, relating to public assistance fraud.
3198 6. Section 440.105 or s. 440.106, relating to workers'

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3199 compensation.
3200 7. Section 443.071(4), relating to creation of a fictitious
3201 employer scheme to commit reemployment assistance ~~unemployment~~
3202 ~~compensation~~ fraud.
3203 8. Section 465.0161, relating to distribution of medicinal
3204 drugs without a permit as an Internet pharmacy.
3205 9. Section 499.0051, relating to crimes involving
3206 contraband and adulterated drugs.
3207 10. Part IV of chapter 501, relating to telemarketing.
3208 11. Chapter 517, relating to sale of securities and
3209 investor protection.
3210 12. Section 550.235 or s. 550.3551, relating to dogracing
3211 and horseracing.
3212 13. Chapter 550, relating to jai alai frontons.
3213 14. Section 551.109, relating to slot machine gaming.
3214 15. Chapter 552, relating to the manufacture, distribution,
3215 and use of explosives.
3216 16. Chapter 560, relating to money transmitters, if the
3217 violation is punishable as a felony.
3218 17. Chapter 562, relating to beverage law enforcement.
3219 18. Section 624.401, relating to transacting insurance
3220 without a certificate of authority, s. 624.437(4)(c)1., relating
3221 to operating an unauthorized multiple-employer welfare
3222 arrangement, or s. 626.902(1)(b), relating to representing or
3223 aiding an unauthorized insurer.
3224 19. Section 655.50, relating to reports of currency
3225 transactions, when such violation is punishable as a felony.
3226 20. Chapter 687, relating to interest and usurious
3227 practices.

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3228 21. Section 721.08, s. 721.09, or s. 721.13, relating to
3229 real estate timeshare plans.
3230 22. Section 775.13(5)(b), relating to registration of
3231 persons found to have committed any offense for the purpose of
3232 benefiting, promoting, or furthering the interests of a criminal
3233 gang.
3234 23. Section 777.03, relating to commission of crimes by
3235 accessories after the fact.
3236 24. Chapter 782, relating to homicide.
3237 25. Chapter 784, relating to assault and battery.
3238 26. Chapter 787, relating to kidnapping or human
3239 trafficking.
3240 27. Chapter 790, relating to weapons and firearms.
3241 28. Chapter 794, relating to sexual battery, but only if
3242 such crime was committed with the intent to benefit, promote, or
3243 further the interests of a criminal gang, or for the purpose of
3244 increasing a criminal gang member's own standing or position
3245 within a criminal gang.
3246 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
3247 796.05, or s. 796.07, relating to prostitution and sex
3248 trafficking.
3249 30. Chapter 806, relating to arson and criminal mischief.
3250 31. Chapter 810, relating to burglary and trespass.
3251 32. Chapter 812, relating to theft, robbery, and related
3252 crimes.
3253 33. Chapter 815, relating to computer-related crimes.
3254 34. Chapter 817, relating to fraudulent practices, false
3255 pretenses, fraud generally, and credit card crimes.
3256 35. Chapter 825, relating to abuse, neglect, or

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3257 exploitation of an elderly person or disabled adult.
3258 36. Section 827.071, relating to commercial sexual
3259 exploitation of children.
3260 37. Chapter 831, relating to forgery and counterfeiting.
3261 38. Chapter 832, relating to issuance of worthless checks
3262 and drafts.
3263 39. Section 836.05, relating to extortion.
3264 40. Chapter 837, relating to perjury.
3265 41. Chapter 838, relating to bribery and misuse of public
3266 office.
3267 42. Chapter 843, relating to obstruction of justice.
3268 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
3269 s. 847.07, relating to obscene literature and profanity.
3270 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
3271 849.25, relating to gambling.
3272 45. Chapter 874, relating to criminal gangs.
3273 46. Chapter 893, relating to drug abuse prevention and
3274 control.
3275 47. Chapter 896, relating to offenses related to financial
3276 transactions.
3277 48. Sections 914.22 and 914.23, relating to tampering with
3278 or harassing a witness, victim, or informant, and retaliation
3279 against a witness, victim, or informant.
3280 49. Sections 918.12 and 918.13, relating to tampering with
3281 jurors and evidence.
3282 Section 80. Paragraph (g) of subsection (8) of section
3283 896.101, Florida Statutes, is amended to read:
3284 896.101 Florida Money Laundering Act; definitions;
3285 penalties; injunctions; seizure warrants; immunity.—

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3286 (8)
3287 (g)1. Upon service of the temporary order served pursuant
3288 to this section, the petitioner shall immediately notify by
3289 certified mail, return receipt requested, or by personal
3290 service, both the person or entity in possession of the monetary
3291 instruments or funds and the owner of the monetary instruments
3292 or funds if known, of the order entered pursuant to this section
3293 and that the lawful owner of the monetary instruments or funds
3294 being enjoined may request a hearing to contest and modify the
3295 order entered pursuant to this section by petitioning the court
3296 that issued the order, so that such notice is received within 72
3297 hours.
3298 2. The notice shall advise that the hearing shall be held
3299 within 3 days of the request, and the notice must state that the
3300 hearing will be set and noticed by the person against whom the
3301 order is served.
3302 3. The notice shall specifically state that the lawful
3303 owner has the right to produce evidence of legitimate business
3304 expenses, obligations, and liabilities, including but not
3305 limited to, employee payroll expenses verified by current
3306 reemployment assistance ~~unemployment compensation~~ records,
3307 employee workers' compensation insurance, employee health
3308 insurance, state and federal taxes, and regulatory or licensing
3309 fees only as may become due before the expiration of the
3310 temporary order.
3311 4. Upon determination by the court that the expenses are
3312 valid, payment of such expenses may be effected by the owner of
3313 the enjoined monetary instruments or funds only to the court-
3314 ordered payees through court-reviewed checks, issued by the

3315 owner of, and the person or entity in possession of, the
3316 enjoined monetary instruments or funds. Upon presentment, the
3317 person or entity in possession of the enjoined funds or monetary
3318 instruments shall only honor the payment of the check to the
3319 court-ordered payee.
3320 Section 81. Paragraph (a) of subsection (3) of section
3321 921.0022, Florida Statutes, is amended to read:
3322 921.0022 Criminal Punishment Code; offense severity ranking
3323 chart.—
3324 (3) OFFENSE SEVERITY RANKING CHART
3325 (a) LEVEL 1
3326

Florida Statute	Felony Degree	Description
3327		
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
3328		
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
3329		
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than $300 but less than $20,000.
3330		
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
3331		
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.

3332
319.35(1)(a) 3rd Tamper, adjust, change, etc., an odometer.

3333
320.26(1)(a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

3334
322.212 (1)(a)-(c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.

3335
322.212(4) 3rd Supply or aid in supplying unauthorized driver's license or identification card.

3336
322.212(5)(a) 3rd False application for driver's license or identification card.

3337
414.39(2) 3rd Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than $200.

3338
414.39(3)(a) 3rd Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.

3339
443.071(1) 3rd False statement or representation to obtain or increase reemployment

assistance ~~unemployment compensation~~ benefits.

3340
509.151(1) 3rd Defraud an innkeeper, food or lodging value greater than $300.

3341
517.302(1) 3rd Violation of the Florida Securities and Investor Protection Act.

3342
562.27(1) 3rd Possess still or still apparatus.

3343
713.69 3rd Tenant removes property upon which lien has accrued, value more than $50.

3344
812.014(3)(c) 3rd Petit theft (3rd conviction); theft of any property not specified in subsection (2).

3345
812.081(2) 3rd Unlawfully makes or causes to be made a reproduction of a trade secret.

3346
815.04(4)(a) 3rd Offense against intellectual property (i.e., computer programs, data).

3347
817.52(2) 3rd Hiring with intent to defraud, motor vehicle services.

3348
817.569(2) 3rd Use of public record or public records information to facilitate commission of a

		felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd,

		etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

Section 82. Subsection (2) of section 946.513, Florida

3370 Statutes, is amended to read:
3371 946.513 Private employment of inmates; disposition of
3372 compensation received.—
3373 (2) No inmate is eligible for reemployment assistance
3374 benefits ~~unemployment compensation~~, whether employed by the
3375 corporation or by any other private enterprise operating on the
3376 grounds of a correctional institution or elsewhere, when such
3377 employment is part of a correctional work program or work-
3378 release program of either the corporation or the department.
3379 Section 83. Subsection (2) of section 946.523, Florida
3380 Statutes, is amended to read:
3381 946.523 Prison industry enhancement (PIE) programs.—
3382 (2) Notwithstanding any other law to the contrary,
3383 including s. 440.15(8), private sector employers shall provide
3384 workers' compensation coverage to inmates who participate in
3385 prison industry enhancement (PIE) programs under subsection (1).
3386 However, inmates are not entitled to reemployment assistance
3387 benefits ~~unemployment compensation~~.
3388 Section 84. Paragraph (c) of subsection (5) of section
3389 985.618, Florida Statutes, is amended to read:
3390 985.618 Educational and career-related programs.—
3391 (5)
3392 (c) Notwithstanding any other law to the contrary,
3393 including s. 440.15(8), private sector employers shall provide
3394 juveniles participating in juvenile work programs under
3395 paragraph (b) with workers' compensation coverage, and juveniles
3396 shall be entitled to the benefits of such coverage. Nothing in
3397 this subsection shall be construed to allow juveniles to
3398 participate in reemployment assistance ~~unemployment compensation~~

3399 benefits.
3400 Section 85. Subsection (3) of section 1003.496, Florida
3401 Statutes, is amended to read:
3402 1003.496 High School to Business Career Enhancement
3403 Program.—
3404 (3) Employment under this section of a student intern who
3405 meets the criteria of s. 443.1216(13)(q) is not employment for
3406 purposes of reemployment assistance ~~unemployment compensation~~
3407 under chapter 443.
3408 Section 86. Subsection (3) of section 1008.39, Florida
3409 Statutes, is amended to read:
3410 1008.39 Florida Education and Training Placement
3411 Information Program.—
3412 (3) The Florida Education and Training Placement
3413 Information Program must not make public any information that
3414 could identify an individual or the individual's employer. The
3415 Department of Education must ensure that the purpose of
3416 obtaining placement information is to evaluate and improve
3417 public programs or to conduct research for the purpose of
3418 improving services to the individuals whose social security
3419 numbers are used to identify their placement. If an agreement
3420 assures that this purpose will be served and that privacy will
3421 be protected, the Department of Education shall have access to
3422 the reemployment assistance ~~unemployment insurance~~ wage reports
3423 maintained by the Department of Economic Opportunity, the files
3424 of the Department of Children and Family Services that contain
3425 information about the distribution of public assistance, the
3426 files of the Department of Corrections that contain records of
3427 incarcerations, and the files of the Department of Business and

3428 Professional Regulation that contain the results of licensure
3429 examination.
3430 Section 87. Paragraph (b) of subsection (1) of section
3431 1008.41, Florida Statutes, is amended to read:
3432 1008.41 Workforce education; management information
3433 system.—
3434 (1) The Commissioner of Education shall coordinate uniform
3435 program structures, common definitions, and uniform management
3436 information systems for workforce education for all divisions
3437 within the department. In performing these functions, the
3438 commissioner shall designate deadlines after which data elements
3439 may not be changed for the coming fiscal or school year. School
3440 districts and Florida College System institutions shall be
3441 notified of data element changes at least 90 days prior to the
3442 start of the subsequent fiscal or school year. Such systems must
3443 provide for:
3444 (b) Compliance with state and federal confidentiality
3445 requirements, except that the department shall have access to
3446 the reemployment assistance ~~unemployment insurance~~ wage reports
3447 to collect and report placement information about former
3448 students. Such placement reports must not disclose the
3449 individual identities of former students.
3450 Section 88. Notwithstanding the expiration date contained
3451 in section 13 of chapter 2011-235, Laws of Florida, operating
3452 retroactive to January 4, 2012, and expiring March 11, 2012,
3453 section 443.1117, Florida Statutes, is revived, readopted, and
3454 amended to read:
3455 443.1117 Temporary extended benefits.—
3456 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if

3457 the result is inconsistent with other provisions of this
3458 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
3459 claims covered by this section.
3460 (2) DEFINITIONS.—As used in this section, the term:
3461 (a) "Regular benefits" and "extended benefits" have the
3462 same meaning as in s. 443.1115.
3463 (b) "Eligibility period" means the weeks in an individual's
3464 benefit year or emergency benefit period which begin in an
3465 extended benefit period and, if the benefit year or emergency
3466 benefit period ends within that extended benefit period, any
3467 subsequent weeks beginning in that period.
3468 (c) "Emergency benefits" means benefits ~~Emergency~~
3469 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
3470 and any subsequent federal law that provides for the payment of
3471 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
3472 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
3473 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~
3474 ~~No. 111-312~~.
3475 (d) "Extended benefit period" means a period that:
3476 1. Begins with the third week after a week for which there
3477 is a state "on" indicator; and
3478 2. Ends with any of the following weeks, whichever occurs
3479 later:
3480 a. The third week after the first week for which there is a
3481 state "off" indicator; or
3482 b. The 13th consecutive week of that period.
3483 However, an extended benefit period may not begin by reason
3484 of a state "on" indicator before the 14th week after the end of
3485 a prior extended benefit period that was in effect for this

3486 state.
3487 (e) "Emergency benefit period" means the period during
3488 which an individual receives emergency benefits.
3489 (f) "Exhaustee" means an individual who, for any week of
3490 unemployment in her or his eligibility period:
3491 1. Has received, before that week, all of the regular
3492 benefits and emergency benefits, if any, available under this
3493 chapter or any other law, including dependents' allowances and
3494 benefits payable to federal civilian employees and ex-
3495 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
3496 benefit year or emergency benefit period that includes that
3497 week. For the purposes of this subparagraph, an individual has
3498 received all of the regular benefits and emergency benefits, if
3499 any, available even if, as a result of a pending appeal for
3500 wages paid for insured work which were not considered in the
3501 original monetary determination in the benefit year, she or he
3502 may subsequently be determined to be entitled to added regular
3503 benefits;
3504 2. Had a benefit year that expired before that week, and
3505 was paid no, or insufficient, wages for insured work on the
3506 basis of which she or he could establish a new benefit year that
3507 includes that week; and
3508 3.a. Has no right to unemployment benefits or allowances
3509 under the Railroad Unemployment Insurance Act or other federal
3510 laws as specified in regulations issued by the United States
3511 Secretary of Labor; and
3512 b. Has not received and is not seeking unemployment
3513 benefits under the unemployment compensation law of Canada; but
3514 if an individual is seeking those benefits and the appropriate

3515 agency finally determines that she or he is not entitled to
3516 benefits under that law, she or he is considered an exhaustee.
3517 (g) "State 'on' indicator" means, with respect to weeks of
3518 unemployment ending on or before February 11, 2012 ~~December 10,~~
3519 ~~2011~~, the occurrence of a week in which the average total
3520 unemployment rate, seasonally adjusted, as determined by the
3521 United States Secretary of Labor, for the most recent 3 months
3522 for which data for all states are published by the United States
3523 Department of Labor:
3524 1. Equals or exceeds 110 percent of the average of those
3525 rates for the corresponding 3-month period ending in any or all
3526 of the preceding 3 calendar years; and
3527 2. Equals or exceeds 6.5 percent.
3528 (h) "High unemployment period" means, with respect to weeks
3529 of unemployment ending on or before February 11, 2012 ~~December~~
3530 ~~10, 2011~~, any week in which the average total unemployment rate,
3531 seasonally adjusted, as determined by the United States
3532 Secretary of Labor, for the most recent 3 months for which data
3533 for all states are published by the United States Department of
3534 Labor:
3535 1. Equals or exceeds 110 percent of the average of those
3536 rates for the corresponding 3-month period ending in any or all
3537 of the preceding 3 calendar years; and
3538 2. Equals or exceeds 8 percent.
3539 (i) "State 'off' indicator" means the occurrence of a week
3540 in which there is no state "on" indicator or which does not
3541 constitute a high unemployment period.
3542 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
3543 subsection (4):

3544 (a) For any week for which there is an "on" indicator
3545 pursuant to paragraph (2)(g), the total extended benefit amount
3546 payable to an eligible individual for her or his applicable
3547 benefit year is the lesser of:
3548 1. Fifty percent of the total regular benefits payable
3549 under this chapter in the applicable benefit year; or
3550 2. Thirteen times the weekly benefit amount payable under
3551 this chapter for a week of total unemployment in the applicable
3552 benefit year.
3553 (b) For any high unemployment period, the total extended
3554 benefit amount payable to an eligible individual for her or his
3555 applicable benefit year is the lesser of:
3556 1. Eighty percent of the total regular benefits payable
3557 under this chapter in the applicable benefit year; or
3558 2. Twenty times the weekly benefit amount payable under
3559 this chapter for a week of total unemployment in the applicable
3560 benefit year.
3561 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other
3562 provision of this chapter, if the benefit year of an individual
3563 ends within an extended benefit period, the number of weeks of
3564 extended benefits the individual is entitled to receive in that
3565 extended benefit period for weeks of unemployment beginning
3566 after the end of the benefit year, except as provided in this
3567 section, is reduced, but not to below zero, by the number of
3568 weeks for which the individual received, within that benefit
3569 year, trade readjustment allowances under the Trade Act of 1974,
3570 as amended.
3571 Section 89. The provisions of s. 443.1117, Florida
3572 Statutes, as revived, readopted, and amended by this act, apply

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3573 only to claims for weeks of unemployment in which an exhaustee
3574 establishes entitlement to extended benefits pursuant to that
3575 section which are established for the period between January 4,
3576 2012, and March 11, 2012.
3577 Section 90. If any provision of this act or its application
3578 to any person or circumstance is held invalid, the invalidity
3579 does not affect other provisions or applications of the act
3580 which can be given effect without the invalid provision or
3581 application, and to this end the provision of the act are
3582 severable.
3583 Section 91. The Legislature finds that this act fulfills an
3584 important state interest.
3585 Section 92. Except as otherwise expressly provided in this
3586 act, this act shall take effect July 1, 2012.

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S1416

GENERAL BILL/CS by CM, Bogdanoff; (Similar CS/1ST ENG/H 7027, Compare CS/S 1204, 1ST ENG/S 1996, CS/1ST ENG/H 7041)

Unemployment Compensation. EFFECTIVE DATE: except as otherwise expressly provided in this act, this act shall take effect July 1, 2012.

03/08/12 S Read 2nd time -SJ 1007 ; Substituted CS/HB 7027 -SJ 1008 ; Laid on Table, companion bill(s) passed, see CS/HB 7027 (Ch. 2012-30), CS/HB 7041 (Ch. 2012-96) -SJ 1008

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/CS/SB 222

INTRODUCER: Agriculture Committee; Commerce and Tourism Committee; and Senator Siplin

SUBJECT: Limited Agriculture Associations

DATE: February 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tell	Hrdlicka	CM	**Fav/CS**
2.	Weidenbenner	Buford	AG	**Fav/CS**
3.	Martin	Meyer, R.	BTA	**Favorable**
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This CS provides for conversion of a limited agricultural association into a domestic not-for-profit corporation.

Specifically, this CS establishes requirements for conversion, including certain information that must be filed with the Department of State to convert into a domestic corporation. The conversion does not affect any obligation or liability of the association.

Additionally, this CS creates a fee of $35 for filing a certificate of conversion into a domestic corporation.

This CS amends ss. 604.14 and 617.0122, F.S., and creates s. 617.1809, F.S.

II. Present Situation:

According to s. 604.09, F.S., the purpose of limited agricultural associations (LAA), is to promote, foster, and encourage more efficient and progressive agriculture and to enable farmers

and growers of Florida to enjoy the manifold benefits of joint and collective effort without personal liability and without expense and technical involvements incident to corporate structure.

Furthermore, under s. 604.10, F.S., LAAs are granted and may use all powers granted by the laws of Florida to persons, partnerships, corporations for profit, and not-for-profit corporations. These powers are applicable to agriculture or livestock in all its phases and to any incidental operations which may arise. These powers are effective unless they are inconsistent within the provisions of this law.

Under current law, there are no existing provisions providing LAAs the ability to convert to a domestic corporation.[1]

History of Limited Agricultural Associations

LAAs were created by statute in 1941, as a way to promote and encourage more efficient and progressive agriculture. Additionally, the statute was conceived as a way to enable agricultural producers in the state to benefit from a collective effort without the expenses imposed by a corporate structure.[2]

Currently, there are roughly 60 LAAs operating within the State of Florida. The majority of these LAAs are county farm bureaus which provide services to over 140,000 members.[3]

Non-Profit Domestic Corporations

The statutory framework allowing the existence of non-profit domestic corporations (NPDC) was codified by the Florida Legislature in 1990. The purpose of these statutes was to allow organizations whose primary interest was not pecuniary profit to exist under a corporate structure. A large contingency of these NPDCs have benevolent, charitable, educational, or civic purposes.[4] The Florida Statutes provide the NPDCs an opportunity to operate with full corporate powers.[5] Most importantly, the statutes allow NPDC members to avoid personal liability.[6]

III. Effect of Proposed Changes:

This CS provides for conversion of a limited agricultural association into a domestic not-for-profit corporation.

<u>Section 1</u>

This CS amends s. 604.14, F.S., to allow a limited agricultural association to convert to a not-for-profit domestic corporation in accordance with s. 617.1809, F.S.

[1] Sections 604.09-604.14, F.S.
[2] Section 604.09, F.S.
[3] The Florida Farm Bureau indicates that most Florida LAAs are the 60 county farm bureaus.
[4] Section 617.0301, F.S.
[5] Section 617.0302, F.S.
[6] Section 617.0604, F.S.

Section 2

This CS amends s. 617.0122, F.S., to include a $35 fee for documents delivered to the Department of State for filing a certificate of conversion.

Section 3

This CS creates s. 617.1809, F.S., which sets forth the statutory framework by which a LAA may be converted into a domestic corporation. This bill would not require any existing LAAs to convert to a NPDC. However, if a LAA voluntarily decides to convert to a NPDC, then the association must file the following with the Department of State:

- a certificate of conversion into a domestic corporation which is executed by a person authorized by the rules governing the association; and
- articles of incorporation which comply with s. 617.0202, F.S.,[7] and which have been executed by the person authorized pursuant to s. 617.01201(6), F.S.[8]

The certificate of conversion must state:

- the date on which the association was first organized;
- the name of the association immediately before the filing of the certificate of conversion;
- the name of the domestic corporation as set forth in the articles of incorporation filed with the Department of State; and
- the effective date or delayed effective date of the conversion into a domestic corporation.

Prior to filing a certificate of conversion with the Department of State, the conversion must be approved by a majority vote of the membership of an LAA in the event an association does not have a conversion vote procedure established in either its articles of association or bylaws.

The conversion is effective upon the filing of the certificate of conversion and articles of incorporation, or a delayed effective date. Also, the existence of the corporation shall be deemed to have commenced when the association commenced its existence.[9]

This CS does not affect any existing obligations or liabilities of the association which were incurred prior to the conversion into a domestic corporation.

This CS does not require any existing LAAs to conclude its affairs, pay liabilities, or to distribute its existing assets. All property, assets, and debts due to the association are vested with the NPDC.

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[7] Section 617.0202, F.S., governs the content of articles of incorporation filed by not-for-profit companies.

[8] Section 617.01201, F.S., states that the articles of incorporation can be submitted by an officer or director of a corporation, by an incorporator, or by a court-appointed fiduciary.

[9] Section 617.0123, F.S., is the existing statutory provision for non-profit domestic corporations regarding a delayed effective date. This provision has a 90-day maximum for a delayed effective date from the time of filing. The new provision would allow converting LAAs to get around the existing statutory bar, by allowing the date of the commencement of the association as the date of commencement for the corporation.

This CS does not constitute dissolution of the converting LAA.

Section 4

This CS provides the act shall take effect upon becoming law.

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:

This CS creates a $35 fee for conversion to a NPDC. Additionally, LAAs who voluntarily decide to convert will also be assessed a $35 fee at the time of application for the required articles of incorporation.[10] If the estimated 60 LAAs were to opt to become a NPDC, the additional revenue from the conversion would be $4,200.

Furthermore, each year NPDCs are required to submit an annual report to the Department of State, along with a fee of $61.25.[11] Thus, if the estimated 60 LAAs were to convert to a NPDC, the Department of State would receive $3,675 in recurring yearly fees from the annual reports.

These fees will result in an increase to general revenue.

B. Private Sector Impact:

LAAs will have the ability to convert to NPDCs. Currently no LAAs are paying fees to the Department of State. However, if they voluntarily decide to convert to a NPDC, the fees stated above will apply.

C. Government Sector Impact:

See Tax/Fee Issues above.

[10] Section 617.022 (1), F.S.
[11] Section 617.022 (17), F.S.

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/CS by Agriculture on 1/23/2012:
This committee substitute differs from the CS in that it corrects a scrivener's error by changing the word "conversation" to "conversion."

CS by Commerce and Tourism on 1/9/2012:
This committee substitute differs from the bill in that it:

- Amends s. 604.14, F.S., to allow LAAs to convert to Non-Profit Domestic Corporations.
- Provides for a majority vote by members of an LAA to approve the conversion in the event an association does not have a conversion vote procedure established in either its articles of association or bylaws.

B. Amendments:

None.

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

By the Committees on Agriculture; and Commerce and Tourism; and Senator Siplin

575-02172-12 2012222c2

A bill to be entitled

An act relating to limited agricultural associations; amending s. 604.14, F.S.; providing for the conversion of limited agricultural associations to corporations not for profit; conforming provisions; amending s. 617.0122, F.S.; specifying a fee for filing a limited agricultural association's certificate of conversion to a domestic corporation; creating s. 617.1809, F.S.; defining the term "limited agricultural association" for purposes of the act; providing procedures for conversion of a limited agricultural association to a domestic corporation not for profit; requiring the filing of a certificate of conversion and articles of incorporation with the Department of State; providing for the effective date of the conversion; providing that the conversion does not affect any obligation or liability of the association; providing that all rights, property, and obligations of the association are vested in the corporation; specifying that the association is not required to wind up its affairs or pay its liabilities and distribute its assets; providing for the association's approval before the certificate of conversion is filed; authorizing the association to provide a plan or other record of conversion; providing an effective date.

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

Section 1. Section 604.14, Florida Statutes, is amended to

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575-02172-12 2012222c2

read:

604.14 Limited agricultural association; dissolution; conversion to a corporation not for profit.—

(1) A ~~Any~~ limited agricultural association may be dissolved upon the presentation by its members of a petition for dissolution to a ~~the~~ circuit judge of the circuit in which the association's ~~wherein its~~ principal place of business is located. The ~~Such~~ judge may issue any ~~make all~~ orders necessary for ~~to the~~ preservation of the rights of the members and creditors and the winding up of the affairs of the association. ~~Such~~ Notice of hearing on the petition for dissolution must ~~shall~~ be given as ~~may by~~ the judge deems ~~be deemed~~ proper.

(2) A limited agricultural association may convert to a corporation not for profit in accordance with s. 617.1809.

Section 2. Present subsection (22) of section 617.0122, Florida Statutes, is renumbered as subsection (23), and a new subsection (22) is added to that section to read:

617.0122 Fees for filing documents and issuing certificates.—The Department of State shall collect the following fees on documents delivered to the department for filing:

(22) Certificate of conversion of a limited agricultural association to a domestic corporation: $35.

Any citizen support organization that is required by rule of the Department of Environmental Protection to be formed as a nonprofit organization and is under contract with the department is exempt from any fees required for incorporation as a nonprofit organization, and the Secretary of State may not

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59 assess any such fees if the citizen support organization is
60 certified by the Department of Environmental Protection to the
61 Secretary of State as being under contract with the Department
62 of Environmental Protection.
63 Section 3. Section 617.1809, Florida Statutes, is created
64 to read:
65 617.1809 Limited agricultural association; conversion to a
66 domestic corporation not for profit.—
67 (1) As used in this section, the term "limited agricultural
68 association" or "association" means a limited agricultural
69 association formed under ss. 604.09-604.14.
70 (2) A limited agricultural association may convert to a
71 domestic corporation not for profit by filing the following
72 documents with the department in accordance with s. 617.01201:
73 (a) A certificate of conversion, which must be executed by
74 a person authorized in s. 617.01201(6) and such other persons
75 that may be required in the association's articles of
76 association or bylaws.
77 (b) Articles of incorporation, which must comply with s.
78 617.0202 and be executed by a person authorized in s.
79 617.01201(6).
80 (3) The certificate of conversion must include:
81 (a) The date upon which the association was initially
82 formed under ss. 604.09-604.14.
83 (b) The name of the association immediately before filing
84 the certificate of conversion.
85 (c) The name of the domestic corporation as set forth in
86 its articles of incorporation.
87 (d) The effective date of the conversion. If the conversion

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88 does not take effect upon filing the certificate of conversion
89 and articles of incorporation, the delayed effective date for
90 the conversion, subject to the limitation in s. 617.0123(2),
91 must be a date certain and the same as the effective date of the
92 articles of incorporation.
93 (4) When the certificate of conversion and articles of
94 incorporation are filed with the department, or upon the delayed
95 effective date, the association is converted to the domestic
96 corporation, and the corporation becomes subject to this
97 chapter. However, notwithstanding s. 617.0123, the existence of
98 the corporation is deemed to have commenced when the association
99 was initially formed under ss. 604.09-604.14.
100 (5) Conversion of a limited agricultural association to a
101 domestic corporation does not affect any obligation or liability
102 of the association which was incurred before the conversion.
103 (6) When a conversion takes effect under this section, all
104 rights, privileges, and powers of the converting association,
105 all property, real, personal, and mixed, and all debts due to
106 the association, as well as all other assets and causes of
107 action belonging to the association, are vested in the domestic
108 corporation to which the association is converted and are the
109 property of the corporation as they were of the association. The
110 title to any real property that is vested by deed or otherwise
111 in the converting association does not revert and is not
112 impaired by the operation of this chapter, but all rights of
113 creditors and all liens upon any property of the association are
114 preserved unimpaired, and all debts, liabilities, and duties of
115 the association attach to the domestic corporation and are
116 enforceable against it to the same extent as if the debts,

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117 liabilities, and duties had been incurred or contracted by the
118 corporation.
119 (7) The limited agricultural association is not required to
120 wind up its affairs or pay its liabilities and distribute its
121 assets. Conversion does not constitute a dissolution of the
122 association but is a continuation of the association's existence
123 in the form of the domestic corporation.
124 (8) Before a limited agricultural association may file a
125 certificate of conversion with the department, unless otherwise
126 specified in the association's articles of association or
127 bylaws, the conversion must be approved by a majority vote of
128 the association's members, and the articles of incorporation
129 must be approved by the same authorization required for approval
130 of the conversion. As part of the approval, the converting
131 association may provide a plan or other record of conversion
132 which describes the manner and basis of converting the
133 membership interests in the association into membership
134 interests in the domestic corporation. The plan or other record
135 may also contain other provisions relating to the conversion,
136 including, but not limited to, the right of the converting
137 association to abandon the proposed conversion or an effective
138 date for the conversion which is consistent with paragraph
139 (3)(d).
140 Section 4. This act shall take effect upon becoming a law.

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S0222
GENERAL BILL/CS/CS by AG, CM, Siplin; (Identical CS/H 0827)
Limited Agricultural Associations. EFFECTIVE DATE: upon becoming a law.
03/09/12 S Read 2nd time -SJ 1191 ; Substituted CS/HB 827 -SJ 1191 ; Laid on Table, companion bill(s) passed, see CS/HB 827 (Ch. 2012-71) -SJ 1191

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: SB 1768

INTRODUCER: Senator Negron

SUBJECT: Autonomous Vehicle Technology

DATE: February 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	**Favorable**
2.	Smith	Meyer	BTA	**Favorable**
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill creates a new unnumbered section of the Florida Statutes which defines the term "autonomous technology" and requires the Department of Highway Safety and Motor Vehicles (DHSMV) to prepare a report relating to the safe operation of vehicles equipped with autonomous technology on public roads. The report must be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2014.

II. Present Situation:

Presently, there is an effort around the world to develop autonomous vehicles; however, the technology is still in its early development phases and a relatively optimistic estimate puts such technologies into consumer production in ten years.[1] In the United States, Google has been developing driverless cars for several years and last year said that it had "test-driven robotic hybrid vehicles more than 140,000 miles on California roads - including Highway 1 between Los Angeles and San Francisco. More than 1,000 miles had been driven entirely autonomously… [and] one of the company's engineers was testing some of the car's autonomous features on his 50-mile commute from Berkeley to Google's headquarters in Mountain View."[2] Also, according to General Motors' Vice President of Global Research and Development, Alan Taub, GM may

[1] "Where is Driverless Car Technology Now?", National Public Radio, Jan. 17, 2012, last viewed on Jan 24, 2012, found at http://www.npr.org/2012/01/17/145357668/where-is-driverless-car-technology-now

[2] Markoff, John, "Google Lobbies Nevada to Allow Self-Driving Cars", *The New York Times*, May 10, 2011. webpage last viewed on Jan. 24, 2012, http://www.nytimes.com/2011/05/11/science/11drive.html?_r=1

have vehicles "that partially drive themselves…by the middle of the decade with more sophisticated self-driving systems by the end of the decade."[3]

In Europe, BMW, Volvo, and Audi are all developing their own version of autonomous vehicles.[4] BMW's vehicle is semi-autonomous and uses a system of "radar, lidar, ultrasound, video and highly detailed GPS maps to sense the vehicle's position in relation to its surroundings, including oncoming traffic" so that it can take over for the driver in traffic jams and can pull the car over if the driver is incapacitated.[5]

During its session last year, Nevada's legislature passed Assembly Bill 511 which has now been engrossed into ch. 482A of the Nevada Revised Statutes. Section 482A.100, N.R.S., which becomes effective on March 1, 2012, states that:

> 1. The Department [of Motor Vehicles] shall adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada.
> 2. The regulations required to be adopted by subsection 1 must:
> (a) Set forth requirements that an autonomous vehicle must meet before it may be operated on a highway within this State;
> (b) Set forth requirements for the insurance that is required to test or operate an autonomous vehicle on a highway within this State;
> (c) Establish minimum safety standards for autonomous vehicles and their operation;
> (d) Provide for the testing of autonomous vehicles;
> (e) Restrict the testing of autonomous vehicles to specified geographic areas; and
> (f) Set forth such other requirements as the Department determines to be necessary.

Also, s. 482A.200, N.R.S., states that "[t]he Department shall by regulation establish a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State. The driver's license endorsement described in this section must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle." This legislation does not become effective until March 1, 2012, and, as such, it is too early to tell its effect on the state of Nevada.

III. Effect of Proposed Changes:

Section 1 creates a new unnumbered section of the Florida Statutes which defines the term "autonomous technology" and requires that DHSMV prepare a report relating to the safe operation of vehicles equipped with autonomous technology on public roads. DHSMV must submit that report to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2014.

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[3] "GM: Self-Driving Vehicles by the End of Decade", GM News, Oct. 16, 2011, last viewed on Jan 24, 2012, found at http://media.gm.com/content/media/us/en/gm/news.detail.html/content/Pages/news/us/en/2011/Oct/1016_autonomous
[4] Barry, Keith, "BMW Tests Autonomous Vehicle", *Wired*, Aug. 30, 2011, webpage last viewed on Jan 24, 2012, http://www.wired.com/autopia/2011/08/bmw-tests-an-autonomous-vehicle/
[5] Id.

Section 2 establishes 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:

None.

C. Government Sector Impact:

DHSMV's Information Systems Administration (ISA) will require approximately 50 internal hours at $40.00 per hour, non-recurring, in order to implement the provisions of this bill, for a total of $2,000.00. These hours can be incorporated into ISA's normal workload.[6]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[6] Florida Department of Highway Safety and Motor Vehicles, *Analysis for Senate Bill 1768- Autonomous Vehicle Technology*, (January 13, 2012) (On file with the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations.)

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.

By Senator Negron

28-01107B-12 20121768__

A bill to be entitled

An act relating to autonomous vehicle technology; defining the term "autonomous technology"; directing the Department of Highway Safety and Motor Vehicles to prepare a report on the safe operation of vehicles equipped with autonomous technology on public roads; requiring submission of the report to the Legislature; providing an effective date.

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

Section 1. Department of Highway Safety and Motor Vehicles report on vehicles equipped with autonomous technology.—

(1) As used in this section, the term "autonomous technology" means technology installed on a vehicle enabling it to operate without the active control and continuous monitoring of a human operator. The term does not include individual safety systems or driver assistance systems such as electronic blind spot assistance, crash avoidance and emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle to drive itself without the active control or continuous monitoring of a human operator.

(2)(a) The Department of Highway Safety and Motor Vehicles shall prepare a report relating to the safe operation of vehicles equipped with autonomous technology on public roads.

(b) No later than February 1, 2014, the department shall submit the report to President of the Senate and the Speaker of

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

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the House of Representatives.

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

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

S1768

GENERAL BILL by Negron; (CO-INTRODUCERS) Ring; Sachs; (Compare CS/1ST ENG/H 1207, CS/CS/CS/2ND ENG/H 1399)
Autonomous Vehicle Technology. EFFECTIVE DATE: 07/01/2012.

03/09/12 S Amendment(s) adopted (297952) -SJ 1178 ; Substituted CS/HB 1207 -SJ 1179 ; Laid on Table, companion bill(s) passed, see CS/HB 1207 (Ch. 2012-111) -SJ 1179

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: SB 1068

INTRODUCER: Senator Joyner

SUBJECT: Motor Vehicle Registration

DATE: January 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	**Favorable**
2.	Carey	Meyer	BTA	**Favorable**
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill specifies a vehicle may not be operated on the roads of this state after expiration of the renewal period, or, for a natural person, at midnight on the owner's birthday, which clarifies when the motor vehicle registration expires for an individual.

In addition, the bill authorizes a refund of the license taxes assessed in s. 320.08, F.S., to a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

This bill substantially amends ss. 320.07 and 320.15 of the Florida Statutes.

II. Present Situation:

Section 320.07(1), F.S., provides the registration of a motor vehicle or mobile home expires at midnight on the last day of the registration or extended registration period. In addition, a vehicle shall not be operated on the roads after expiration of the renewal period unless the registration has been renewed according to law.

Section 320.071, F.S., authorizes advance registration renewals. Specifically, an owner of any motor vehicle, mobile home, or apportioned motor vehicle currently registered in the state may apply for renewal of the registration with the Department of Highway Safety and Motor Vehicles

(DHSMV or department) any time during the three months preceding the date of expiration of the registration period.

Section 320.15, F.S., entitles a resident owner of a motor vehicle or mobile home that has been destroyed or permanently removed from this state, upon application to DHSMV and surrender of the vehicle's issued sticker, to a credit applicable to the registration of any other vehicle in the name of the owner, if the amount is $3 or more, for the unexpired period. A credit for surrendered "for-hire" license plates may not be more than one-half of the annual license tax. A credit is not valid after the expiration date of the license plate which is current on the date of the credit.

Currently s. 320.15, F.S., is silent in regards to providing a refund to a motor vehicle registrant who renews during the advance renewal period if the registrant surrenders the license plate prior to the first day of his or her birth month. However, s. 215.26(1)(b), F.S., authorizes a refund of any moneys paid into the State Treasury when no tax, license, or account is due. According to DHSMV, "this applies to the situation where a refund is made to a motor vehicle registrant who renewed during the advance renewal period and surrendered the license plate before the first day of their birth month."[1] Therefore, no tax is due.[2]

III. Effect of Proposed Changes:

Section 1 amends s. 320.07(1), F.S., to clarify the expiration of the registration renewal period for an individual is at midnight on the owner's birthday. According to the department, this has been the historical interpretation of this section; however, this clarification may be useful information for motorists as it distinguishes between a company and an individual.[3]

Section 2 amends s. 320.15, F.S., to provide a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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[1] Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1068* (on file with the Senate Transportation Committee).
[2] Id.
[3] Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1122* (on file with the Senate Transportation Committee).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill extends the refund period beyond the advanced period to the end of the renewal period, which is a natural person's birthday.

C. Government Sector Impact:

The department anticipates an increase in refunds; however, the exact amount is indeterminable but is estimated to be minimal.[4]

According to DHSMV, approximately 40 hours, non-recurring, software programming is required in order to implement the provisions of this bill, which can be incorporated into DHSMV's normal workload.

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.

[4] Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1068* (on file with the Senate Transportation Committee).

By Senator Joyner

18-00885-12 20121068__

A bill to be entitled

An act relating to motor vehicle registration; amending s. 320.07, F.S.; specifying that a vehicle may not be operated after expiration of the renewal period or, for a natural person, after midnight on the owner's birthday unless the registration was renewed before then; amending s. 320.15, F.S.; authorizing a person who has renewed a vehicle registration during an early registration period to apply for a refund of specified license taxes upon surrendering the registration license plate before the end of the renewal period; providing an effective date.

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

Section 1. Subsection (1) of section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; renewal required; penalties.—

(1) The registration of a motor vehicle or mobile home expires at midnight on the last day of the registration or extended registration period. A vehicle may ~~shall~~ not be operated on the roads of this state after expiration of the renewal period, or, for a natural person, at midnight on the owner's birthday, unless the registration has been renewed according to law.

Section 2. Section 320.15, Florida Statutes, is amended to read:

320.15 Refund of license tax.—

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

18-00885-12 20121068__

(1) Any resident owner of a motor vehicle or mobile home that has been destroyed or permanently removed from the state shall, upon application to the department and surrender of the license plate or mobile home sticker issued for such vehicle, be entitled to a credit to apply to registration of any other vehicle in the name of the owner, if the amount is $3 or more, for the unexpired period of the license. However, if the license plate surrendered is a "for-hire" license plate, the amount of credit may not be more than one-half of the annual license tax amount. A credit will not be valid after the expiration date of the license plate which is current on the date of the credit, as provided in s. 320.07.

(2) A motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period pursuant to s. 320.071 and surrenders the license plate for the vehicle before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08.

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

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

S1068
GENERAL BILL by Joyner; (Identical H 0763, Compare CS/CS/S 1122, CS/CS/2ND ENG/H 1223)
Motor Vehicle Registration. EFFECTIVE DATE: 07/01/2012.
03/09/12 S Read 2nd time -SJ 1271 ; Substituted HB 763 -SJ 1271 ; Laid on Table, companion bill(s) passed, see HB 763 (Ch. 2012-110), CS/CS/HB 1223 (Ch. 2012-181) -SJ 1271

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/ SB 868

INTRODUCER: Governmental Oversight and Accountability Committee; and Senator Hays

SUBJECT: Archaeological Sites and Specimens

DATE: February 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jenkins	Roberts	GO	**Fav/CS**
2.	Martin	Meyer	BTA	**Pre-meeting**
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

Currently, Florida law prohibits persons from conducting archaeological field investigations on, or removing or attempting to remove, or deface, destroy, or otherwise alter any archaeological site or specimen located upon any land owned or controlled by the state or within the boundaries of a designated state archaeological landmark or landmark zone, except under the authority of a permit granted by the Division of Historical Resources (Division). Persons engaging in these activities can face criminal penalties, administrative fines, and the forfeiture of any collected materials.

CS/SB 868 expands the area where unauthorized archaeological activity is prohibited to include state sovereignty submerged land and land owned by political subdivisions, and authorizes the Division to issue permits for archaeological research at these locations.

This bill substantially amends ss. 267.12 and 267.13 of the Florida Statutes.

II. Present Situation:

State Policy Relative to Historic Properties

Section 267.061, F.S., provides the "State Policy Relative to Historic Properties." This policy acknowledges that the rich and unique heritage of historic properties in this state, representing more than 10,000 years of human presence, is an important legacy to be valued and conserved for present and future generations, and that the destruction of these nonrenewable historical resources will engender a significant loss to the state's quality of life, economy, and cultural environment. It is the policy of the state to:

- Provide leadership in the preservation of the state's historic resources;
- Administer state-owned or state-controlled historic resources in a spirit of stewardship and trusteeship;
- Contribute to the preservation of non-state-owned historic resources and to give encouragement to organizations and individuals undertaking preservation by private means;
- Foster conditions, using measures that include financial and technical assistance, for a harmonious coexistence of society and state historic resources;
- Encourage the public and private preservation and utilization of elements of the state's historically built environment; and
- Assist local governments to expand and accelerate their historic preservation programs and activities.[1]

This policy also provides that all treasure trove, artifacts, and objects having intrinsic or historical and archaeological value, which have been abandoned on state-owned lands or state-owned sovereignty submerged lands, belong to the state with the title thereto vested in the Division of Historical Resources of the Department of State for the purposes of administration and protection.[2]

State Archaeological Landmarks and Landmark Zones

The Division may designate an archaeological site of significance to the scientific study or public representation of the state's historical, prehistoric, or aboriginal past as a "state archaeological landmark."[3] In addition, the Division may designate an interrelated grouping of significant archaeological sites as a "state archaeological landmark zone."[4] No site or grouping of sites can be designated without the express written consent of a private owner.[5] Upon designation of an archaeological site, the owners and occupants are given written notification by the Division.[6] Once so designated, no person may conduct field investigation activities on the site without first securing a permit from the Division.[7]

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[1] Section 267.061(1)(a), F.S.
[2] Section 267.061(1)(b), F.S.
[3] Section 267.11, F.S.
[4] *Id*.
[5] *Id*.
[6] *Id*.
[7] *Id*.

Archaeological Research Permits

The Division may issue permits for excavation and surface reconnaissance on state lands or lands within the boundaries of designated state archaeological landmarks or landmark zones to institutions which the Division deems to be properly qualified to conduct such activity, subject to Division rules and regulations, provided such activity is undertaken by reputable museums, universities, colleges, or other historical, scientific, or educational institutions or societies that possess or will secure the archaeological expertise for the performance of systematic archaeological field research, comprehensive analysis, and interpretation in the form of publishable reports and monographs.[8]

Those state institutions considered by the Division to permanently possess the required archaeological expertise to conduct the archaeological activities permissible under the provisions of a permit may be designated as accredited institutions.[9] These institutions are allowed to conduct archaeological field activities on state-owned or controlled lands or within the boundaries of any designated state archaeological landmark or any landmark zone without obtaining an individual permit for each project.[10] The institutions are required to give prior written notice of all anticipated archaeological field activities, together with such information as may reasonably be required by the Division to ensure the proper preservation, protection, and excavation of archaeological resources.[11] However, no archaeological activity can be commenced by the accredited institution until the Division determines the planned project is in conformity with guidelines, regulations, and criteria.[12] Such determination is made by the Division within 15 days from the date of notification.[13]

Prohibited Archaeological Practices and Penalties

Any person who by means other than excavation conducts archaeological field investigations on, or removes or attempts to remove, or defaces, destroys, or otherwise alters any archaeological site or specimen located upon land owned or controlled by the state or within the boundaries of a designated state archaeological landmark or landmark zone, except in the course of activities pursued under the authority of a permit granted by the Division or under procedures relating to accredited institutions, commits a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083, F.S., and, in addition, forfeits to the state all specimens, objects and materials collected, together with all photographs and records relating to such material.[14]

A person who engages in the same conduct by means of excavation commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., and any vehicle or equipment used in connection with the violation is subject to forfeiture to the state. Such person may be ordered by the court to make restitution to the state for the archaeological or commercial

[8] Section 267.12., F.S.
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] *Id.*
[14] Section 267.13(1)(a), F.S.

value and cost of restoration and repair.[15] Individuals also are prohibited, and subject to criminal penalties, for selling or procuring archaeological objects which have been collected in violation of state law.[16]

The Division additionally has authority to institute administrative proceedings to impose an administrative fines of not more than $500 a day on, and apply to a court of competent jurisdiction for injunctive relief against, any person or business organization that, without written permission of the Division, explores for, salvages, or excavates treasure trove, artifacts, sunken or abandoned ships, or other objects having historical or archaeological value located on state-owned or state-controlled lands, including state sovereignty submerged lands.[17]

III. Effect of Proposed Changes:

CS/SB 868 expands the provisions contained in s. 267.13, F.S., related to prohibited archaeological practices and penalties to include state sovereignty submerged land and land owned by political subdivisions as defined by s. 1.01(8), F.S.[18] Any specimens, objects, and materials collected in violation of the law are forfeited to the state. The bill also amends s. 267.12, F.S., to provide the Division with the authority to issue permits for archaeological research permits at these locations.

Currently, the statutes only apply to land owned or controlled by the state, or within the boundaries of a designated state archaeological landmark or landmark zone. Thus, the bill affords other public landowners, who are not covered by current laws and limited to other remedies such as trespass after warning,[19] greater ability to deter persons from searching for archeological finds on their property, while allowing permitting for legitimate archaeological research.

The bill has an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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[15] Section 267.13(1)(b), F.S.
[16] Section 267.13(1)(c), F.S.
[17] Section 267.13(2), F.S.
[18] See, s. 1.01(8), F.S., which defines "political subdivisions" to include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.

[19] See, s. 810.09, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Revenues: Expanding the prohibition of specified activities relating to archaeological sites and resources could result in the collection of additional fines. Between 2004 and 2006, a total of $6,493.13 was collected pursuant to s. 267.13, F.S. No fines have been collected since 2006.[20]

Expenditures: Expanding the prohibition of specified activities relating to archaeological sites and resources could result in the need for additional staff time and resources.

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 Governmental Oversight and Accountability on February 7, 2012:

- Deletes the reference to "special districts created by the Legislature" as those entities are included in the definition of the term "political subdivision."
- Adds language that authorizes the Division to issue permits for archaeological research on state sovereignty land and land owned by political subdivisions.
- Makes technical changes to the bill.

B. Amendments:

None.

[20] Department of State analysis of SB 868, dated December 8, 2011.

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

142302

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 267.12, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

267.12 Research permits; procedure.—

(1) The division may issue permits for excavation and surface reconnaissance on land owned or controlled by the state, including state sovereignty submerged land, land owned by a

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political subdivision as defined by s. 1.01(8), ~~lands~~ or land ~~lands~~ within the boundaries of a designated state archaeological landmark ~~landmarks~~ or landmark zone ~~zones~~ to institutions which the division deems ~~shall deem~~ to be properly qualified to conduct such activity, subject to such rules and regulations as the division may prescribe, provided such activity is undertaken by reputable museums, universities, colleges, or other historical, scientific, or educational institutions or societies that possess or will secure the archaeological expertise for the performance of systematic archaeological field research, comprehensive analysis, and interpretation in the form of publishable reports and monographs, such reports to be submitted to the division.

(2) Those state institutions considered by the division permanently to possess the required archaeological expertise to conduct the archaeological activities allowed under ~~the provisions of~~ the permit may be designated as accredited institutions which will be allowed to conduct archaeological field activities on land owned or controlled by the state, including state sovereignty submerged land, land owned by a political subdivision as defined by s. 1.01(8), ~~state-owned or controlled lands~~ or land within the boundaries of a ~~any~~ designated state archaeological landmark or ~~any~~ landmark zone without obtaining an individual permit for each project, except that those accredited institutions will be required to give prior written notice of all anticipated archaeological field activities on land owned or controlled by the state, including state sovereignty submerged land, land owned by a political subdivision as defined by s. 1.01(8), ~~state-owned or controlled~~

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41 ~~lands~~ or land within the boundaries of a ~~any~~ designated state
42 archaeological landmark or landmark zone to the division,
43 together with such information as may reasonably be required by
44 the division to ensure the proper preservation, protection, and
45 excavation of the archaeological resources. However, ~~no~~
46 archaeological activity may not be commenced by the accredited
47 institution until the division has determined that the planned
48 project will be in conformity with the guidelines, regulations,
49 and criteria adopted pursuant to ss. 267.11-267.14. Such
50 determination will be made by the division and notification to
51 the institution given within ~~a period of~~ 15 days after ~~from the~~
52 ~~time of~~ receipt of the prior notification by the division.
53 (4) This section does not apply to a jurisdiction that is
54 qualified as a certified local government pursuant to the
55 Historic Preservation Act of 1966, as amended, 16 U.S.C. s. 470,
56 and that has an archaeological ordinance.
57 Section 2. Subsections (1) and (2) of section 267.13,
58 Florida Statutes, are amended, and subsection (5) is added to
59 that section, to read:
60 267.13 Prohibited practices; penalties.—
61 (1)(a) Any person who by means other than excavation ~~either~~
62 conducts archaeological field investigations on, or removes or
63 attempts to remove~~,~~ or defaces, destroys, or otherwise alters
64 any archaeological site or specimen located upon, ~~any~~ land owned
65 or controlled by the state, including state sovereignty
66 submerged land, land owned by a political subdivision as defined
67 by s. 1.01(8), or land within the boundaries of a designated
68 state archaeological landmark or landmark zone, except in the
69 course of activities pursued under the authority of a permit or

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70 under procedures relating to accredited institutions granted by
71 the division, commits a misdemeanor of the first degree,
72 punishable as provided in s. 775.082 or s. 775.083, and, in
73 addition, shall forfeit to the state all specimens, objects, and
74 materials collected, together with all photographs and records
75 relating to such material.
76 (b) Any person who by means of excavation ~~either~~ conducts
77 archaeological field investigations on, or removes or attempts
78 to remove~~,~~ or defaces, destroys, or otherwise alters any
79 archaeological site or specimen located upon, ~~any~~ land owned or
80 controlled by the state, including state sovereignty submerged
81 land, land owned by a political subdivision as defined by s.
82 1.01(8), or land within the boundaries of a designated state
83 archaeological landmark or landmark zone, except in the course
84 of activities pursued under the authority of a permit or under
85 procedures relating to accredited institutions granted by the
86 division, commits a felony of the third degree, punishable as
87 provided in s. 775.082, s. 775.083, or s. 775.084, and any
88 vehicle or equipment of any person used in connection with the
89 violation is subject to forfeiture to the state if it is
90 determined by any court of law that the vehicle or equipment was
91 involved in the violation. Such person shall forfeit to the
92 state all specimens, objects, and materials collected or
93 excavated, together with all photographs and records relating to
94 such material. The court may also order the defendant to make
95 restitution to the state for the archaeological or commercial
96 value and cost of restoration and repair as defined in
97 subsection (4).
98 (c) Any person who offers for sale or exchange any object

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99 with knowledge that it has previously been collected or
100 excavated in violation of any of the terms of ss. 267.11-267.14,
101 or who procures, counsels, solicits, or employs any other person
102 to violate any prohibition contained in ss. 267.11-267.14 or to
103 sell, purchase, exchange, transport, receive, or offer to sell,
104 purchase, or exchange any archaeological resource excavated or
105 removed from ~~any~~ land owned or controlled by the state,
106 including state sovereignty submerged land, land owned by a
107 political subdivision as defined by s. 1.01(8), or land within
108 the boundaries of a designated state archaeological landmark or
109 landmark zone, except with the express consent of the division,
110 commits a felony of the third degree, punishable as provided in
111 s. 775.082, s. 775.083, or s. 775.084, and any vehicle or
112 equipment of any person used in connection with the violation is
113 subject to forfeiture to the state if it is determined by any
114 court of law that such vehicle or equipment was involved in the
115 violation. All specimens, objects, and material collected or
116 excavated, together with all photographs and records relating to
117 such material, shall be forfeited to the state. The court may
118 also order the defendant to make restitution to the state for
119 the archaeological or commercial value and cost of restoration
120 and repair as defined in subsection (4).
121 (2)(a) The division may institute an administrative
122 proceeding to impose an administrative fine of not more than
123 $500 a day on any person or business organization that, without
124 written permission of the division, explores for, salvages, or
125 excavates treasure trove, artifacts, sunken or abandoned ships,
126 or other objects having historical or archaeological value
127 located upon land owned or controlled by the state ~~on state-~~

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128 ~~owned or state-controlled lands~~, including state sovereignty
129 submerged land, or land owned by a political subdivision as
130 defined by s. 1.01(8) ~~lands~~.
131 (b) The division shall institute an administrative
132 proceeding by serving written notice of a violation by certified
133 mail upon the alleged violator. The notice shall specify the law
134 or rule allegedly violated and the facts upon which the
135 allegation is based. The notice shall also specify the amount of
136 the administrative fine sought by the division. The fine is
137 ~~shall~~ not ~~become~~ due until after service of notice and an
138 administrative hearing. However, the alleged violator has ~~shall~~
139 ~~have~~ 20 days after ~~from~~ service of notice to request an
140 administrative hearing. Failure to respond within that time
141 constitutes ~~shall constitute~~ a waiver, and the fine becomes
142 ~~shall become~~ due without a hearing.
143 (c) The division may enter its judgment for the amount of
144 the administrative penalty imposed in a court of competent
145 jurisdiction, pursuant to s. 120.69. The judgment may be
146 enforced as any other judgment.
147 (d) The division may apply to a court of competent
148 jurisdiction for injunctive relief against any person or
149 business organization that explores for, salvages, or excavates
150 treasure trove, artifacts, sunken or abandoned ships, or other
151 objects having historical or archaeological value located upon
152 ~~on state-owned or state-controlled~~ land owned or controlled by
153 the state, including state sovereignty submerged land, or land
154 owned by a political subdivision as defined by s. 1.01(8)
155 without the written permission of the division.
156 (e) The division shall adopt rules pursuant to ss.

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157 120.536(1) and 120.54 to administer ~~implement the provisions of~~
158 this section.
159 (5) This section does not apply to activities conducted
160 pursuant to a permit or other form of consent granted by a
161 jurisdiction that is qualified as a certified local government
162 pursuant to the Historic Preservation Act of 1966, as amended,
163 16 U.S.C. s. 470, and that has an archaeological ordinance.
164 Section 3. This act shall take effect July 1, 2012.
165
166 ========== T I T L E A M E N D M E N T ==========
167 And the title is amended as follows:
168 Delete everything before the enacting clause
169 and insert:
170 A bill to be entitled
171 An act relating to archeological sites and specimens;
172 amending s. 267.12, F.S.; authorizing the Division of
173 Historical Resources of the Department of State to
174 issue permits for excavation, surface reconnaissance,
175 and archaeological activities on land owned by a
176 political subdivision; providing applicability;
177 amending s. 267.13, F.S.; providing that specified
178 activities relating to archaeological sites and
179 specimens located upon land owned by a political
180 subdivision are prohibited and subject to penalties;
181 authorizing the division to impose an administrative
182 fine on and seek injunctive relief against certain
183 entities; providing applicability; providing an
184 effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Hays

585-03094-12 2012868c1

A bill to be entitled

An act relating to archeological sites and specimens; amending s. 267.12, F.S.; authorizing the Division of Historical Resources of the Department of State to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by a political subdivision; amending s. 267.13, F.S.; providing that specified activities relating to archaeological sites and specimens located upon land owned by a political subdivision are prohibited and subject to penalties; authorizing the division to impose an administrative fine on and seek injunctive relief against certain entities; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 267.12, Florida Statutes, are amended to read:

267.12 Research permits; procedure.—

(1) The division may issue permits for excavation and surface reconnaissance on land owned or controlled by the state, including state sovereignty submerged land, land owned by a political subdivision as defined by s. 1.01(8), ~~lands~~ or land ~~lands~~ within the boundaries of a designated state archaeological landmark ~~landmarks~~ or landmark zone ~~zones~~ to institutions which the division deems ~~shall deem~~ to be properly qualified to conduct such activity, subject to such rules and regulations as the division may prescribe, provided such activity is undertaken

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585-03094-12 2012868c1

by reputable museums, universities, colleges, or other historical, scientific, or educational institutions or societies that possess or will secure the archaeological expertise for the performance of systematic archaeological field research, comprehensive analysis, and interpretation in the form of publishable reports and monographs, such reports to be submitted to the division.

(2) Those state institutions considered by the division permanently to possess the required archaeological expertise to conduct the archaeological activities allowed under ~~the provisions of~~ the permit may be designated as accredited institutions which will be allowed to conduct archaeological field activities on land owned or controlled by the state, including state sovereignty submerged land, land owned by a political subdivision as defined by s. 1.01(8), ~~state-owned or controlled lands~~ or land within the boundaries of a ~~any~~ designated state archaeological landmark or ~~any~~ landmark zone without obtaining an individual permit for each project, except that those accredited institutions will be required to give prior written notice of all anticipated archaeological field activities on land owned or controlled by the state, including state sovereignty submerged land, land owned by a political subdivision as defined by s. 1.01(8), ~~state-owned or controlled lands~~ or land within the boundaries of a ~~any~~ designated state archaeological landmark or landmark zone to the division, together with such information as may reasonably be required by the division to ensure the proper preservation, protection, and excavation of the archaeological resources. However, ~~no~~ archaeological activity may not be commenced by the accredited

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59 institution until the division has determined that the planned
60 project will be in conformity with the guidelines, regulations,
61 and criteria adopted pursuant to ss. 267.11-267.14. Such
62 determination will be made by the division and notification to
63 the institution given within ~~a period of~~ 15 days after ~~from the~~
64 ~~time of~~ receipt of the prior notification by the division.
65 Section 2. Subsections (1) and (2) of section 267.13,
66 Florida Statutes, are amended to read:
67 267.13 Prohibited practices; penalties.—
68 (1)(a) Any person who by means other than excavation ~~either~~
69 conducts archaeological field investigations on, or removes or
70 attempts to remove~~,~~ or defaces, destroys, or otherwise alters
71 any archaeological site or specimen located upon, ~~any~~ land owned
72 or controlled by the state, including state sovereignty
73 submerged land, land owned by a political subdivision as defined
74 by s. 1.01(8), or land within the boundaries of a designated
75 state archaeological landmark or landmark zone, except in the
76 course of activities pursued under the authority of a permit or
77 under procedures relating to accredited institutions granted by
78 the division, commits a misdemeanor of the first degree,
79 punishable as provided in s. 775.082 or s. 775.083, and, in
80 addition, shall forfeit to the state all specimens, objects, and
81 materials collected, together with all photographs and records
82 relating to such material.
83 (b) Any person who by means of excavation ~~either~~ conducts
84 archaeological field investigations on, or removes or attempts
85 to remove~~,~~ or defaces, destroys, or otherwise alters any
86 archaeological site or specimen located upon, ~~any~~ land owned or
87 controlled by the state, including state sovereignty submerged

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88 land, land owned by a political subdivision as defined by s.
89 1.01(8), or land within the boundaries of a designated state
90 archaeological landmark or landmark zone, except in the course
91 of activities pursued under the authority of a permit or under
92 procedures relating to accredited institutions granted by the
93 division, commits a felony of the third degree, punishable as
94 provided in s. 775.082, s. 775.083, or s. 775.084, and any
95 vehicle or equipment of any person used in connection with the
96 violation is subject to forfeiture to the state if it is
97 determined by any court of law that the vehicle or equipment was
98 involved in the violation. Such person shall forfeit to the
99 state all specimens, objects, and materials collected or
100 excavated, together with all photographs and records relating to
101 such material. The court may also order the defendant to make
102 restitution to the state for the archaeological or commercial
103 value and cost of restoration and repair as defined in
104 subsection (4).
105 (c) Any person who offers for sale or exchange any object
106 with knowledge that it has previously been collected or
107 excavated in violation of any of the terms of ss. 267.11-267.14,
108 or who procures, counsels, solicits, or employs any other person
109 to violate any prohibition contained in ss. 267.11-267.14 or to
110 sell, purchase, exchange, transport, receive, or offer to sell,
111 purchase, or exchange any archaeological resource excavated or
112 removed from ~~any~~ land owned or controlled by the state,
113 including state sovereignty submerged land, land owned by a
114 political subdivision as defined by s. 1.01(8), or land within
115 the boundaries of a designated state archaeological landmark or
116 landmark zone, except with the express consent of the division,

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117 commits a felony of the third degree, punishable as provided in
118 s. 775.082, s. 775.083, or s. 775.084, and any vehicle or
119 equipment of any person used in connection with the violation is
120 subject to forfeiture to the state if it is determined by any
121 court of law that such vehicle or equipment was involved in the
122 violation. All specimens, objects, and material collected or
123 excavated, together with all photographs and records relating to
124 such material, shall be forfeited to the state. The court may
125 also order the defendant to make restitution to the state for
126 the archaeological or commercial value and cost of restoration
127 and repair as defined in subsection (4).
128 (2)(a) The division may institute an administrative
129 proceeding to impose an administrative fine of not more than
130 $500 a day on any person or business organization that, without
131 written permission of the division, explores for, salvages, or
132 excavates treasure trove, artifacts, sunken or abandoned ships,
133 or other objects having historical or archaeological value
134 located upon land owned or controlled by the state ~~on state-~~
135 ~~owned or state-controlled lands~~, including state sovereignty
136 submerged land, or land owned by a political subdivision as
137 defined by s. 1.01(8) ~~lands~~.
138 (b) The division shall institute an administrative
139 proceeding by serving written notice of a violation by certified
140 mail upon the alleged violator. The notice shall specify the law
141 or rule allegedly violated and the facts upon which the
142 allegation is based. The notice shall also specify the amount of
143 the administrative fine sought by the division. The fine is
144 ~~shall~~ not ~~become~~ due until after service of notice and an
145 administrative hearing. However, the alleged violator has ~~shall~~

146 ~~have~~ 20 days after ~~from~~ service of notice to request an
147 administrative hearing. Failure to respond within that time
148 constitutes ~~shall constitute~~ a waiver, and the fine becomes
149 ~~shall become~~ due without a hearing.
150 (c) The division may enter its judgment for the amount of
151 the administrative penalty imposed in a court of competent
152 jurisdiction, pursuant to s. 120.69. The judgment may be
153 enforced as any other judgment.
154 (d) The division may apply to a court of competent
155 jurisdiction for injunctive relief against any person or
156 business organization that explores for, salvages, or excavates
157 treasure trove, artifacts, sunken or abandoned ships, or other
158 objects having historical or archaeological value located upon
159 ~~on state-owned or state-controlled~~ land owned or controlled by
160 the state, including state sovereignty submerged land, or land
161 owned by a political subdivision as defined by s. 1.01(8)
162 without the written permission of the division.
163 (e) The division shall adopt rules pursuant to ss.
164 120.536(1) and 120.54 to administer ~~implement the provisions of~~
165 this section.
166 Section 3. This act shall take effect July 1, 2012.

S0868
GENERAL BILL/CS by GO, Hays; (Similar CS/1ST ENG/H 0591)
Archaeological Sites and Specimens. EFFECTIVE DATE: 07/01/2012.
03/01/12 S Now in Budget -SJ 743 ; CS/CS by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations read 1st time -SJ 748
03/09/12 S Died in Budget

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/CS/SB 1238

INTRODUCER: Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Transportation Committee; and Senators Hays and Benacquisto

SUBJECT: Low-speed Vehicles

DATE: February 29, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Buford	TR	**Fav/CS**
2.	Carey	Meyer, R.	BTA	**Fav/CS**
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This bill establishes procedures to allow the conversion of a vehicle titled or branded and registered as a low-speed vehicle to a golf cart upon payment of a $40 administrative fee, and verification of the conversion by the Department of Highway Safety and Motor Vehicles (department).

This bill substantially amends section 319.14 of the Florida Statutes.

II. Present Situation:

Low-speed Vehicles

Section 320.01(42), F.S., defines “low-speed vehicle” as any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.

Section 316.2122, F.S., authorizes operation of a low-speed vehicle on any road with the following restrictions:

- A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- A low-speed vehicle must be registered and insured in accordance with s. 320.02, F.S., and titled pursuant to ch. 319, F.S.
- Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.
- A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.
- The Florida Department of Transportation (FDOT) may prohibit the operation of low-speed vehicles on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Golf Carts

Section 320.01(22), F.S., defines a golf cart as a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of 20 miles per hour.

Golf carts are exempt from registration and license taxes under s. 320.105, F.S., and pursuant to s. 322.04, F.S., golf cart drivers are not required to have a driver's license or insurance.

Pursuant to s. 316.2125(2)(a), F.S., the operation of golf carts on local roads is allowed. After making a safety determination, a city or county may designate county or city roads for golf cart use. A city or county may prohibit the use of golf carts on any road under its jurisdiction in the interest of safety.

Pursuant to s. 316.212(2), F.S., the operation of a golf cart on state highways is allowed if the FDOT determines: the safe and efficient flow of traffic will not be impeded; the road is the only available public road along which the golf carts may travel or the road provides the safest travel route among alternative routes available; and, the speed, volume, and character of motor vehicle traffic using the road is considered.

Pursuant to s. 316.212(6), F.S., a golf cart operated on a public road must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and the rear. A golf cart may be operated only during the hours between sunrise and sunset, unless the FDOT or local government has determined a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield, in addition to the other equipment requirements.

Pursuant to s. 316.2125, F.S., golf carts may operate on roads within a self-contained retirement community unless the roads within the community are state or local roads and the FDOT or local government prohibits such use for safety reasons. Golf carts operating within a self-contained retirement community must also be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and the rear. Golf carts operating at night within a self-contained retirement community must also be equipped with headlights, brake lights, turn signals, and a windshield.

Low Speed Vehicles Versus Golf Carts

The significant differences for an owner of a low speed vehicle and a golf cart are:

- The golf cart does not have to be driven by a licensed driver;
- The golf cart does not have to be registered or titled; and
- The golf cart does not have to be insured.

In 1999, the Florida Legislature first authorized the use of low speed vehicles on certain public roads and set speed limits for golf carts.[1] Golf carts have become the symbol of liberation in active, self contained-retirement communities. There is one such community in Florida that boasts of more than 83,000 residents, 50,000 golf carts and 100 miles of golf cart trails that will allow residents to go to the hairdresser, grocery store, bank, dancing, movies, and even play golf.[2], It has been estimated that license and insurance costs for low speed vehicles can approach $600 annually.[3] The rising costs of insurance is burdensome on residents in retirement communities who are living on fixed incomes and have seen annual premiums rise from as low as $150 to as much as $1,000 despite the fact that these low speed vehicles are being driven primarily on the same paths as golf carts and there has been no documented history of accidents involving these vehicles.[4] Many residents in retirement communities own low speed vehicles and desire to convert to a slower speed vehicle to eliminate insurance and registration costs. This conversion can be accomplished by reprogramming the controller board or by changing the controller which is not a highly complex undertaking.[5] Current Florida law does not allow for rebranding of a low speed vehicle as a golf cart after the conversion is performed.

III. Effect of Proposed Changes:

The bill creates s. 319.14(10)(a), F.S., to authorize a vehicle titled or branded and registered as a low-speed vehicle to be converted to a golf cart pursuant to the following procedures:

- The owner of the converted vehicle must contact the regional office of the department to verify the conversion, surrender the registration license plate and the current certificate of title, and pay the $40 administrative fee.
- Upon verification of the conversion, the department shall note in the vehicle record that the low-speed vehicle has been converted to a golf cart and cancel the certificate of title and registration of the vehicle.

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[1] L.O.F. 99-163.
[2] Http://www.slate.com/articles/life/silver_lining/2011/02/slow_ride_take_it_easy.single.html. Site last visited 1/17/2012.
[3] Http://m.tcpalm.com/news/2011/dec/30/tradition-resident-pushing-for-use-of-golf-carts/. Site last visited 1/17/2012.
[4] Oral conversation on 1/17/2012 with Jerry Dillon, representative of Tomberlin Ambassador Group, a club for golf cart owners in The Villages, Florida.
[5] Oral conversation on 1/17/2012 with Jose Mateo, sole proprietor, dba BV Golf Carts, Tallahassee, Florida.

Section 319.14(10)(b), F.S., provides the department shall establish a fee of $40 to cover the cost of verification and associated administrative costs for carrying out its responsibilities under s. 319.14(10).F.S.

This act shall take effect 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:

Vehicle owners choosing to convert his or her low speed vehicle to a golf cart must pay the $40 verification fee. The practical effect of a conversion is to eliminate the need to register and insure the vehicle.

C. Government Sector Impact:

The number of low-speed vehicles that will be converted to a golf cart is indeterminate; therefore the fiscal impact is not known.[6]

According to the department, its Information Systems Administration (ISA) will require approximately 93 hours, non-recurring, in order to implement the provisions of this bill; however, these hours can be incorporated into ISA's normal workload.

VI. Technical Deficiencies:

None.

[6] Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1238 (December 21, 2011)* (on file with the Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations).

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 BTA on February 28, 2012:
The CS clarifies the definition of low speed vehicles to mean any four-wheeled vehicle whose top speed is greater than 20 mph but not greater than 25 mph rather than only electric four-wheeled vehicles. The CS also clarifies that the definition is not limited to neighborhood electric vehicles.

CS by Transportation on January 19, 2012:
The CS eliminates references to an "inspection" by the Department of Highway Safety and Motor Vehicles as verification of a conversion can be performed without a physical inspection.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

Senate Amendment (with title amendment)

Between lines 170 and 171
insert:
Section 2. Subsection (42) of section 320.01, Florida Statutes, is amended to read:
320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:
(42) "Low-speed vehicle" means any four-wheeled ~~electric~~ vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, without

810934

12 limitation, neighborhood electric vehicles. Low-speed vehicles
13 must comply with the safety standards in 49 C.F.R. s. 571.500
14 and s. 316.2122.
15
16 ========== T I T L E A M E N D M E N T ==========
17 And the title is amended as follows:
18 Delete line 6
19 and insert:
20 providing for a fee; amending s. 320.01, F.S.;
21 redefining the term “low-speed vehicle”; providing an
22 effective date.

By the Committee on Transportation; and Senator Hays

596-02048-12 20121238c1

A bill to be entitled

An act relating to low-speed vehicles; amending s. 319.14, F.S.; authorizing the conversion of a vehicle titled or branded and registered as a low-speed vehicle to a golf cart; providing procedures; providing for a fee; providing an effective date.

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

Section 1. Section 319.14, Florida Statutes, is amended to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles; conversion of low-speed vehicles.—

(1)(a) No person shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, or a vehicle that has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, until the department has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle or the title has been stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle. If the certificate of title or duplicate was not so stamped upon initial issuance thereof or if, subsequent to initial issuance of the title, the use of the vehicle is changed to a use requiring the notation provided for in this section, the owner or lienholder of the vehicle shall surrender the certificate of title or duplicate to

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the department prior to offering the vehicle for sale, and the department shall stamp the certificate or duplicate as required herein. When a vehicle has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, the title shall be stamped "Manufacturer's Buy Back" to reflect that the vehicle is a nonconforming vehicle.

(b) No person shall knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt or assembled from parts, or is a kit car, glider kit, replica, or flood vehicle unless proper application for a certificate of title for a vehicle that is rebuilt or assembled from parts, or is a kit car, glider kit, replica, or flood vehicle has been made to the department in accordance with this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle and all major component parts, as defined in s. 319.30(1), which have been repaired or replaced. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt.

(c) As used in this section:

1. "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

2.a. "Short-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one or more persons from time to time for a period of less than 12 months.

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59 b. “Long-term-lease vehicle” means a motor vehicle leased
60 without a driver and under a written agreement to one person for
61 a period of 12 months or longer.
62 c. “Lease vehicle” includes both short-term-lease vehicles
63 and long-term-lease vehicles.
64 3. “Rebuilt vehicle” means a motor vehicle or mobile home
65 built from salvage or junk, as defined in s. 319.30(1).
66 4. “Assembled from parts” means a motor vehicle or mobile
67 home assembled from parts or combined from parts of motor
68 vehicles or mobile homes, new or used. “Assembled from parts”
69 does not mean a motor vehicle defined as a “rebuilt vehicle” in
70 subparagraph 3., which has been declared a total loss pursuant
71 to s. 319.30.
72 5. “Kit car” means a motor vehicle assembled with a kit
73 supplied by a manufacturer to rebuild a wrecked or outdated
74 motor vehicle with a new body kit.
75 6. “Glider kit” means a vehicle assembled with a kit
76 supplied by a manufacturer to rebuild a wrecked or outdated
77 truck or truck tractor.
78 7. “Replica” means a complete new motor vehicle
79 manufactured to look like an old vehicle.
80 8. “Flood vehicle” means a motor vehicle or mobile home
81 that has been declared to be a total loss pursuant to s.
82 319.30(3)(a) resulting from damage caused by water.
83 9. “Nonconforming vehicle” means a motor vehicle which has
84 been purchased by a manufacturer pursuant to a settlement,
85 determination, or decision under chapter 681.
86 10. “Settlement” means an agreement entered into between a
87 manufacturer and a consumer that occurs after a dispute is

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88 submitted to a program, or an informal dispute settlement
89 procedure established by a manufacturer or is approved for
90 arbitration before the New Motor Vehicle Arbitration Board as
91 defined in s. 681.102.
92 (2) No person shall knowingly sell, exchange, or transfer a
93 vehicle referred to in subsection (1) without, prior to
94 consummating the sale, exchange, or transfer, disclosing in
95 writing to the purchaser, customer, or transferee the fact that
96 the vehicle has previously been titled, registered, or used as a
97 taxicab, police vehicle, or short-term-lease vehicle or is a
98 vehicle that is rebuilt or assembled from parts, or is a kit
99 car, glider kit, replica, or flood vehicle, or is a
100 nonconforming vehicle, as the case may be.
101 (3) Any person who, with intent to offer for sale or
102 exchange any vehicle referred to in subsection (1), knowingly or
103 intentionally advertises, publishes, disseminates, circulates,
104 or places before the public in any communications medium,
105 whether directly or indirectly, any offer to sell or exchange
106 the vehicle shall clearly and precisely state in each such offer
107 that the vehicle has previously been titled, registered, or used
108 as a taxicab, police vehicle, or short-term-lease vehicle or
109 that the vehicle or mobile home is a vehicle that is rebuilt or
110 assembled from parts, or is a kit car, glider kit, replica, or
111 flood vehicle, or a nonconforming vehicle, as the case may be.
112 Any person who violates this subsection commits a misdemeanor of
113 the second degree, punishable as provided in s. 775.082 or s.
114 775.083.
115 (4) When a certificate of title, including a foreign
116 certificate, is branded to reflect a condition or prior use of

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

117 the titled vehicle, the brand must be noted on the registration
118 certificate of the vehicle and such brand shall be carried
119 forward on all subsequent certificates of title and registration
120 certificates issued for the life of the vehicle.
121 (5) Any person who knowingly sells, exchanges, or offers to
122 sell or exchange a motor vehicle or mobile home contrary to the
123 provisions of this section or any officer, agent, or employee of
124 a person who knowingly authorizes, directs, aids in, or consents
125 to the sale, exchange, or offer to sell or exchange a motor
126 vehicle or mobile home contrary to the provisions of this
127 section commits a misdemeanor of the second degree, punishable
128 as provided in s. 775.082 or s. 775.083.
129 (6) Any person who removes a rebuilt decal from a rebuilt
130 vehicle with the intent to conceal the rebuilt status of the
131 vehicle commits a felony of the third degree, punishable as
132 provided in s. 775.082, s. 775.083, or s. 775.084.
133 (7) This section applies to a mobile home, travel trailer,
134 camping trailer, truck camper, or fifth-wheel recreation trailer
135 only when such mobile home or vehicle is a rebuilt vehicle or is
136 assembled from parts.
137 (8) No person shall be liable or accountable in any civil
138 action arising out of a violation of this section if the
139 designation of the previous use or condition of the motor
140 vehicle is not noted on the certificate of title and
141 registration certificate of the vehicle which was received by,
142 or delivered to, such person, unless such person has actively
143 concealed the prior use or condition of the vehicle from the
144 purchaser.
145 (9) Subsections (1), (2), and (3) do not apply to the

146 transfer of ownership of a motor vehicle after the motor vehicle
147 has ceased to be used as a lease vehicle and the ownership has
148 been transferred to an owner for private use or to the transfer
149 of ownership of a nonconforming vehicle with 36,000 or more
150 miles on its odometer, or 34 months whichever is later and the
151 ownership has been transferred to an owner for private use. Such
152 owner, as shown on the title certificate, may request the
153 department to issue a corrected certificate of title that does
154 not contain the statement of the previous use of the vehicle as
155 a lease vehicle or condition as a nonconforming vehicle.
156 (10)(a) A vehicle titled or branded and registered as a
157 low-speed vehicle may be converted to a golf cart pursuant to
158 the following:
159 1. The owner of the converted vehicle must contact the
160 regional office of the department to verify the conversion,
161 surrender the registration license plate and the current
162 certificate of title, and pay the appropriate fee established
163 under paragraph (b).
164 2. Upon verification of the conversion, the department
165 shall note in the vehicle record that the low-speed vehicle has
166 been converted to a golf cart and cancel the certificate of
167 title and registration of the vehicle.
168 (b) The department shall establish a fee of $40 to cover
169 the cost of verification and associated administrative costs for
170 carrying out its responsibilities under this subsection.
171 Section 2. This act shall take effect July 1, 2012.

S1238
GENERAL BILL/CS by TR, Hays; (Similar CS/CS/H 1009)
Low-speed Vehicles. EFFECTIVE DATE: 07/01/2012.
03/08/12 S Pending reference review -under Rule 4.7(2) - (Committee Substitute); Placed on Calendar, on 2nd reading -SJ 1004
03/09/12 S Died on Calendar, companion bill(s) passed, see CS/CS/CS/HB 599 (Ch. 2012-174)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/ CS/SB 1298

INTRODUCER: Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Transportation Committee; and Senators Detert and Benacquisto

SUBJECT: Identification Cards and Drivers Licenses

DATE: February 29, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Willar	Carter	MS	**Favorable**
2.	Akhavein	Buford	TR	**Fav/CS**
3.	Carey	Meyer	BTA	**Fav/CS**
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

To recognize and honor Florida veterans, current law allows a veteran of the United States Armed Forces to obtain a veteran designation on an identification card or driver license issued by the Department of Highway Safety and Motor Vehicles. This committee substitute provides that until a veteran renews his or her identification card or driver license, the veteran may pay a $2 fee and present proof of veteran status to have a replacement identification card or driver license issued with a capital “V” displayed. Allowing a replacement identification card or driver license to be issued with a capital “V” would provide veterans a method to display their veteran status prior to their normal renewal period rather than paying the $25 fee to obtain a replacement credential.

This committee substitute amends sections 322.051 and 322.14 of the Florida Statutes.

II. Present Situation:

In 2011, the Legislature amended ss. 322.051 and 322.14, F.S., to allow a veteran of the United States Armed Forces to be issued an identification card or a driver license by the Department of Highway Safety and Motor Vehicles (DHSMV), which displays a permanent capital "V" to signify status as a veteran.[1] In order to receive a capital "V" on either of these credentials, a veteran must present his or her DD Form 214 (Certificate of Release or Discharge from Active Duty issued by the United States Department of Defense) to the DHSMV, along with an additional $1 fee.

A veteran who would like to obtain a capital "V" on an identification card or driver license can do so when the veteran's credential is up for renewal.[2] The cost to renew an identification card and a driver license is $25 and $48, respectively. If a veteran would like to obtain a capital "V" on his or her credential before it is up for renewal, the veteran would need to purchase a replacement credential. The fee for a replacement identification card or driver license is $25, plus an extra $1 fee for the designation.[3]

According to the DHSMV, since the capital "V" was first offered to veterans in 2011, the DHSMV has issued 5,794 original, 15,898 renewal, and 7,061 replacement identification cards and driver licenses, with a total of 28,753 issuances.[4]

III. Effect of Proposed Changes:

Section 1 amends s. 322.051, F.S., to allow a veteran the option to have a replacement identification card issued with a capital "V" displayed upon the payment of a $2 fee and presentation of a copy of his or her DD Form 214 or another acceptable form specified by the Department of Veterans' Affairs, provided the veteran is not conducting any other transactions affecting the identification card.

Section 2 amends s. 322.14, F.S., to allow a veteran the option to have a replacement driver license card issued with a capital "V" displayed upon the payment of a $2 fee and presentation of a copy of his or her DD Form 214 or another acceptable form specified by the Department of Veterans' Affairs, provided the veteran is not conducting any other transactions affecting the identification card.

Section 3 provides that this committee substitute takes effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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[1] Section 322.051(8)(b), F.S., permits a veteran to obtain a "V" on an identification card issued by the DHSMV. Section 322.14(1)(c), F.S., permits a veteran to obtain a "V" on a driver license issued by the DHSMV.
[2] Section 322.18 (2)(a), F.S., states that every identification card and driver license must be renewed every eight years.
[3] Florida Department of Highway Safety and Motor Vehicles Fee Schedule. Available at: http://www.flhsmv.gov/DHSMVFEES.HTM. Site last viewed January 20, 2012.
[4] Email correspondence with DHSMV staff January 25, 2012.

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:

A veteran who elects to obtain a replacement identification card or driver license with the capital "V" displayed will be charged a $2 fee. The committee substitute would allow a replacement capital "V" identification card or driver license to be issued prior to regular renewal.

C. Government Sector Impact:

According to the DHSMV, the collection of the $2 fee will offset additional administrative costs associated with the issuance of the replacement identification card or driver license with the capital "V" displayed. The number of veterans who will elect to obtain a replacement capital "V" identification card or driver license is indeterminate.

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 Transportation, Tourism, and Economic Development Appropriations on February 28, 2012:

- Revises proof of veteran status requirements to also include other acceptable forms specified by the Department of Veteran Affairs for those veterans renewing their identification card or driver license.
- Allows veterans to receive a replacement identification card or driver license with the capital "V" displayed rather than a temporary sticker, provided the veteran provides proof of veteran status, is not renewing their identification card or driver

license, and is not conducing any other transactions affecting the identification card or driver license.

CS by Transportation Committee on February 7, 2012:
The committee substitute expands the acceptable forms for veterans to show that they have received an honorable discharge from active duty in order to have a temporary capital "V" designation on his or her driver license or identification card. It authorizes other forms specified by the Department of Veterans' Affairs in addition to the DD Form 214.

The committee substitute also specifies that an additional fee for the "V" designation will not be charged if the veteran previously paid a designation fee.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Diaz de la Portilla) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 18 - 44
4 and insert:
5 (b) A capital "V" shall be exhibited on the identification
6 card of a veteran upon the payment of an additional $1 fee for
7 the license and the presentation of a copy of the person's DD
8 Form 214, issued by the United States Department of Defense, or
9 another acceptable form specified by the Department of Veterans'
10 Affairs. Until a veteran's identification card is next renewed,
11 the veteran may have the capital "V" designation added to his or

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her identification card upon surrender of his or her current identification card, payment of a $2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of a copy of his or her DD Form 214 or another acceptable form specified by the Department of Veterans' Affairs. If the applicant is not conducting any other transaction affecting the identification card, a replacement identification card may be issued with the capital "V" designation without payment of the fee required in s. 322.21(1)(f)3.

Section 2. Paragraph (c) of subsection (1) of section 322.14, Florida Statutes, is amended to read:

322.14 Licenses issued to drivers.—

(1)

(c) A capital "V" shall be exhibited on the driver ~~driver's~~ license of a veteran upon the payment of an additional $1 fee for the license and the presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense, or another acceptable form specified by the Department of Veterans' Affairs. Until a veteran's license is next renewed, the veteran may have the capital "V" designation added to his or her license upon surrender of his or her current license, payment of a $2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of a copy of his or her DD Form 214 or another acceptable form specified by the Department of Veterans' Affairs. If the applicant is not conducting any other transaction affecting the driver license, a replacement license may be issued with the capital "V" designation without payment of the fee required in s. 322.21(1)(e).

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41
42 ========== T I T L E A M E N D M E N T ==========
43 And the title is amended as follows:
44 Delete lines 2 - 10
45 and insert:
46 An act relating to identification cards and driver
47 licenses; amending s. 322.051, F.S., relating to
48 identification cards; revising requirements for
49 documentation verifying veteran status; providing for
50 issuance of a replacement identification card with a
51 designation indicating the holder is a veteran;
52 requiring documentation of veteran status; providing
53 for a fee and disposition of the fee; providing an
54 exception to certain fees; amending s. 322.14, F.S.,
55 relating to driver licenses; revising requirements for
56 documentation verifying veteran status; providing for
57 issuance of a replacement driver license with a
58 designation indicating the holder is a veteran;
59 requiring documentation of veteran status; providing
60 for a fee and disposition of the fee; providing an
61 exception to certain fees; providing an effective
62 date.
63
64 WHEREAS, it is the intent of the Legislature that a veteran
65 not be charged more than $2 for obtaining the “V” code
66 designation on his or her driver license or identification card,
67 and that an additional fee may not be charged for the
68 designation if the veteran previously paid the designation fee,
69 NOW, THEREFORE,

By the Committee on Transportation; and Senator Detert

596-03071-12 20121298c1

A bill to be entitled

An act relating to identification cards and driver licenses; amending s. 322.051, F.S.; providing for a veteran to have a temporary sticker affixed to a state identification card which indicates veteran status; providing for a fee; amending s. 322.14, F.S.; providing for a veteran to have a temporary sticker affixed to a driver license which indicates veteran status; providing for a fee; providing an effective date.

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

Section 1. Paragraph (b) of subsection (8) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(8)

(b) A capital "V" shall be exhibited on the identification card of a veteran upon the payment of an additional $1 fee for the license and the presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense. <u>Until a veteran's identification card is next renewed, the veteran may have a temporary "V" sticker issued by the department and affixed to his or her identification card upon the payment of a $2 fee and presentation of a copy of his or her DD Form 214 or another acceptable form specified by the Department of Veterans' Affairs. An additional fee for the "V" designation will not be charged if the veteran previously paid a designation fee.</u>

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

596-03071-12 20121298c1

Section 2. Paragraph (c) of subsection (1) of section 322.14, Florida Statutes, is amended to read:

322.14 Licenses issued to drivers.—

(1)

(c) A capital "V" shall be exhibited on the <u>driver</u> ~~driver's~~ license of a veteran upon the payment of an additional $1 fee for the license and the presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense. <u>Until a veteran's license is next renewed, the veteran may have a temporary "V" sticker issued by the department and affixed to his or her license upon the payment of a $2 fee and presentation of a copy of his or her DD Form 214 or another acceptable form stipulated by the Department of Veterans' Affairs. An additional fee for the "V" designation will not be charged if the veteran previously paid a designation fee.</u>

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

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

S1298
GENERAL BILL/CS by TR, Detert; (Similar CS/1ST ENG/H 1165)
Identification Cards and Driver Licenses. EFFECTIVE DATE: 07/01/2012.
03/09/12 S Read 2nd time -SJ 1189 ; Substituted CS/HB 1165 -SJ 1189 ; Laid on Table, companion bill(s) passed, see CS/HB 1165 (Ch. 2012-82) -SJ 1189

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/CS/SB 1206

INTRODUCER: Governmental Oversight and Accountability Committee; Commerce and Tourism Committee; Commerce and Tourism Committee; and Senator Lynn

SUBJECT: OGSR/Economic Development Agencies

DATE: February 13, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Hrdlicka	CM	**Fav/CS**
2.	Seay	Roberts	GO	**Fav/CS**
3.	Martin	Meyer	BTA	**Favorable**
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

Current law provides that certain business records are confidential and exempt from Florida's public records requirements when held by an economic development agency and requested to be exempt by the affected business. Examples of economic development agencies include the Department of Economic Opportunity (DEO), Enterprise Florida (EFI), and public economic development agencies of local governments. The following information is confidential and exempt from public records requirements:

- Upon written request, information relating to a business's plans, intentions, and interests to locate, relocate, or expand its business activities in Florida.
- Trade secrets.
- Proprietary confidential business information.
- A federal employer identification number, unemployment compensation account number, or Florida sales tax registration number.
- Certain information pertaining to economic incentive programs.

This Committee Substitute for Committee Substitute (CS) reenacts the public records exemptions, which will repeal on October 2, 2012, if this CS does not become law. The CS also provides that a business's plans, intentions, and interests may become public record 180 days after a final project order for an economic incentive agreement is issued, or until a date specified in the final order; and making certain wage, job, and tax information public 180 days after a final project order for an economic incentive agreement is issued, or until a date specified in the final order.

This CS substantially amends section 288.075 of the Florida Statutes.

II. Present Situation:

Public Records Law

The State of Florida has a long history of providing public access to governmental records. The Florida Legislature enacted the first public records law in 1892.[1] One hundred years later, Floridians adopted an amendment to the State Constitution that raised the statutory right of access to public records to a constitutional level.[2] Article I, s. 24 of the State Constitution, provides that:

> Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

In addition to the State Constitution, the Public Records Act,[3] which pre-dates public records provision of the State Constitution, specifies conditions under which public access must be provided to records of an agency.[4] Section 119.07(1)(a), F.S., states:

> (a) Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.

[1] Section 1390, 1391, F.S. (Rev. 1892).
[2] Article I, s. 24 of the State Constitution.
[3] Chapter 119, F.S.
[4] The word "agency" is defined in s. 119.011(2), F.S., to mean ". . . any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Florida Constitution also establishes a right of access to any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except those records exempted by law or the state constitution.

Unless specifically exempted, all agency records are available for public inspection. The term "public record" is broadly defined to mean:

> . . . all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.[5]

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge.[6] All such materials, regardless of whether they are in final form, are open for public inspection unless made exempt.[7]

Only the Legislature is authorized to create exemptions to open government requirements.[8] Exemptions must be created by general law and such law must specifically state the public necessity justifying the exemption. Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law.[9] A bill enacting an exemption[10] may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.[11]

There is a difference between records that the Legislature has made exempt from public inspection and those that are *confidential* and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other than to the persons or entities designated in the statute.[12] If a record is simply made exempt from disclosure requirements then an agency is not prohibited from disclosing the record in all circumstances.[13]

Open Government Sunset Review Act

The Open Government Sunset Review Act (Act) [14] provides for the systematic review, through a 5-year cycle ending October 2 of the 5th year following enactment, of an exemption from the Public Records Act or the Public Meetings Law. Each year, by June 1, the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year.[15]

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[5] Section 119.011(11), F.S.
[6] *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So.2d 633, 640 (Fla. 1980).
[7] *Wait v. Florida Power & Light Company*, 372 So.2d 420 (Fla. 1979).
[8] Article I, s. 24(c), Fla. Constitution.
[9] *Memorial Hospital-West Volusia v. News-Journal Corporation*, 729 So. 2d 373, 380 (Fla. 1999); *Halifax Hospital Medical Center v. News-Journal Corporation*, 724 So.2d 567 (Fla. 1999).
[10] Under s. 119.15, F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.
[11] Art. I, s. 24(c), Fla. Constitution.
[12] Attorney General Opinion 85-62.
[13] *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA), review denied, 589 So.2d 289 (Fla. 1991).
[14] Section 119.15, F.S.
[15] Section 119.15(5)(a), F.S.

The Act states that an exemption may be created or expanded only if it serves an identifiable public purpose and if the exemption is no broader than necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of three specified criteria and if the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption. An exemption meets the three statutory criteria if it:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, whose administration would be significantly impaired without the exemption;
- Protects information of a sensitive, personal nature concerning individuals, the release of which would be defamatory or cause unwarranted damage to the good name or reputation of such individuals, or would jeopardize their safety; or
- Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure the affected entity in the marketplace.[16]

The Act also requires consideration of the following:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

Public Records Exemptions for Economic Development Agencies

There has been a public records exemption in state law for records that contain information concerning the plans of a corporation to locate, relocate, or expand any of its business activities in this state since 1977.[17] The exemption has undergone several substantive and technical revisions over the years, and the last significant modification was in 2007, which merged specific provisions of a related public-records exemption, s. 288.1067, F.S. (2006), into s. 288.075, F.S.[18]

[16] Section 119.15(4)(b), F.S.

[17] Senate Committee on Commerce and Consumer Services, Interim Project Report 2006-205: Open Government Sunset Review of s. 288.075, F.S., Economic Development Agencies (September 2005), available at http://archive.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-205cm.pdf (last visited February 13, 2012).

[18] Chapter 2007-203, L.O.F. This law also repealed s. 288.1067, F.S. See Senate Committee on Commerce, Interim Project Report 2007-103: Review of Public Records Exemptions Relating to Economic Development Agencies (October 2006), available at http://archive.flsenate.gov/data/Publications/2007/Senate/reports/interim_reports/pdf/2007-103cm.pdf (last visited February 13, 2012); and House of Representatives, Government Efficiency and Accountability Council, Staff Analysis for HB 7201 (April 23, 2007), available at http://archive.flsenate.gov/data/session/2007/House/bills/analysis/pdf/h7201.GEAC.pdf (last visited February 13, 2012).

Currently, the exemption applies to information held by economic development agencies, including Department of Economic Opportunity (DEO), Enterprise Florida, Inc., (EFI), Space Florida, and public economic development agencies of local governments.[19]

There are five distinct categories of information that are exempt from public records:

Exempted Material	Timeframe
Plans, intentions, or interests of a private company, person or individual considering locating, relocating, or expanding its business operations in Florida[20]	Confidential and exempt for 12 months after the date an economic development agency receives a request for confidentiality or until the information is otherwise disclosed, whichever occurs first May be extended for up to an additional 12 months upon written request from the private company or individual upon a finding by the economic development agency that the entity is still actively seeking to locate, relocate, or expand in Florida
Trade secrets[21]	Permanent
Proprietary confidential business information[22]	Confidential and exempt until such time as the information becomes otherwise publically available or is no longer treated by the proprietor as confidential
Federal employer identification number, unemployment compensation account number, or Florida sales tax registration number[23]	Permanent
Specific sales, employee wage, and tax information related to the administration of state economic development incentives[24]	Exempt for a period not to exceed the duration of the incentive agreement or upon termination of the incentive agreement

Generally, "proprietary confidential business information" is business information that would cause harm to the business's operations if disclosed and has not been previously disclosed to the public or pursuant to a court order or statutory provision. It includes information concerning

[19] Section 288.075(1)(a), F.S.
[20] Section 288.075(2), F.S.
[21] Section 288.075(3), F.S.
[22] Section 288.075(4), F.S.
[23] Section 288.075(5), F.S.
[24] Section 288.075(6), F.S.

business plans, internal auditing controls and reports, and reports of external auditors for privately held companies.[25]

Section 288.075(2)(c), F.S., states that a public officer or employee may not enter into a binding agreement with any corporation, partnership, or person who has requested confidentiality of information related to plans, intentions, or interests until 90 days after the information is made public unless:

- The public officer or employee is acting in an official capacity;
- The agreement does not accrue to the personal benefit of such public officer or employee; and
- In the professional judgment of the officer or employee, the agreement is necessary to effectuate an economic development project.

This section of law prevents public officers or employees from using confidential information to their personal benefit.

Any person who is an employee of an economic development agency who violates the provisions of s. 288.075, F.S., commits a second-degree misdemeanor, punishable by a maximum penalty of 60 days in jail and a $500 fine.[26]

III. Effect of Proposed Changes:

Section 1 amends s. 288.075, F.S., reenacting and saving the public records exemption for economic development agencies from repeal; providing that information may become public record 180 days after a final project order for an economic incentive agreement is issued, until a date specified in the final order, 12 months after a request for confidentiality is received, or until the information is publically disclosed, whichever occurs first.

This section also provides that information related to certain wage, job, and tax information becomes public at the earlier of 180 days after a final project order for an economic incentive agreement is issued, until a date specified in the final order or if the information is otherwise disclosed. This section also specifies that tax information that is still considered confidential and exempt may be reported in the aggregate in Enterprise Florida's annual incentive report.

Section 2 provides that this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[25] Section 288.075(1)(b), F.S.
[26] Section 288.075(7), F.S.

B. Public Records/Open Meetings Issues:

This CS retains an already-existing public records exemption and thus is not subject to requirement that the exemption must pass with a two-thirds vote of both houses of the Legislature. The CS complies with the requirement of article I, section 24 of the State Constitution that public records exemptions may only be addressed in legislation separate from substantive changes to law.

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. 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/CS by Governmental Oversight and Accountability – February 16, 2012:
The CS clarifies that a date specified in a final project order that designates the period of confidentiality may not extend beyond the period of confidentiality of 12 months or 24 months that are established in current law. The CS restores language that an economic development agency may extend the period of confidentiality for up to an additional 12 months if certain conditions are met by the entity seeking an extension.

CS by Commerce and Tourism – January 19, 2012:
The committee substitute (CS) changes the time that plans, intentions, and interests are exempt from public record from 90 days after the signing of an economic incentives

agreement is signed to 180 days after a final project order for an economic incentive agreement is issued or until a date specified in the final order.

Additionally, the CS changes the time that information related to economic incentive programs becomes available from 90 days after the signing of an economic incentives agreement is signed to the earlier of 180 days after a final project order for an economic incentive agreement is issued, until a date specified in the final order, or if the information is otherwise disclosed.

B. Amendments:

None.

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

By the Committees on Governmental Oversight and Accountability; Commerce and Tourism; and Commerce and Tourism; and Senator Lynn

585-03566-12 20121206c2

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 288.075, F.S., which provides public records exemptions for information held by economic development agencies; saving from repeal the exemption concerning plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state; providing that the exemption applies if a request for confidentiality is made before an economic incentive agreement is signed; specifying the time period during which information remains confidential and exempt when a final project order for a signed economic development agreement is issued; saving from repeal the exemption for trade secrets; saving from repeal the exemption for proprietary confidential business information; saving from repeal the exemption for identification, account, and registration numbers and sales, wage, and tax data relating to a recipient of an economic development incentive; providing that the taxes paid by businesses participating in an economic incentive program may be disclosed in the aggregate; authorizing the disclosure of specified information relating to a business 180 days after the final project order for an economic incentive agreement is issued, until a date specified in the final project order, or if the information is otherwise disclosed, whichever occurs first; removing the scheduled repeal of the exemptions; providing an

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585-03566-12 20121206c2

effective date.

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

Section 1. Section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Economic development agency" means:

1. The Department of Economic Opportunity;

2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;

3. Space Florida created in part II of chapter 331;

4. The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;

5. Any research and development authority created in accordance with part V of chapter 159; or

6. Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

(b) "Proprietary confidential business information" means information that is owned or controlled by the corporation, partnership, or person requesting confidentiality under this section; that is intended to be and is treated by the

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59 corporation, partnership, or person as private in that the
60 disclosure of the information would cause harm to the business
61 operations of the corporation, partnership, or person; that has
62 not been disclosed unless disclosed pursuant to a statutory
63 provision, an order of a court or administrative body, or a
64 private agreement providing that the information may be released
65 to the public; and that is information concerning:
66 1. Business plans.
67 2. Internal auditing controls and reports of internal
68 auditors.
69 3. Reports of external auditors for privately held
70 companies.
71 (c) "Trade secret" has the same meaning as in s. 688.002.
72 (2) PLANS, INTENTIONS, AND INTERESTS.—
73 (a)1. If ~~Upon written request from~~ a private corporation,
74 partnership, or person requests in writing before an economic
75 incentive agreement is signed that~~, information held by~~ an
76 economic development agency maintain the confidentiality of
77 information concerning plans, intentions, or interests of a ~~such~~
78 private corporation, partnership, or person to locate, relocate,
79 or expand any of its business activities in this state, the
80 information is confidential and exempt from s. 119.07(1) and s.
81 24(a), Art. I of the State Constitution. The information shall
82 remain confidential and exempt for 12 months after the date an
83 economic development agency receives a request for
84 confidentiality or until the information is otherwise disclosed,
85 whichever occurs first.
86 2.~~(b)~~ An economic development agency may extend the period
87 of confidentiality specified in subparagraph 1. ~~paragraph (a)~~

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88 for up to an additional 12 months upon written request from the
89 private corporation, partnership, or person who originally
90 requested confidentiality under this section and upon a finding
91 by the economic development agency that such private
92 corporation, partnership, or person is still actively
93 considering locating, relocating, or expanding its business
94 activities in this state. Such a request for an extension in the
95 period of confidentiality must be received prior to the
96 expiration of any confidentiality originally provided under
97 subparagraph 1. ~~this section~~.
98
99 If a final project order for a signed economic development
100 agreement is issued, the information shall remain confidential
101 and exempt for 180 days after the final project order is issued,
102 until a date specified in the final project order, or until the
103 information is otherwise disclosed, whichever occurs first.
104 However, such period of confidentiality may not extend beyond
105 the period of confidentiality established in subparagraph 1. or
106 subparagraph 2.
107 (b)~~(c)~~ A public officer or employee may not enter into a
108 binding agreement with any corporation, partnership, or person
109 who has requested confidentiality of information under this
110 subsection until 90 days after the information is made public
111 unless:
112 1. The public officer or employee is acting in an official
113 capacity;
114 2. The agreement does not accrue to the personal benefit of
115 such public officer or employee; and
116 3. In the professional judgment of the officer or employee,

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117 the agreement is necessary to effectuate an economic development
118 project.
119 (3) TRADE SECRETS.—Trade secrets held by an economic
120 development agency are confidential and exempt from s. 119.07(1)
121 and s. 24(a), Art. I of the State Constitution.
122 (4) PROPRIETARY CONFIDENTIAL BUSINESS INFORMATION.—
123 Proprietary confidential business information held by an
124 economic development agency is confidential and exempt from s.
125 119.07(1) and s. 24(a), Art. I of the State Constitution, until
126 such information is otherwise publicly available or is no longer
127 treated by the proprietor as proprietary confidential business
128 information.
129 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
130 federal employer identification number, unemployment
131 compensation account number, or Florida sales tax registration
132 number held by an economic development agency is confidential
133 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
134 Constitution.
135 (6) ECONOMIC INCENTIVE PROGRAMS.—
136 (a) The following information held by an economic
137 development agency pursuant to the administration of an economic
138 incentive program for qualified businesses is confidential and
139 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
140 Constitution for a period not to exceed the duration of the
141 incentive agreement, including an agreement authorizing a tax
142 refund or tax credit, or upon termination of the incentive
143 agreement:
144 1. The percentage of the business's sales occurring outside
145 this state and, for businesses applying under s. 288.1045, the

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146 percentage of the business's gross receipts derived from
147 Department of Defense contracts during the 5 years immediately
148 preceding the date the business's application is submitted.
149 ~~2. The anticipated wages for the project jobs that the~~
150 ~~business plans to create, as reported on the application for~~
151 ~~certification.~~
152 2.~~3. The average wage actually paid by the business for~~
153 ~~those jobs created by the project or~~ An individual employee's
154 personal identifying information that ~~which~~ is held as evidence
155 of the achievement or nonachievement of the wage requirements of
156 the tax refund, tax credit, or incentive agreement programs or
157 of the job creation requirements of such programs.
158 3.~~4.~~ The amount of:
159 a. Taxes on sales, use, and other transactions paid
160 pursuant to chapter 212;
161 b. Corporate income taxes paid pursuant to chapter 220;
162 c. Intangible personal property taxes paid pursuant to
163 chapter 199;
164 d. Insurance premium taxes paid pursuant to chapter 624;
165 e. Excise taxes paid on documents pursuant to chapter 201;
166 f. Ad valorem taxes paid, as defined in s. 220.03(1); or
167 g. State communications services taxes paid pursuant to
168 chapter 202.
169
170 However, an economic development agency may disclose in the
171 annual incentives report required under s. 288.907 the aggregate
172 amount of each tax identified in this subparagraph and paid by
173 all businesses participating in each economic incentive program.
174 (b)1. The following information held by an economic

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175 development agency relating to a specific business participating
176 in an economic incentive program is not confidential or exempt
177 from disclosure 180 days after a final project order for an
178 economic incentive agreement is issued, until a date specified
179 in the final project order, or if the information is otherwise
180 disclosed, whichever occurs first ~~An economic development agency~~
181 ~~may release~~:
182 a. The name ~~names~~ of the qualified business ~~businesses~~.
183 b. The total number of jobs the ~~each~~ business committed
184 ~~expects~~ to create or retain.
185 c. The total number of jobs created or retained by the ~~each~~
186 business.
187 d. Notwithstanding s. 213.053(2), the amount of tax
188 refunds, tax credits, or incentives awarded to, ~~and~~ claimed by,
189 or, if applicable, refunded to the state by the ~~each~~ business.
190 e. The anticipated total annual wages of employees the
191 business committed to hire or retain.
192 2. For a business applying for certification under s.
193 288.1045 which is based on obtaining a new Department of Defense
194 contract, the total number of jobs expected and the amount of
195 tax refunds claimed may not be released until the new Department
196 of Defense contract is awarded.
197 ~~(c) An economic development agency may publish statistics~~
198 ~~in the aggregate and classified so as to prevent the~~
199 ~~identification of a single qualified applicant.~~
200 (7) PENALTIES.—Any person who is an employee of an economic
201 development agency who violates the provisions of this section
202 commits a misdemeanor of the second degree, punishable as
203 provided in s. 775.082 or s. 775.083.

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204 ~~(8) LEGISLATIVE REVIEW OF EXEMPTIONS.—This section is~~
205 ~~subject to the Open Government Sunset Review Act in accordance~~
206 ~~with s. 119.15 and shall stand repealed on October 2, 2012,~~
207 ~~unless reviewed and saved from repeal through reenactment by the~~
208 ~~Legislature.~~
209 Section 2. This act shall take effect upon becoming a law.

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S1206
PUBLIC RECORDS/GENERAL BILL/CS/CS by GO; CM; CM; (CO-INTRODUCERS) Lynn; (Similar CS/H 7115)
OGSR/Economic Development Agencies. EFFECTIVE DATE: upon becoming a law.
03/08/12 S Read 2nd time -SJ 1001 ; Substituted CS/HB 7115 -SJ 1001 ; Laid on Table, companion bill(s) passed, see CS/HB 7115 (Ch. 2012-28) -SJ 1001

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/CS/SB 842

INTRODUCER: Commerce and Tourism Committee; Community Affairs Committee; and Senator Bennett

SUBJECT: Growth Management

DATE: February 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	**Fav/CS**
2.	Hrdlicka/Philo	Hrdlicka	CM	**Fav/CS**
3.	Martin	Meyer	BTA	**Pre-meeting**
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/CS/SB 842 makes a number of non-substantive modifications and clarifications to ch. 2011-139, L.O.F., the Community Planning Act (act) that were compiled through various discussions and feedback received by the Senate Committee on Community Affairs from stakeholders, including the state land planning agency and local governments.

Modifications include fixing cross-references, updating outdated language, and removing provisions throughout the statutes that the act made obsolete such as references to the twice-a-year limitation on adopting plan amendments that no longer exists and references to the evaluation and appraisal report that no longer is required.

This committee substitute (CS) requires a regional planning council to determine, before accepting a grant, the purpose of the grant is in furtherance of its functions. Also the CS prohibits a regional planning council from providing consulting services for a fee to any local government for a project for which the council will serve in a review capacity, as well as prohibits a regional

planning council from providing consulting services to a private developer or landowner for a project for which the council may serve in a review capacity in the future.

This CS also addresses items that, although stemming from technical glitches, may have limited policy implications. These include:

- Grandfathering of local government charter provisions in effect on June 1, 2011, relating to a local initiative or referendum process for the approval of development orders and comprehensive plan or map amendments;
- Requiring comments by military installations to be considered by local governments in a manner consistent with s. 163.3184, F.S.;
- Removing criteria that exempts certain municipalities from being signatories to the school interlocal agreement as a prerequisite to implementing school concurrency, because school concurrency is now optional, and restoring criteria to exempt certain municipalities from being a party to the school interlocal agreement;
- Extending the time for the state land planning agency and the Administration Commission to issue recommended and final orders, since the current time requirement is unworkable, and providing a time requirement for the state land planning agency to issue a notice of intent for a plan amendment adopted pursuant to a compliance agreement; and
- Deleting a required annual report by the Department of Economic Opportunity related to the optional sector plan pilot program.

This CS substantially amends the following sections of the Florida Statutes: ss. 163.3167, 163.3174, 163.3175, 163.3177, 163.31777, 163.3178, 163.3180, 163.3184, 163.3191, 163.3245, 186.002, 186.007, 186.505, 186.508, 189.415, 288.975, 380.06, 380.115, 1013.33, 1013.35, 1013.351, and 1013.36, F.S.

II. Present Situation:

The Community Planning Act (ch. 2011-139, L.O.F.)

During the 2011 Regular Session, the Legislature enacted HB 7207, the Community Planning Act (act), which substantially reformed Florida's growth management system.

Part II of ch. 163, F.S., provides the minimum standards for Florida's comprehensive growth management system. Local governments are now primarily responsible for decisions relating to the future growth of their communities, and the state is now focused on protecting important state resources and facilities.

Local governments have the option to decide whether or not to continue implementing, pursuant to state guidelines, concurrency for transportation, school, and parks and recreation. A local government may continue applying concurrency in these areas without taking any action. If local governments wish to remove one of these forms of concurrency, a comprehensive plan amendment must be adopted, but it is not subject to state review. The act also modified and attempted to clarify many of the provisions related to proportionate-share payments that local governments implementing transportation concurrency are required to implement.

Local governments must evaluate their comprehensive plans once every 7 years and notify the state land planning agency, via a letter, whether or not updated amendments are necessary. Local

governments have the flexibility to adopt amendments to their comprehensive plan as needed, since there is no limit on the frequency in which plan amendments may be adopted. Local governments are required to list their funded and unfunded capital improvements in the comprehensive plan.

The act streamlined the comprehensive plan amendment process while maintaining public participation in the local government planning process. The act focuses the state oversight role in growth management on protecting important state resources and facilities. State agencies, when reviewing plan amendments, may comment on adverse impacts to important state resources or facilities as they relate to areas within their jurisdiction. Further, the state land planning agency when challenging most plan amendments may only challenge based on an adverse impact to an "important state resource or facility."

SB 2156, which was signed into law as ch. 2011-142, L.O.F., created the Department of Economic Opportunity (DEO) that now serves as the state land planning agency. The act requires the state land planning agency to provide direct and indirect technical assistance to help local governments find creative solutions to foster vibrant, healthy communities, while protecting the functions of important state resources and facilities.

If a plan amendment may adversely impact an important state resource or facility, upon request by the local government, the state land planning agency must coordinate multi-agency assistance, if needed, to develop an amendment to minimize any adverse impacts. The act changed the requirements associated with the large-scale planning tools of sector plans and rural land stewardship areas.

Local Referendums and Initiatives

The act modified current law to prohibit a local government from adopting any initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment. Prior to this, a local government was prohibited only from adopting an initiative or referendum process for approval of development orders or comprehensive plan amendments or future land use map amendments that affected five or fewer parcels of land. There were a number of already existing local government referendum processes that the act made invalid.[1]

Town of Yankeetown, FL v. Department of Economic Opportunity

In August of 2011, the town of Yankeetown, FL, filed a complaint for declaratory judgment in Leon County Circuit Court naming the former Department of Community Affairs (DCA), then-DCA Secretary Billy Buzzett, and the Administration Commission as defendants.[2] In September 2011, Yankeetown and DEO reached a proposed settlement that was contingent on a legislative amendment to the Community Planning Act becoming law that would grandfather in local

[1] In addition to Yankeetown, other local governments with a referendum or initiative process that were reportedly affected by the prohibition include Longboat Key, Key West, and Miami Beach.

[2] *See Town of Yankeetown, FL v. Dep't of Econ. Opportunity, et. al.*, Case No. 37 2011 CA 002036 (Fla. 2d Cir. Ct. 2011). The complaint alleged that ch. 2011-139, L.O.F., violated the single subject provision in Article III, s. 6 of the Florida Constitution, and that it was read by a misleading, inaccurate title. Yankeetown also alleged that the law contained unconstitutionally vague terms and contained an unlawful delegation of legislative authority. The city of St. Pete Beach has also filed a motion to intervene as a defendant in the case, on the same side as the state.

referendum or initiative requirements in regard to development orders or in regard to local comprehensive plan amendments or map amendments that were in existence on June 2, 2011, when the act became law.

Military Compatibility
There are several sections of law that deal with military compatibility with local land uses. Military bases can interfere with local land uses, and conversely, local land uses can interfere with the proper functioning of military bases. Section 163.3175, F.S., requires the exchange of information between local communities and military installations when land use decisions may affect operations at an installation. Section 163.3175, F.S., also specifies issues that the installation's commanding officer may address in commenting on a proposed land use change and requires a local government to consider the commanding officer's comments. It also requires a representative of the military installation to be included as an ex-officio, nonvoting member of the affected local government's land planning or zoning board.

The act modified current law regarding the military base commander's comments to the local government. Section 163.3175, F.S., now states that commanding officer's comments, underlying studies, and reports are not binding on the local government. The affected local government shall take into consideration any comments provided by the commanding officer or his or her designee and must also be sensitive to private property rights and not be unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

School Interlocal Agreement
Interlocal agreements between a county, the municipalities within, and a school board exist in order to coordinate plans and processes of the local governments and school boards. Section 163.31777, F.S., provides that "[t]he county and municipalities located within the geographic area of a school district shall enter into an interlocal agreement with the district school board which jointly establishes the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated." The act removed state oversight and review of the interlocal agreements while maintaining certain minimum issues that the interlocal agreement must address. If a local government chooses to maintain optional school concurrency within its jurisdiction, the interlocal agreement must also meet additional requirements. Certain outdated provisions relating to state oversight and review of interlocal agreements inadvertently still remain in ss. 1013.33 and 1013.51, F.S.

The act inadvertently removed the provision that exempted certain municipalities from entering into the school interlocal agreement.[3] However the act maintained the language in s. 163.3180(6)(i), F.S., which provided that municipalities meeting certain criteria for having no significant impact on school attendance are not required to be a signatory to the interlocal agreement, as a prerequisite for imposition of school concurrency.

[3] The act inadvertently removed s. 163.31777(6), F.S. (2010), which provided: "Except as provided in subsection (7), municipalities meeting the exemption criteria in s. 163.3177(12) are exempt from the requirements of subsections (1), (2), and (3)." The provisions within s. 163.3177(12), F.S. (2010), were also removed by the act. The end result created a conflict with language in s. 163.3180(6)(i), F.S. (2011), and required every municipality to enter into an interlocal agreement.

Concurrency[4]

Concurrency requires public facilities and services to be available concurrent with the impacts of development. Concurrency in Florida is required for sanitary sewer, solid waste, drainage, and potable water. Concurrency is tied to provisions requiring local governments to adopt level-of-service standards, address existing service deficiencies, and provide infrastructure to accommodate new growth reflected in the comprehensive plan. The act removed the mandatory requirement for transportation facilities, public education facilities, and parks and recreation to be available concurrent with development impacts, and a local government now has the flexibility to decide whether or not to maintain these forms of concurrency. If a local government chooses to remove any optional concurrency provisions from its comprehensive plan, an amendment is required. An amendment removing any optional concurrency is not subject to state review.

Regional Planning Councils

A regional planning council exists in each of the several comprehensive planning districts of the state. Only one agency shall exercise the responsibilities within the geographic boundaries of any one comprehensive planning district. Membership on the regional planning council shall be as follows:

> (a) Representatives appointed by each of the member counties in the geographic area covered by the regional planning council.
> (b) Representatives from other member local general-purpose governments in the geographic area covered by the regional planning council.
> (c) Representatives appointed by the Governor from the geographic area covered by the regional planning council, including an elected school board member from the geographic area covered by the regional planning council, to be nominated by the Florida School Board Association.[5]

Any regional planning council has the power to accept and receive, in furtherance of its functions, funds, grants, and services from the federal government or its agencies, from departments, agencies, and instrumentalities of state, municipal, or local government, or from private or civic sources. Each regional planning council shall render an accounting of the receipt and disbursement of all funds received by it, pursuant to the federal Older Americans Act, to the Legislature no later than March 1 of each year.[6] Also, the regional planning council has the power to provide technical assistance to local governments on growth management matters.[7]

Coordination of Planning with Local Governing Bodies[8]

Currently the policy for the State of Florida is to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning must include the integration of the educational facilities plan and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments. The

[4] Section 163.3180, F.S.
[5] Section 186.504(2), F.S.
[6] Section 186.505(8), F.S.
[7] Section 186.505(20), F.S.
[8] Section 1013.33, F.S.

planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Department of Transportation.

State Coordinated Review Process

Section 163.3184, F.S., provides the processes for review of comprehensive plans and most plan amendments.[9] The "expedited state review process" is the process that most plan amendments are reviewed under. The expedited state review process requires two public hearings, one at the proposed phase and one at the adopted phase, and plan amendments are transmitted to reviewing agencies including the state land planning agency that may provide comments on the proposed plan amendment to the local government. The process may be used for all plan amendments except those that are specifically required to undergo the state coordinated review process. After adopting an amendment, the local government must transmit the plan amendment to the state land planning agency within 10 days of the second public hearing, and the state land planning agency must notify the local government of any deficiencies with the plan amendment within 5 working days. Unless timely challenged, an amendment adopted under the expedited state review process does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete.

The "state coordinated review process" is designed for new comprehensive plans and for amendments that require a more comprehensive review. Amendments that are in an area of critical state concern designated pursuant to s. 380.05, F.S., propose a rural land stewardship area pursuant to s. 163.3248, F.S., propose a sector plan pursuant to s. 163.3245, F.S., update a comprehensive plan based on an evaluation and appraisal review pursuant to s. 163.3191, F.S., and new plans for newly incorporated municipalities adopted pursuant to s. 163.3167, F.S., are required to follow the state coordinated review process. The state coordinated review process also requires two public hearings and a proposed plan or plan amendment is transmitted to the reviewing agencies within 10 days after the initial public hearing. Under the state coordinated review process, reviewing agency comments are sent to the state land planning agency that may elect to issue an Objections, Recommendations, and Comments (ORC) report to the local government within 60 days after receiving the proposed plan or plan amendment. The state land planning agency's ORC report details whether the proposed plan or plan amendment is in compliance and whether the proposed plan or plan amendment will adversely impact important state resources and facilities. Once a local government receives the ORC report, it has 180 days to hold a second public hearing on whether to adopt the plan or plan amendment. After a plan or amendment is adopted, the local government must transmit the plan or plan amendment to the state land planning agency within 10 days of the second public hearing, and the state land

[9] Section 163.3187, F.S., provides the review process for small-scale amendments, and s. 163.3246, F.S., provides the review process for local governments eligible for the Local Government Comprehensive Planning Certification Program.

planning agency must notify the local government of any deficiencies within 5 working days. The state land planning agency then has 45 days to determine if the adopted plan or plan amendment is in compliance or not in compliance. The state land planning agency must issue a notice of intent (NOI) to find that the plan or plan amendment is in compliance or not in compliance and must post a copy of the NOI on its website. If a NOI is issued to find the plan or plan amendment not in compliance, the NOI is forwarded to the Division of Administrative Hearings (DOAH) for a compliance hearing.

In addition to challenges brought by the state land planning agency, under both the expedited state review process and the state coordinated review process any "affected person," as defined by s. 163.3184(1)(a), F.S., may challenge an adopted plan or plan amendment by filing a petition with DOAH within 30 days after the local government adopts the plan or plan amendment. Section 163.3184(5), F.S., provides the process for administrative challenges to adopted plans and plan amendments. If the administrative law judge (ALJ), after a hearing, recommends that the plan or plan amendment be found "not in compliance" the recommended order is submitted to the Administration Commission, comprised of the Governor and the Cabinet, which has 45 days to issue a final order on whether or not the plan or plan amendment is in compliance. If the ALJ, after a hearing, recommends that the plan or plan amendment be found "in compliance" the recommended order is submitted to the state land planning agency. The state land planning agency then has 30 days to refer the recommended order to the Administration Commission if the agency finds the plan or plan amendment to be not in compliance or 30 days to enter a final order if the state land planning agency finds the plan or plan amendment in compliance. According to the state land planning agency, the current timing requirements for issuance of a recommended and final order are largely unworkable given the size and complexity of some cases, the other timing requirements that govern administrative hearings within ch. 120, F.S.,[10] and the limited number of meetings of the Administration Commission.

The standard timing requirements for issuing a final order in an administrative hearing are found in s. 120.569(2)(l), F.S., which requires the final order to be entered within 90 days from the time the hearing is concluded (if conducted by an agency) or after a recommended order is submitted to the agency and mailed to the parties (if the hearing is conducted by an ALJ). This time period can be waived or extended with the consent of all parties.

Section 163.3184(6), F.S., also provides a procedure after the filing of a challenge, for the state land planning agency and the local government to voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the challenge. An affected person involved in a challenge may also enter into the compliance agreement with the local government.

Sector Plan Report

Section 163.3245(7), F.S., requires DEO to provide a status report annually on December 1st to the Senate President and Speaker of the House of Representatives regarding existing optional sector plans. The annual report was first required in December of 1999, when the optional sector plan was a pilot program. The act removed the pilot program status of the sector plan process and streamlined it so that more local governments are able to efficiently use this long-term planning

[10] For example s. 120.57(k), F.S., requires an agency to allow each party 15 days to submit written exceptions to the recommended order.

tool. The requirement for this report was removed by the act, however other legislation passed during the 2011 Regular Session inadvertently amended and retained the requirement, and therefore the requirement remains.[11]

III. Effect of Proposed Changes:

Section 1 amends s. 163.3167(8), F.S., to authorize a local government to retain certain charter provisions that were in effect as of June 1, 2011, and that relate to an initiative or referendum process. This will grandfather in local government referendums and initiative processes that existed when the Community Planning Act (act) took effect while still prohibiting local governments from adopting new initiative or referendum processes regarding approval of development orders or local comprehensive plan amendments or map amendments.

Section 2 amends s. 163.3174(4)(b), F.S., to require a local land planning agency to periodically evaluate and appraise a comprehensive plan.

Section 3 amends s. 163.3175, F.S., requiring comments by military installations to be considered by local governments in a manner consistent with s. 163.3184, F.S. Local governments are directed to take into consideration comments, data, and analysis, as they relate to the strategic mission of the base, public safety, and the economic vitality associated with the base's operation, while also respecting private property rights. This section also updated references to the expired Council on Military Base and Mission Support to the more recent Florida Defense Support Task Force.

Section 4 amends s. 163.3177(6)(h), F.S., to revise the intergovernmental coordination elements of comprehensive plans.

Section 5 creates s. 163.31777(3) and (4), F.S., to exempt certain municipalities from the interlocal school agreement. This restores the four criteria, inadvertently removed in the act, which a municipality must meet to show that it has no significant impact on school attendance. If a municipality meets all four criteria, it is exempt from the requirements of the school interlocal agreement.

Section 6 amends s. 163.3178(3) and (6), F.S., to update a reference to the Department of Community Affairs and to delete provisions relating to the Coastal Resources Interagency Management Committee, a committee that no longer exists.

Section 7 amends s. 163.3180, F.S., relating to concurrency, to revise and provide requirements relating to public facilities and services, public education facilities, and local school concurrency system requirements; and to delete provisions excluding a municipality that is not a signatory to a certain interlocal agreement from participating in school concurrency. These four criteria are no longer needed since school concurrency is now implemented at the option of the local government.

[11] The optional sector plan report was repealed by s. 28, ch. 2011-139, L.O.F., however, s. 21, ch. 2011-34, L.O.F., amended the requirement and redesignated the subsection causing the report requirement to remain in statute.

Section 8 amends s. 163.3184, F.S., to revise provisions relating to the expedited state review process for adoption of comprehensive plan amendments; clarify the time in which a local government must transmit an amendment to a comprehensive plan and supporting data and analyses to the reviewing agencies; delete the deadlines in administrative challenges to comprehensive plans and plan amendments for the entry of final orders and referrals of recommended orders; and to specify a deadline for the state land planning agency to issue a notice of intent after receiving a complete comprehensive plan or plan amendment adopted pursuant to a compliance agreement.

Section 9 amends s. 163.3191(3), F.S., to conform a cross-reference to changes made by the act.

Section 10 amends s. 163.3245, F.S., to delete an obsolete cross-reference; and to delete a required report relating to optional sector plans.

Section 11 amends s. 186.002(2)(d), F.S., to conform to changes made by the act regarding the evaluation and appraisal process.

Section 12 amends s. 186.007(8), F.S., to conform to changes made by the act regarding the evaluation and appraisal process.

Section 13 amends s. 186.505, F.S., to require a regional planning council to determine, before accepting a grant, that the purpose of the grant is in furtherance of its functions. Additionally, a regional planning council is prohibited from providing consulting services for a fee to any local government for a project for which the council will serve in a review capacity and from providing consulting services to a private developer or landowner for a project for which the council may serve in a review capacity in the future.

Section 14 amends s. 186.508(1), F.S., to conform to changes made by the act regarding the evaluation and appraisal process.

Section 15 amends s. 189.415(2) and (3), F.S., to conform to changes made by the act regarding the evaluation and appraisal process.

Section 16 amends s. 288.975(2), F.S., to conform to changes made by the act regarding the limitation on the frequency of plan amendments.

Section 17 amends s. 380.06, F.S., to correct cross-references.

Section 18 amends s. 380.115(1), F.S., to add a cross-reference for exempt developments.

Section 19 amends s. 1013.33, F.S, to delete obsolete requirements for school interlocal agreements and update cross-references.

Section 20 amends s. 1013.35(2)(b), F.S., to update a cross-reference to conform to changes made by the act.

Section 21 amends s. 1013.351, F.S., to delete redundant requirements for the submission of certain interlocal agreements with the Office of Educational Facilities and the state land planning agency and for review of the interlocal agreement by the office and the agency.

Section 22 amends s. 1013.36(6), F.S., to delete an obsolete cross-reference.

Section 23 provides an effective date upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

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.)

CS by Commerce and Tourism on February 2, 2012:
This CS amended s. 163.3175, F.S., to update references to the expired BRAC Council on Military Base and Mission Support to the more recent BRAC Florida Defense Support Task Force, and make additional changes based upon comments by the base commander and interested parties.

CS by Community Affairs on January 23, 2012.
This CS removes all of the sections of the bill that update cross-references to the former Department of Community Affairs. The CS adds a provision regarding the base commander's comments as they pertain to local governments.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bogdanoff) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 164 - 167
4 and insert:
5 Section 4. Paragraph (g) is added to subsection (1) of
6 section 163.3177, Florida Statutes, and paragraph (h) of
7 subsection (6) of that section is amended, to read:
8 163.3177 Required and optional elements of comprehensive
9 plan; studies and surveys.—
10 (1) The comprehensive plan shall provide the principles,
11 guidelines, standards, and strategies for the orderly and

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12 balanced future economic, social, physical, environmental, and
13 fiscal development of the area that reflects community
14 commitments to implement the plan and its elements. These
15 principles and strategies shall guide future decisions in a
16 consistent manner and shall contain programs and activities to
17 ensure comprehensive plans are implemented. The sections of the
18 comprehensive plan containing the principles and strategies,
19 generally provided as goals, objectives, and policies, shall
20 describe how the local government's programs, activities, and
21 land development regulations will be initiated, modified, or
22 continued to implement the comprehensive plan in a consistent
23 manner. It is not the intent of this part to require the
24 inclusion of implementing regulations in the comprehensive plan
25 but rather to require identification of those programs,
26 activities, and land development regulations that will be part
27 of the strategy for implementing the comprehensive plan and the
28 principles that describe how the programs, activities, and land
29 development regulations will be carried out. The plan shall
30 establish meaningful and predictable standards for the use and
31 development of land and provide meaningful guidelines for the
32 content of more detailed land development and use regulations.
33 (g) A land use amendment to a comprehensive master plan
34 shall be adopted by a simple majority vote. A local government
35 may not require a super majority vote in order to amend a
36 comprehensive master plan.
37
38 ========== T I T L E A M E N D M E N T ==========
39 And the title is amended as follows:
40 Delete line 14

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41 and insert:
42 local government; amending s. 163.3177, F.S.;
43 requiring that a land use amendment to a comprehensive
44 master plan be adopted by a simple majority vote;
45 prohibiting a local government from requiring a super
46 majority vote to amend a comprehensive master plan;
47 revising

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

1 **Senate Amendment (with directory and title amendments)**
2
3 Delete lines 168 - 229
4 and insert:
5 (1) The comprehensive plan shall provide the principles,
6 guidelines, standards, and strategies for the orderly and
7 balanced future economic, social, physical, environmental, and
8 fiscal development of the area that reflects community
9 commitments to implement the plan and its elements. These
10 principles and strategies shall guide future decisions in a
11 consistent manner and shall contain programs and activities to

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12 ensure comprehensive plans are implemented. The sections of the
13 comprehensive plan containing the principles and strategies,
14 generally provided as goals, objectives, and policies, shall
15 describe how the local government's programs, activities, and
16 land development regulations will be initiated, modified, or
17 continued to implement the comprehensive plan in a consistent
18 manner. It is not the intent of this part to require the
19 inclusion of implementing regulations in the comprehensive plan
20 but rather to require identification of those programs,
21 activities, and land development regulations that will be part
22 of the strategy for implementing the comprehensive plan and the
23 principles that describe how the programs, activities, and land
24 development regulations will be carried out. The plan shall
25 establish meaningful and predictable standards for the use and
26 development of land and provide meaningful guidelines for the
27 content of more detailed land development and use regulations.
28 (f) All mandatory and optional elements of the
29 comprehensive plan and plan amendments shall be based upon
30 relevant and appropriate data and an analysis by the local
31 government that may include, but not be limited to, surveys,
32 studies, community goals and vision, and other data available at
33 the time of adoption of the comprehensive plan or plan
34 amendment. To be based on data means to react to it in an
35 appropriate way and to the extent necessary indicated by the
36 data available on that particular subject at the time of
37 adoption of the plan or plan amendment at issue.
38 1. Surveys, studies, and data utilized in the preparation
39 of the comprehensive plan may not be deemed a part of the
40 comprehensive plan unless adopted as a part of it. Copies of

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41 such studies, surveys, data, and supporting documents for
42 proposed plans and plan amendments shall be made available for
43 public inspection, and copies of such plans shall be made
44 available to the public upon payment of reasonable charges for
45 reproduction. Support data or summaries are not subject to the
46 compliance review process, but the comprehensive plan must be
47 clearly based on appropriate data. Support data or summaries may
48 be used to aid in the determination of compliance and
49 consistency.
50 2. Data must be taken from professionally accepted sources.
51 The application of a methodology utilized in data collection or
52 whether a particular methodology is professionally accepted may
53 be evaluated. However, the evaluation may not include whether
54 one accepted methodology is better than another. Original data
55 collection by local governments is not required. However, local
56 governments may use original data so long as methodologies are
57 professionally accepted.
58 3. The comprehensive plan shall be based upon permanent and
59 seasonal population estimates and projections, which shall
60 either be those published ~~provided~~ by the Office of Economic and
61 Demographic Research ~~University of Florida's Bureau of Economic~~
62 ~~and Business Research~~ or generated by the local government based
63 upon a professionally acceptable methodology. The plan must be
64 based on at least the minimum amount of land required to
65 accommodate the medium projections as published by the Office of
66 Economic and Demographic Research ~~of the University of Florida's~~
67 ~~Bureau of Economic and Business Research~~ for at least a 10-year
68 planning period unless otherwise limited under s. 380.05,
69 including related rules of the Administration Commission. Absent

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70 physical limitations on population growth, population
71 projections for each municipality and the unincorporated area
72 within a county must, at a minimum, be reflective of each area's
73 proportional share of the total county population and the total
74 county population growth.
75 (6) In addition to the requirements of subsections (1)-(5),
76 the comprehensive plan shall include the following elements:
77 (a) A future land use plan element designating proposed
78 future general distribution, location, and extent of the uses of
79 land for residential uses, commercial uses, industry,
80 agriculture, recreation, conservation, education, public
81 facilities, and other categories of the public and private uses
82 of land. The approximate acreage and the general range of
83 density or intensity of use shall be provided for the gross land
84 area included in each existing land use category. The element
85 shall establish the long-term end toward which land use programs
86 and activities are ultimately directed.
87 1. Each future land use category must be defined in terms
88 of uses included, and must include standards to be followed in
89 the control and distribution of population densities and
90 building and structure intensities. The proposed distribution,
91 location, and extent of the various categories of land use shall
92 be shown on a land use map or map series which shall be
93 supplemented by goals, policies, and measurable objectives.
94 2. The future land use plan and plan amendments shall be
95 based upon surveys, studies, and data regarding the area, as
96 applicable, including:
97 a. The amount of land required to accommodate anticipated
98 growth.

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99 b. The projected permanent and seasonal population of the
100 area.
101 c. The character of undeveloped land.
102 d. The availability of water supplies, public facilities,
103 and services.
104 e. The need for redevelopment, including the renewal of
105 blighted areas and the elimination of nonconforming uses which
106 are inconsistent with the character of the community.
107 f. The compatibility of uses on lands adjacent to or
108 closely proximate to military installations.
109 g. The compatibility of uses on lands adjacent to an
110 airport as defined in s. 330.35 and consistent with s. 333.02.
111 h. The discouragement of urban sprawl.
112 i. The need for job creation, capital investment, and
113 economic development that will strengthen and diversify the
114 community’s economy.
115 j. The need to modify land uses and development patterns
116 within antiquated subdivisions.
117 3. The future land use plan element shall include criteria
118 to be used to:
119 a. Achieve the compatibility of lands adjacent or closely
120 proximate to military installations, considering factors
121 identified in s. 163.3175(5).
122 b. Achieve the compatibility of lands adjacent to an
123 airport as defined in s. 330.35 and consistent with s. 333.02.
124 c. Encourage preservation of recreational and commercial
125 working waterfronts for water-dependent uses in coastal
126 communities.
127 d. Encourage the location of schools proximate to urban

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128 residential areas to the extent possible.
129 e. Coordinate future land uses with the topography and soil
130 conditions, and the availability of facilities and services.
131 f. Ensure the protection of natural and historic resources.
132 g. Provide for the compatibility of adjacent land uses.
133 h. Provide guidelines for the implementation of mixed-use
134 development including the types of uses allowed, the percentage
135 distribution among the mix of uses, or other standards, and the
136 density and intensity of each use.
137 4. The amount of land designated for future planned uses
138 shall provide a balance of uses that foster vibrant, viable
139 communities and economic development opportunities and address
140 outdated development patterns, such as antiquated subdivisions.
141 The amount of land designated for future land uses should allow
142 the operation of real estate markets to provide adequate choices
143 for permanent and seasonal residents and business and may not be
144 limited solely by the projected population. The element shall
145 accommodate at least the minimum amount of land required to
146 accommodate the medium projections as published by the Office of
147 Economic and Demographic Research ~~of the University of Florida's~~
148 ~~Bureau of Economic and Business Research~~ for at least a 10-year
149 planning period unless otherwise limited under s. 380.05,
150 including related rules of the Administration Commission.
151 5. The future land use plan of a county may designate areas
152 for possible future municipal incorporation.
153 6. The land use maps or map series shall generally identify
154 and depict historic district boundaries and shall designate
155 historically significant properties meriting protection.
156 7. The future land use element must clearly identify the

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157 land use categories in which public schools are an allowable
158 use. When delineating the land use categories in which public
159 schools are an allowable use, a local government shall include
160 in the categories sufficient land proximate to residential
161 development to meet the projected needs for schools in
162 coordination with public school boards and may establish
163 differing criteria for schools of different type or size. Each
164 local government shall include lands contiguous to existing
165 school sites, to the maximum extent possible, within the land
166 use categories in which public schools are an allowable use.
167 8. Future land use map amendments shall be based upon the
168 following analyses:
169 a. An analysis of the availability of facilities and
170 services.
171 b. An analysis of the suitability of the plan amendment for
172 its proposed use considering the character of the undeveloped
173 land, soils, topography, natural resources, and historic
174 resources on site.
175 c. An analysis of the minimum amount of land needed to
176 achieve the goals and requirements of this section ~~as determined~~
177 ~~by the local government~~.
178 9. The future land use element and any amendment to the
179 future land use element shall discourage the proliferation of
180 urban sprawl.
181 a. The primary indicators that a plan or plan amendment
182 does not discourage the proliferation of urban sprawl are listed
183 below. The evaluation of the presence of these indicators shall
184 consist of an analysis of the plan or plan amendment within the
185 context of features and characteristics unique to each locality

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186 in order to determine whether the plan or plan amendment:
187 (I) Promotes, allows, or designates for development
188 substantial areas of the jurisdiction to develop as low-
189 intensity, low-density, or single-use development or uses.
190 (II) Promotes, allows, or designates significant amounts of
191 urban development to occur in rural areas at substantial
192 distances from existing urban areas while not using undeveloped
193 lands that are available and suitable for development.
194 (III) Promotes, allows, or designates urban development in
195 radial, strip, isolated, or ribbon patterns generally emanating
196 from existing urban developments.
197 (IV) Fails to adequately protect and conserve natural
198 resources, such as wetlands, floodplains, native vegetation,
199 environmentally sensitive areas, natural groundwater aquifer
200 recharge areas, lakes, rivers, shorelines, beaches, bays,
201 estuarine systems, and other significant natural systems.
202 (V) Fails to adequately protect adjacent agricultural areas
203 and activities, including silviculture, active agricultural and
204 silvicultural activities, passive agricultural activities, and
205 dormant, unique, and prime farmlands and soils.
206 (VI) Fails to maximize use of existing public facilities
207 and services.
208 (VII) Fails to maximize use of future public facilities and
209 services.
210 (VIII) Allows for land use patterns or timing which
211 disproportionately increase the cost in time, money, and energy
212 of providing and maintaining facilities and services, including
213 roads, potable water, sanitary sewer, stormwater management, law
214 enforcement, education, health care, fire and emergency

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215 response, and general government.
216 (IX) Fails to provide a clear separation between rural and
217 urban uses.
218 (X) Discourages or inhibits infill development or the
219 redevelopment of existing neighborhoods and communities.
220 (XI) Fails to encourage a functional mix of uses.
221 (XII) Results in poor accessibility among linked or related
222 land uses.
223 (XIII) Results in the loss of significant amounts of
224 functional open space.
225 b. The future land use element or plan amendment shall be
226 determined to discourage the proliferation of urban sprawl if it
227 incorporates a development pattern or urban form that achieves
228 four or more of the following:
229 (I) Directs or locates economic growth and associated land
230 development to geographic areas of the community in a manner
231 that does not have an adverse impact on and protects natural
232 resources and ecosystems.
233 (II) Promotes the efficient and cost-effective provision or
234 extension of public infrastructure and services.
235 (III) Promotes walkable and connected communities and
236 provides for compact development and a mix of uses at densities
237 and intensities that will support a range of housing choices and
238 a multimodal transportation system, including pedestrian,
239 bicycle, and transit, if available.
240 (IV) Promotes conservation of water and energy.
241 (V) Preserves agricultural areas and activities, including
242 silviculture, and dormant, unique, and prime farmlands and
243 soils.

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244 (VI) Preserves open space and natural lands and provides
245 for public open space and recreation needs.
246 (VII) Creates a balance of land uses based upon demands of
247 the residential population for the nonresidential needs of an
248 area.
249 (VIII) Provides uses, densities, and intensities of use and
250 urban form that would remediate an existing or planned
251 development pattern in the vicinity that constitutes sprawl or
252 if it provides for an innovative development pattern such as
253 transit-oriented developments or new towns as defined in s.
254 163.3164.
255 10. The future land use element shall include a future land
256 use map or map series.
257 a. The proposed distribution, extent, and location of the
258 following uses shall be shown on the future land use map or map
259 series:
260 (I) Residential.
261 (II) Commercial.
262 (III) Industrial.
263 (IV) Agricultural.
264 (V) Recreational.
265 (VI) Conservation.
266 (VII) Educational.
267 (VIII) Public.
268 b. The following areas shall also be shown on the future
269 land use map or map series, if applicable:
270 (I) Historic district boundaries and designated
271 historically significant properties.
272 (II) Transportation concurrency management area boundaries

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273 or transportation concurrency exception area boundaries.
274 (III) Multimodal transportation district boundaries.
275 (IV) Mixed-use categories.
276 c. The following natural resources or conditions shall be
277 shown on the future land use map or map series, if applicable:
278 (I) Existing and planned public potable waterwells, cones
279 of influence, and wellhead protection areas.
280 (II) Beaches and shores, including estuarine systems.
281 (III) Rivers, bays, lakes, floodplains, and harbors.
282 (IV) Wetlands.
283 (V) Minerals and soils.
284 (VI) Coastal high hazard areas.
285 11. Local governments required to update or amend their
286 comprehensive plan to include criteria and address compatibility
287 of lands adjacent or closely proximate to existing military
288 installations, or lands adjacent to an airport as defined in s.
289 330.35 and consistent with s. 333.02, in their future land use
290 plan element shall transmit the update or amendment to the state
291 land planning agency by June 30, 2012.
292 (f)1. A housing element consisting of principles,
293 guidelines, standards, and strategies to be followed in:
294 a. The provision of housing for all current and anticipated
295 future residents of the jurisdiction.
296 b. The elimination of substandard dwelling conditions.
297 c. The structural and aesthetic improvement of existing
298 housing.
299 d. The provision of adequate sites for future housing,
300 including affordable workforce housing as defined in s.
301 380.0651(3)(h), housing for low-income, very low-income, and

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302 moderate-income families, mobile homes, and group home
303 facilities and foster care facilities, with supporting
304 infrastructure and public facilities. The element may include
305 provisions that specifically address affordable housing for
306 persons 60 years of age or older. Real property that is conveyed
307 to a local government for affordable housing under this sub-
308 subparagraph shall be disposed of by the local government
309 pursuant to s. 125.379 or s. 166.0451.
310 e. Provision for relocation housing and identification of
311 historically significant and other housing for purposes of
312 conservation, rehabilitation, or replacement.
313 f. The formulation of housing implementation programs.
314 g. The creation or preservation of affordable housing to
315 minimize the need for additional local services and avoid the
316 concentration of affordable housing units only in specific areas
317 of the jurisdiction.
318 2. The principles, guidelines, standards, and strategies of
319 the housing element must be based on the data and analysis
320 prepared on housing needs, ~~including an inventory taken from the~~
321 ~~latest decennial United States Census or more recent estimates,~~
322 which shall include the number and distribution of dwelling
323 units by type, tenure, age, rent, value, monthly cost of owner-
324 occupied units, and rent or cost to income ratio, and shall show
325 the number of dwelling units that are substandard. The data and
326 analysis ~~inventory~~ shall also include the methodology used to
327 estimate the condition of housing, a projection of the
328 anticipated number of households by size, income range, and age
329 of residents derived from the population projections, and the
330 minimum housing need of the current and anticipated future

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331 residents of the jurisdiction.
332 3. The housing element must express principles, guidelines,
333 standards, and strategies that reflect, as needed, the creation
334 and preservation of affordable housing for all current and
335 anticipated future residents of the jurisdiction, elimination of
336 substandard housing conditions, adequate sites, and distribution
337 of housing for a range of incomes and types, including mobile
338 and manufactured homes. The element must provide for specific
339 programs and actions to partner with private and nonprofit
340 sectors to address housing needs in the jurisdiction, streamline
341 the permitting process, and minimize costs and delays for
342 affordable housing, establish standards to address the quality
343 of housing, stabilization of neighborhoods, and identification
344 and improvement of historically significant housing.
345 4. State and federal housing plans prepared on behalf of
346 the local government must be consistent with the goals,
347 objectives, and policies of the housing element. Local
348 governments are encouraged to use job training, job creation,
349 and economic solutions to address a portion of their affordable
350 housing concerns.
351 (h)1. An intergovernmental coordination element showing
352 relationships and stating principles and guidelines to be used
353 in coordinating the adopted comprehensive plan with the plans of
354 school boards, regional water supply authorities, and other
355 units of local government providing services but not having
356 regulatory authority over the use of land, with the
357 comprehensive plans of adjacent municipalities, the county,
358 adjacent counties, or the region, with the state comprehensive
359 plan and with the applicable regional water supply plan approved

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360 pursuant to s. 373.709, as the case may require and as such
361 adopted plans or plans in preparation may exist. This element of
362 the local comprehensive plan must demonstrate consideration of
363 the particular effects of the local plan, when adopted, upon the
364 development of adjacent municipalities, the county, adjacent
365 counties, or the region, or upon the state comprehensive plan,
366 as the case may require.
367 a. The intergovernmental coordination element must provide
368 procedures for identifying and implementing joint planning
369 areas, especially for the purpose of annexation, municipal
370 incorporation, and joint infrastructure service areas.
371 b. The intergovernmental coordination element shall provide
372 for a dispute resolution process, as established pursuant to s.
373 186.509, for bringing intergovernmental disputes to closure in a
374 timely manner.
375 c. The intergovernmental coordination element shall provide
376 for interlocal agreements as established pursuant to s.
377 333.03(1)(b).
378 2. The intergovernmental coordination element shall also
379 state principles and guidelines to be used in coordinating the
380 adopted comprehensive plan with the plans of school boards and
381 other units of local government providing facilities and
382 services but not having regulatory authority over the use of
383 land. In addition, the intergovernmental coordination element
384 must describe joint processes for collaborative planning and
385 decisionmaking on population projections and public school
386 siting, the location and extension of public facilities subject
387 to concurrency, and siting facilities with countywide
388 significance, including locally unwanted land uses whose nature

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389 and identity are established in an agreement.
390 3. Within 1 year after adopting their intergovernmental
391 coordination elements, each county, all the municipalities
392 within that county, the district school board, and any unit of
393 local government service providers in that county shall
394 establish by interlocal or other formal agreement executed by
395 all affected entities, the joint processes described in this
396 subparagraph consistent with their adopted intergovernmental
397 coordination elements. The agreement ~~element~~ must:
398 a. Ensure that the local government addresses through
399 coordination mechanisms the impacts of development proposed in
400 the local comprehensive plan upon development in adjacent
401 municipalities, the county, adjacent counties, the region, and
402 the state. The area of concern for municipalities shall include
403 adjacent municipalities, the county, and counties adjacent to
404 the municipality. The area of concern for counties shall include
405 all municipalities within the county, adjacent counties, and
406 adjacent municipalities.
407 b. Ensure coordination in establishing level of service
408 standards for public facilities with any state, regional, or
409 local entity having operational and maintenance responsibility
410 for such facilities.
411
412
413 ====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
414 And the directory clause is amended as follows:
415 Delete lines 164 - 165
416 and insert:
417 Section 4. Paragraph (f) of subsection (1) and paragraphs

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418 (a), (f), and (h) of subsection (6) of section 163.3177, Florida
419 Statutes, are amended to read:
420
421 ========== T I T L E A M E N D M E N T ==========
422 And the title is amended as follows:
423 Delete lines 14 - 16
424 and insert:
425 local government; amending s. 163.3177, F.S.;
426 requiring estimates and projections of comprehensive
427 plans to be based upon publications by the Office of
428 Economic and Demographic Research; providing criteria
429 for population projections; revising the housing and
430 intergovernmental coordination elements of
431 comprehensive plans; amending s.

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

1 **Senate Amendment**
2
3 Delete lines 418 - 566
4 and insert:
5 10 working days the amendment or amendments and appropriate
6 supporting data and analyses to the reviewing agencies. The
7 local governing body shall also transmit a copy of the
8 amendments and supporting data and analyses to any other local
9 government or governmental agency that has filed a written
10 request with the governing body.
11 2. The reviewing agencies and any other local government or

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12 governmental agency specified in subparagraph 1. may provide
13 comments regarding the amendment or amendments to the local
14 government. State agencies shall only comment on important state
15 resources and facilities that will be adversely impacted by the
16 amendment if adopted. Comments provided by state agencies shall
17 state with specificity how the plan amendment will adversely
18 impact an important state resource or facility and shall
19 identify measures the local government may take to eliminate,
20 reduce, or mitigate the adverse impacts. Such comments, if not
21 resolved, may result in a challenge by the state land planning
22 agency to the plan amendment. Agencies and local governments
23 must transmit their comments to the affected local government
24 such that they are received by the local government not later
25 than 30 days after ~~from~~ the date on which the agency or
26 government received the amendment or amendments. Reviewing
27 agencies shall also send a copy of their comments to the state
28 land planning agency.
29 3. Comments to the local government from a regional
30 planning council, county, or municipality shall be limited as
31 follows:
32 a. The regional planning council review and comments shall
33 be limited to adverse effects on regional resources or
34 facilities identified in the strategic regional policy plan and
35 extrajurisdictional impacts that would be inconsistent with the
36 comprehensive plan of any affected local government within the
37 region. A regional planning council may not review and comment
38 on a proposed comprehensive plan amendment prepared by such
39 council unless the plan amendment has been changed by the local
40 government subsequent to the preparation of the plan amendment

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41 by the regional planning council.
42 b. County comments shall be in the context of the
43 relationship and effect of the proposed plan amendments on the
44 county plan.
45 c. Municipal comments shall be in the context of the
46 relationship and effect of the proposed plan amendments on the
47 municipal plan.
48 d. Military installation comments shall be provided in
49 accordance with s. 163.3175.
50 4. Comments to the local government from state agencies
51 shall be limited to the following subjects as they relate to
52 important state resources and facilities that will be adversely
53 impacted by the amendment if adopted:
54 a. The Department of Environmental Protection shall limit
55 its comments to the subjects of air and water pollution;
56 wetlands and other surface waters of the state; federal and
57 state-owned lands and interest in lands, including state parks,
58 greenways and trails, and conservation easements; solid waste;
59 water and wastewater treatment; and the Everglades ecosystem
60 restoration.
61 b. The Department of State shall limit its comments to the
62 subjects of historic and archaeological resources.
63 c. The Department of Transportation shall limit its
64 comments to issues within the agency’s jurisdiction as it
65 relates to transportation resources and facilities of state
66 importance.
67 d. The Fish and Wildlife Conservation Commission shall
68 limit its comments to subjects relating to fish and wildlife
69 habitat and listed species and their habitat.

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70 e. The Department of Agriculture and Consumer Services
71 shall limit its comments to the subjects of agriculture,
72 forestry, and aquaculture issues.
73 f. The Department of Education shall limit its comments to
74 the subject of public school facilities.
75 g. The appropriate water management district shall limit
76 its comments to flood protection and floodplain management,
77 wetlands and other surface waters, and regional water supply.
78 h. The state land planning agency shall limit its comments
79 to important state resources and facilities outside the
80 jurisdiction of other commenting state agencies and may include
81 comments on countervailing planning policies and objectives
82 served by the plan amendment that should be balanced against
83 potential adverse impacts to important state resources and
84 facilities.
85 (c)1. The local government shall hold its second public
86 hearing, which shall be a hearing on whether to adopt one or
87 more comprehensive plan amendments pursuant to subsection (11).
88 If the local government fails, within 180 days after receipt of
89 agency comments, to hold the second public hearing, the
90 amendments shall be deemed withdrawn unless extended by
91 agreement with notice to the state land planning agency and any
92 affected person that provided comments on the amendment. The
93 180-day limitation does not apply to amendments processed
94 pursuant to s. 380.06.
95 2. All comprehensive plan amendments adopted by the
96 governing body, along with the supporting data and analysis,
97 shall be transmitted within 10 working days after the second
98 public hearing to the state land planning agency and any other

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99 agency or local government that provided timely comments under
100 subparagraph (b)2.
101 3. The state land planning agency shall notify the local
102 government of any deficiencies within 5 working days after
103 receipt of an amendment package. For purposes of completeness,
104 an amendment shall be deemed complete if it contains a full,
105 executed copy of the adoption ordinance or ordinances; in the
106 case of a text amendment, a full copy of the amended language in
107 legislative format with new words inserted in the text
108 underlined, and words deleted stricken with hyphens; in the case
109 of a future land use map amendment, a copy of the future land
110 use map clearly depicting the parcel, its existing future land
111 use designation, and its adopted designation; and a copy of any
112 data and analyses the local government deems appropriate.
113 4. An amendment adopted under this paragraph does not
114 become effective until 31 days after the state land planning
115 agency notifies the local government that the plan amendment
116 package is complete. If timely challenged, an amendment does not
117 become effective until the state land planning agency or the
118 Administration Commission enters a final order determining the
119 adopted amendment to be in compliance.
120 (4) STATE COORDINATED REVIEW PROCESS.—
121 (b) Local government transmittal of proposed plan or
122 amendment.—Each local governing body proposing a plan or plan
123 amendment specified in paragraph (2)(c) shall transmit the
124 complete proposed comprehensive plan or plan amendment to the
125 reviewing agencies within 10 working days after ~~immediately~~
126 ~~following~~ the first public hearing pursuant to subsection (11).
127 The transmitted document shall clearly indicate on the cover

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128 sheet that this plan amendment is subject to the state
129 coordinated review process of this subsection. The local
130 governing body shall also transmit a copy of the complete
131 proposed comprehensive plan or plan amendment to any other unit
132 of local government or government agency in the state that has
133 filed a written request with the governing body for the plan or
134 plan amendment.
135 (e) Local government review of comments; adoption of plan
136 or amendments and transmittal.—
137 1. The local government shall review the report submitted
138 to it by the state land planning agency, if any, and written
139 comments submitted to it by any other person, agency, or
140 government. The local government, upon receipt of the report
141 from the state land planning agency, shall hold its second
142 public hearing, which shall be a hearing to determine whether to
143 adopt the comprehensive plan or one or more comprehensive plan
144 amendments pursuant to subsection (11). If the local government
145 fails to hold the second hearing within 180 days after receipt
146 of the state land planning agency's report, the amendments shall
147 be deemed withdrawn unless extended by agreement with notice to
148 the state land planning agency and any affected person that
149 provided comments on the amendment. The 180-day limitation does
150 not apply to amendments processed pursuant to s. 380.06.
151 2. All comprehensive plan amendments adopted by the
152 governing body, along with the supporting data and analysis,
153 shall be transmitted within 10 working days after the second

404122

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

1 **Senate Amendment (with directory and title amendments)**
2
3 Delete lines 812 - 831
4 and insert:
5 (26) To provide consulting services to a private developer
6 or landowner for a project, if not serving in a review capacity
7 in the future, except that statutorily mandated services may be
8 provided by the regional planning council regardless of its
9 review role.
10
11 ====== D I R E C T O R Y C L A U S E A M E N D M E N T ======

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12 And the directory clause is amended as follows:
13 Delete lines 807 - 808
14 and insert:
15 Section 13. Subsection (26) is added to section 186.505,
16 Florida Statutes, to read:
17
18 ========== T I T L E A M E N D M E N T ==========
19 And the title is amended as follows:
20 Delete lines 55 - 65
21 and insert:
22 s. 186.505, F.S.; authorizing a regional planning
23 council to provide consulting services to a private
24 developer or landowner under certain circumstances;
25 amending s. 186.508, F.S.;

By the Committees on Commerce and Tourism; and Community Affairs; and Senator Bennett

577-02854-12 2012842c2

A bill to be entitled

An act relating to growth management; amending s. 163.3167, F.S.; authorizing a local government to retain certain charter provisions that were in effect as of a specified date and that relate to an initiative or referendum process; amending s. 163.3174, F.S.; requiring a local land planning agency to periodically evaluate and appraise a comprehensive plan; amending s. 163.3175, F.S.; revising provisions related to growth management; requiring comments by military installations to be considered by local governments in a manner consistent with s. 163.3184, F.S.; specifying comments to be considered by the local government; amending s. 163.3177, F.S.; revising the housing and intergovernmental coordination elements of comprehensive plans; amending s. 163.31777, F.S.; exempting certain municipalities from public schools interlocal-agreement requirements; providing requirements for municipalities meeting the exemption criteria; amending s. 163.3178, F.S.; replacing a reference to the Department of Community Affairs with the state land planning agency; deleting provisions relating to the Coastal Resources Interagency Management Committee; amending s. 163.3180, F.S., relating to concurrency; revising and providing requirements relating to public facilities and services, public education facilities, and local school concurrency system requirements; deleting provisions excluding a municipality that is not a

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signatory to a certain interlocal agreement from participating in a school concurrency system; amending s. 163.3184, F.S.; revising provisions relating to the expedited state review process for adoption of comprehensive plan amendments; clarifying the time in which a local government must transmit an amendment to a comprehensive plan and supporting data and analyses to the reviewing agencies; deleting the deadlines in administrative challenges to comprehensive plans and plan amendments for the entry of final orders and referrals of recommended orders; specifying a deadline for the state land planning agency to issue a notice of intent after receiving a complete comprehensive plan or plan amendment adopted pursuant to a compliance agreement; amending s. 163.3191, F.S.; conforming a cross-reference to changes made by the act; amending s. 163.3245, F.S.; deleting an obsolete cross-reference; deleting a reporting requirement relating to optional sector plans; amending s. 186.002, F.S.; deleting a requirement for the Governor to consider certain evaluation and appraisal reports in preparing certain plans and amendments; amending s. 186.007, F.S.; deleting a requirement for the Governor to consider certain evaluation and appraisal reports when reviewing the state comprehensive plan; amending s. 186.505, F.S.; requiring a regional planning council to determine before accepting a grant that the purpose of the grant is in furtherance of its functions; prohibiting a regional planning council

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59 from providing consulting services for a fee to any
60 local government for a project for which the council
61 will serve in a review capacity; prohibiting a
62 regional planning council from providing consulting
63 services to a private developer or landowner for a
64 project for which the council may serve in a review
65 capacity in the future; amending s. 186.508, F.S.;
66 requiring that regional planning councils coordinate
67 implementation of the strategic regional policy plans
68 with the evaluation and appraisal process; amending s.
69 189.415, F.S.; requiring an independent special
70 district to update its public facilities report every
71 7 years and at least 12 months before the submission
72 date of the evaluation and appraisal notification
73 letter; requiring the Department of Economic
74 Opportunity to post a schedule of the due dates for
75 public facilities reports and updates that independent
76 special districts must provide to local governments;
77 amending s. 288.975, F.S.; deleting a provision
78 exempting local government plan amendments necessary
79 to initially adopt the military base reuse plan from a
80 limitation on the frequency of plan amendments;
81 amending s. 380.06, F.S.; correcting cross-references;
82 amending s. 380.115, F.S.; adding a cross-reference
83 for exempt developments; amending s. 1013.33, F.S.;
84 deleting redundant requirements for interlocal
85 agreements relating to public education facilities;
86 amending s. 1013.35, F.S.; deleting a cross-reference
87 to conform to changes made by the act; amending s.

88 1013.351, F.S.; deleting redundant requirements for
89 the submission of certain interlocal agreements to the
90 Office of Educational Facilities and the state land
91 planning agency and for review of the interlocal
92 agreement by the office and the agency; amending s.
93 1013.36, F.S.; deleting an obsolete cross-reference;
94 providing an effective date.
95
96 Be It Enacted by the Legislature of the State of Florida:
97
98 Section 1. Subsection (8) of section 163.3167, Florida
99 Statutes, is amended to read:
100 163.3167 Scope of act.—
101 (8) An initiative or referendum process in regard to any
102 development order or in regard to any local comprehensive plan
103 amendment or map amendment is prohibited. <u>However, any local</u>
104 <u>government charter provision that was in effect as of June 1,</u>
105 <u>2011, for an initiative or referendum process in regard to</u>
106 <u>development orders or in regard to local comprehensive plan</u>
107 <u>amendments or map amendments may be retained and implemented.</u>
108 Section 2. Paragraph (b) of subsection (4) of section
109 163.3174, Florida Statutes, is amended to read:
110 163.3174 Local planning agency.—
111 (4) The local planning agency shall have the general
112 responsibility for the conduct of the comprehensive planning
113 program. Specifically, the local planning agency shall:
114 (b) Monitor and oversee the effectiveness and status of the
115 comprehensive plan and recommend to the governing body such
116 changes in the comprehensive plan as may from time to time be

117 required, including the periodic evaluation and appraisal of the
118 comprehensive plan ~~preparation of the periodic reports~~ required
119 by s. 163.3191.
120 Section 3. Subsections (3), (5), and (6) of section
121 163.3175, Florida Statutes, are amended to read:
122 163.3175 Legislative findings on compatibility of
123 development with military installations; exchange of information
124 between local governments and military installations.—
125 (3) The Florida Defense Support Task Force ~~Council on~~
126 ~~Military Base and Mission Support~~ may recommend to the
127 Legislature changes to the military installations and local
128 governments specified in subsection (2) based on a military
129 base's potential for impacts from encroachment, and incompatible
130 land uses and development.
131 (5) The commanding officer or his or her designee may
132 provide advisory comments to the affected local government on
133 the impact such proposed changes may have on the mission of the
134 military installation. Such advisory comments shall be based on
135 data and analyses provided with the comments and may include:
136 (a) If the installation has an airfield, whether such
137 proposed changes will be incompatible with the safety and noise
138 standards contained in the Air Installation Compatible Use Zone
139 (AICUZ) adopted by the military installation for that airfield;
140 (b) Whether such changes are incompatible with the
141 Installation Environmental Noise Management Program (IENMP) of
142 the United States Army;
143 (c) Whether such changes are incompatible with the findings
144 of a Joint Land Use Study (JLUS) for the area if one has been
145 completed; and

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146 (d) Whether the military installation's mission will be
147 adversely affected by the proposed actions of the county or
148 affected local government.
149
150 The commanding officer's comments, underlying studies, and
151 reports shall be considered by the local government in the same
152 manner as the comments received from other reviewing agencies
153 pursuant to s. 163.3184 ~~are not binding on the local government~~.
154 (6) The affected local government shall take into
155 consideration any comments and accompanying data and analyses
156 provided by the commanding officer or his or her designee
157 pursuant to subsection (4) as they relate to the strategic
158 mission of the base, public safety, and the economic vitality
159 associated with the base's operations, while also respecting ~~and~~
160 ~~must also be sensitive~~ to private property rights and not being
161 ~~be~~ unduly restrictive on those rights. The affected local
162 government shall forward a copy of any comments regarding
163 comprehensive plan amendments to the state land planning agency.
164 Section 4. Paragraph (h) of subsection (6) of section
165 163.3177, Florida Statutes, is amended to read:
166 163.3177 Required and optional elements of comprehensive
167 plan; studies and surveys.—
168 (6) In addition to the requirements of subsections (1)-(5),
169 the comprehensive plan shall include the following elements:
170 (h)1. An intergovernmental coordination element showing
171 relationships and stating principles and guidelines to be used
172 in coordinating the adopted comprehensive plan with the plans of
173 school boards, regional water supply authorities, and other
174 units of local government providing services but not having

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175 regulatory authority over the use of land, with the
176 comprehensive plans of adjacent municipalities, the county,
177 adjacent counties, or the region, with the state comprehensive
178 plan and with the applicable regional water supply plan approved
179 pursuant to s. 373.709, as the case may require and as such
180 adopted plans or plans in preparation may exist. This element of
181 the local comprehensive plan must demonstrate consideration of
182 the particular effects of the local plan, when adopted, upon the
183 development of adjacent municipalities, the county, adjacent
184 counties, or the region, or upon the state comprehensive plan,
185 as the case may require.
186 a. The intergovernmental coordination element must provide
187 procedures for identifying and implementing joint planning
188 areas, especially for the purpose of annexation, municipal
189 incorporation, and joint infrastructure service areas.
190 b. The intergovernmental coordination element shall provide
191 for a dispute resolution process, as established pursuant to s.
192 186.509, for bringing intergovernmental disputes to closure in a
193 timely manner.
194 c. The intergovernmental coordination element shall provide
195 for interlocal agreements as established pursuant to s.
196 333.03(1)(b).
197 2. The intergovernmental coordination element shall also
198 state principles and guidelines to be used in coordinating the
199 adopted comprehensive plan with the plans of school boards and
200 other units of local government providing facilities and
201 services but not having regulatory authority over the use of
202 land. In addition, the intergovernmental coordination element
203 must describe joint processes for collaborative planning and

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204 decisionmaking on population projections and public school
205 siting, the location and extension of public facilities subject
206 to concurrency, and siting facilities with countywide
207 significance, including locally unwanted land uses whose nature
208 and identity are established in an agreement.
209 3. Within 1 year after adopting their intergovernmental
210 coordination elements, each county, all the municipalities
211 within that county, the district school board, and any unit of
212 local government service providers in that county shall
213 establish by interlocal or other formal agreement executed by
214 all affected entities, the joint processes described in this
215 subparagraph consistent with their adopted intergovernmental
216 coordination elements. The agreement ~~element~~ must:
217 a. Ensure that the local government addresses through
218 coordination mechanisms the impacts of development proposed in
219 the local comprehensive plan upon development in adjacent
220 municipalities, the county, adjacent counties, the region, and
221 the state. The area of concern for municipalities includes ~~shall~~
222 ~~include~~ adjacent municipalities, the county, and counties
223 adjacent to the municipality. The area of concern for counties
224 includes ~~shall include~~ all municipalities within the county,
225 adjacent counties, and adjacent municipalities.
226 b. Ensure coordination in establishing level of service
227 standards for public facilities with any state, regional, or
228 local entity having operational and maintenance responsibility
229 for such facilities.
230 Section 5. Subsections (3) and (4) are added to section
231 163.31777, Florida Statutes, to read:
232 163.31777 Public schools interlocal agreement.—

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233 (3) A municipality is exempt from the requirements of
234 subsections (1) and (2) if the municipality meets all of the
235 following criteria for having no significant impact on school
236 attendance:
237 (a) The municipality has issued development orders for
238 fewer than 50 residential dwelling units during the preceding 5
239 years, or the municipality has generated fewer than 25
240 additional public school students during the preceding 5 years.
241 (b) The municipality has not annexed new land during the
242 preceding 5 years in land use categories that permit residential
243 uses that will affect school attendance rates.
244 (c) The municipality has no public schools located within
245 its boundaries.
246 (d) At least 80 percent of the developable land within the
247 boundaries of the municipality has been built upon.
248 (4) At the time of the evaluation and appraisal of its
249 comprehensive plan pursuant to s. 163.3191, each exempt
250 municipality shall assess the extent to which it continues to
251 meet the criteria for exemption under subsection (3). If the
252 municipality continues to meet the criteria for exemption under
253 subsection (3), the municipality shall continue to be exempt
254 from the interlocal-agreement requirement. Each municipality
255 exempt under subsection (3) must comply with this section within
256 1 year after the district school board proposes, in its 5-year
257 district facilities work program, a new school within the
258 municipality's jurisdiction.
259 Section 6. Subsections (3) and (6) of section 163.3178,
260 Florida Statutes, are amended to read:
261 163.3178 Coastal management.—

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262 (3) Expansions to port harbors, spoil disposal sites,
263 navigation channels, turning basins, harbor berths, and other
264 related inwater harbor facilities of ports listed in s.
265 403.021(9); port transportation facilities and projects listed
266 in s. 311.07(3)(b); intermodal transportation facilities
267 identified pursuant to s. 311.09(3); and facilities determined
268 by the state land planning agency ~~Department of Community~~
269 ~~Affairs~~ and applicable general-purpose local government to be
270 port-related industrial or commercial projects located within 3
271 miles of or in a port master plan area which rely upon the use
272 of port and intermodal transportation facilities shall not be
273 designated as developments of regional impact if such
274 expansions, projects, or facilities are consistent with
275 comprehensive master plans that are in compliance with this
276 section.
277 (6) Local governments are encouraged to adopt countywide
278 marina siting plans to designate sites for existing and future
279 marinas. ~~The Coastal Resources Interagency Management Committee,~~
280 ~~at the direction of the Legislature, shall identify incentives~~
281 ~~to encourage local governments to adopt such siting plans and~~
282 ~~uniform criteria and standards to be used by local governments~~
283 ~~to implement state goals, objectives, and policies relating to~~
284 ~~marina siting. These criteria must ensure that priority is given~~
285 ~~to water-dependent land uses.~~ Countywide marina siting plans
286 must be consistent with state and regional environmental
287 planning policies and standards. Each local government in the
288 coastal area which participates in adoption of a countywide
289 marina siting plan shall incorporate the plan into the coastal
290 management element of its local comprehensive plan.

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291 Section 7. Paragraph (a) of subsection (1) and paragraphs
292 (a), (i), (j), and (k) of subsection (6) of section 163.3180,
293 Florida Statutes, are amended to read:
294 163.3180 Concurrency.—
295 (1) Sanitary sewer, solid waste, drainage, and potable
296 water are the only public facilities and services subject to the
297 concurrency requirement on a statewide basis. Additional public
298 facilities and services may not be made subject to concurrency
299 on a statewide basis without approval by the Legislature;
300 however, any local government may extend the concurrency
301 requirement so that it applies to additional public facilities
302 within its jurisdiction.
303 (a) If concurrency is applied to other public facilities,
304 the local government comprehensive plan must provide the
305 principles, guidelines, standards, and strategies, including
306 adopted levels of service, to guide its application. In order
307 for a local government to rescind any optional concurrency
308 provisions, a comprehensive plan amendment is required. An
309 amendment rescinding optional concurrency issues shall be
310 processed under the expedited state review process in s.
311 163.3184(3), but the amendment is not subject to state review
312 and is not required to be transmitted to the reviewing agencies
313 for comments, except that the local government shall transmit
314 the amendment to any local government or government agency that
315 has filed a request with the governing body, and for municipal
316 amendments, the amendment shall be transmitted to the county in
317 which the municipality is located. For informational purposes
318 only, a copy of the adopted amendment shall be provided to the
319 state land planning agency. A copy of the adopted amendment

320 shall also be provided to the Department of Transportation if
321 the amendment rescinds transportation concurrency and to the
322 Department of Education if the amendment rescinds school
323 concurrency.
324 (6)(a) Local governments that apply ~~If~~ concurrency ~~is~~
325 ~~applied~~ to public education facilities~~, all local governments~~
326 ~~within a county, except as provided in paragraph (i),~~ shall
327 include principles, guidelines, standards, and strategies,
328 including adopted levels of service, in their comprehensive
329 plans and interlocal agreements. The choice of one or more
330 municipalities to not adopt school concurrency and enter into
331 the interlocal agreement does not preclude implementation of
332 school concurrency within other jurisdictions of the school
333 district if the county and one or more municipalities have
334 adopted school concurrency into their comprehensive plan and
335 interlocal agreement that represents at least 80 percent of the
336 total countywide population~~, the failure of one or more~~
337 ~~municipalities to adopt the concurrency and enter into the~~
338 ~~interlocal agreement does not preclude implementation of school~~
339 ~~concurrency within jurisdictions of the school district that~~
340 ~~have opted to implement concurrency~~. All local government
341 provisions included in comprehensive plans regarding school
342 concurrency within a county must be consistent with each other
343 as well as the requirements of this part.
344 ~~(i) A municipality is not required to be a signatory to the~~
345 ~~interlocal agreement required by paragraph (j), as a~~
346 ~~prerequisite for imposition of school concurrency, and as a~~
347 ~~nonsignatory, may not participate in the adopted local school~~
348 ~~concurrency system, if the municipality meets all of the~~

349 ~~following criteria for having no significant impact on school~~
350 ~~attendance:~~
351 ~~1. The municipality has issued development orders for fewer~~
352 ~~than 50 residential dwelling units during the preceding 5 years,~~
353 ~~or the municipality has generated fewer than 25 additional~~
354 ~~public school students during the preceding 5 years.~~
355 ~~2. The municipality has not annexed new land during the~~
356 ~~preceding 5 years in land use categories which permit~~
357 ~~residential uses that will affect school attendance rates.~~
358 ~~3. The municipality has no public schools located within~~
359 ~~its boundaries.~~
360 ~~4. At least 80 percent of the developable land within the~~
361 ~~boundaries of the municipality has been built upon.~~
362 (i) ~~(j)~~ When establishing concurrency requirements for
363 public schools, a local government must enter into an interlocal
364 agreement that satisfies the requirements in ss.
365 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of
366 this subsection. The interlocal agreement shall acknowledge both
367 the school board's constitutional and statutory obligations to
368 provide a uniform system of free public schools on a countywide
369 basis, and the land use authority of local governments,
370 including their authority to approve or deny comprehensive plan
371 amendments and development orders. The interlocal agreement
372 shall meet the following requirements:
373 1. Establish the mechanisms for coordinating the
374 development, adoption, and amendment of each local government's
375 school concurrency related provisions of the comprehensive plan
376 with each other and the plans of the school board to ensure a
377 uniform districtwide school concurrency system.

378 2. Specify uniform, districtwide level-of-service standards
379 for public schools of the same type and the process for
380 modifying the adopted level-of-service standards.
381 3. Define the geographic application of school concurrency.
382 If school concurrency is to be applied on a less than
383 districtwide basis in the form of concurrency service areas, the
384 agreement shall establish criteria and standards for the
385 establishment and modification of school concurrency service
386 areas. The agreement shall ensure maximum utilization of school
387 capacity, taking into account transportation costs and court-
388 approved desegregation plans, as well as other factors.
389 4. Establish a uniform districtwide procedure for
390 implementing school concurrency which provides for:
391 a. The evaluation of development applications for
392 compliance with school concurrency requirements, including
393 information provided by the school board on affected schools,
394 impact on levels of service, and programmed improvements for
395 affected schools and any options to provide sufficient capacity;
396 b. An opportunity for the school board to review and
397 comment on the effect of comprehensive plan amendments and
398 rezonings on the public school facilities plan; and
399 c. The monitoring and evaluation of the school concurrency
400 system.
401 5. A process and uniform methodology for determining
402 proportionate-share mitigation pursuant to paragraph (h).
403 (j) ~~(k)~~ This subsection does not limit the authority of a
404 local government to grant or deny a development permit or its
405 functional equivalent prior to the implementation of school
406 concurrency.

407 Section 8. Paragraphs (b) and (c) of subsection (3),
408 paragraphs (b) and (e) of subsection (4), paragraphs (b), (d),
409 and (e) of subsection (5), paragraph (f) of subsection (6), and
410 subsection (12) of section 163.3184, Florida Statutes, are
411 amended to read:
412 163.3184 Process for adoption of comprehensive plan or plan
413 amendment.—
414 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
415 COMPREHENSIVE PLAN AMENDMENTS.—
416 (b)1. The local government, after the initial public
417 hearing held pursuant to subsection (11), shall transmit within
418 10 calendar days the amendment or amendments and appropriate
419 supporting data and analyses to the reviewing agencies. The
420 local governing body shall also transmit a copy of the
421 amendments and supporting data and analyses to any other local
422 government or governmental agency that has filed a written
423 request with the governing body.
424 2. The reviewing agencies and any other local government or
425 governmental agency specified in subparagraph 1. may provide
426 comments regarding the amendment or amendments to the local
427 government. State agencies shall only comment on important state
428 resources and facilities that will be adversely impacted by the
429 amendment if adopted. Comments provided by state agencies shall
430 state with specificity how the plan amendment will adversely
431 impact an important state resource or facility and shall
432 identify measures the local government may take to eliminate,
433 reduce, or mitigate the adverse impacts. Such comments, if not
434 resolved, may result in a challenge by the state land planning
435 agency to the plan amendment. Agencies and local governments

436 must transmit their comments to the affected local government
437 such that they are received by the local government not later
438 than 30 days from the date on which the agency or government
439 received the amendment or amendments. Reviewing agencies shall
440 also send a copy of their comments to the state land planning
441 agency.
442 3. Comments to the local government from a regional
443 planning council, county, or municipality shall be limited as
444 follows:
445 a. The regional planning council review and comments shall
446 be limited to adverse effects on regional resources or
447 facilities identified in the strategic regional policy plan and
448 extrajurisdictional impacts that would be inconsistent with the
449 comprehensive plan of any affected local government within the
450 region. A regional planning council may not review and comment
451 on a proposed comprehensive plan amendment prepared by such
452 council unless the plan amendment has been changed by the local
453 government subsequent to the preparation of the plan amendment
454 by the regional planning council.
455 b. County comments shall be in the context of the
456 relationship and effect of the proposed plan amendments on the
457 county plan.
458 c. Municipal comments shall be in the context of the
459 relationship and effect of the proposed plan amendments on the
460 municipal plan.
461 d. Military installation comments shall be provided in
462 accordance with s. 163.3175.
463 4. Comments to the local government from state agencies
464 shall be limited to the following subjects as they relate to

465 important state resources and facilities that will be adversely
466 impacted by the amendment if adopted:
467 a. The Department of Environmental Protection shall limit
468 its comments to the subjects of air and water pollution;
469 wetlands and other surface waters of the state; federal and
470 state-owned lands and interest in lands, including state parks,
471 greenways and trails, and conservation easements; solid waste;
472 water and wastewater treatment; and the Everglades ecosystem
473 restoration.
474 b. The Department of State shall limit its comments to the
475 subjects of historic and archaeological resources.
476 c. The Department of Transportation shall limit its
477 comments to issues within the agency's jurisdiction as it
478 relates to transportation resources and facilities of state
479 importance.
480 d. The Fish and Wildlife Conservation Commission shall
481 limit its comments to subjects relating to fish and wildlife
482 habitat and listed species and their habitat.
483 e. The Department of Agriculture and Consumer Services
484 shall limit its comments to the subjects of agriculture,
485 forestry, and aquaculture issues.
486 f. The Department of Education shall limit its comments to
487 the subject of public school facilities.
488 g. The appropriate water management district shall limit
489 its comments to flood protection and floodplain management,
490 wetlands and other surface waters, and regional water supply.
491 h. The state land planning agency shall limit its comments
492 to important state resources and facilities outside the
493 jurisdiction of other commenting state agencies and may include

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494 comments on countervailing planning policies and objectives
495 served by the plan amendment that should be balanced against
496 potential adverse impacts to important state resources and
497 facilities.
498 (c)1. The local government shall hold its second public
499 hearing, which shall be a hearing on whether to adopt one or
500 more comprehensive plan amendments pursuant to subsection (11).
501 If the local government fails, within 180 days after receipt of
502 agency comments, to hold the second public hearing, the
503 amendments shall be deemed withdrawn unless extended by
504 agreement with notice to the state land planning agency and any
505 affected person that provided comments on the amendment. The
506 180-day limitation does not apply to amendments processed
507 pursuant to s. 380.06.
508 2. All comprehensive plan amendments adopted by the
509 governing body, along with the supporting data and analysis,
510 shall be transmitted within 10 calendar days after the second
511 public hearing to the state land planning agency and any other
512 agency or local government that provided timely comments under
513 subparagraph (b)2.
514 3. The state land planning agency shall notify the local
515 government of any deficiencies within 5 working days after
516 receipt of an amendment package. For purposes of completeness,
517 an amendment shall be deemed complete if it contains a full,
518 executed copy of the adoption ordinance or ordinances; in the
519 case of a text amendment, a full copy of the amended language in
520 legislative format with new words inserted in the text
521 underlined, and words deleted stricken with hyphens; in the case
522 of a future land use map amendment, a copy of the future land

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523 use map clearly depicting the parcel, its existing future land
524 use designation, and its adopted designation; and a copy of any
525 data and analyses the local government deems appropriate.
526 4. An amendment adopted under this paragraph does not
527 become effective until 31 days after the state land planning
528 agency notifies the local government that the plan amendment
529 package is complete. If timely challenged, an amendment does not
530 become effective until the state land planning agency or the
531 Administration Commission enters a final order determining the
532 adopted amendment to be in compliance.
533 (4) STATE COORDINATED REVIEW PROCESS.—
534 (b) *Local government transmittal of proposed plan or*
535 *amendment.*—Each local governing body proposing a plan or plan
536 amendment specified in paragraph (2)(c) shall transmit the
537 complete proposed comprehensive plan or plan amendment to the
538 reviewing agencies within 10 calendar days after ~~immediately~~
539 ~~following~~ the first public hearing pursuant to subsection (11).
540 The transmitted document shall clearly indicate on the cover
541 sheet that this plan amendment is subject to the state
542 coordinated review process of this subsection. The local
543 governing body shall also transmit a copy of the complete
544 proposed comprehensive plan or plan amendment to any other unit
545 of local government or government agency in the state that has
546 filed a written request with the governing body for the plan or
547 plan amendment.
548 (e) *Local government review of comments; adoption of plan*
549 *or amendments and transmittal.*—
550 1. The local government shall review the report submitted
551 to it by the state land planning agency, if any, and written

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552 comments submitted to it by any other person, agency, or
553 government. The local government, upon receipt of the report
554 from the state land planning agency, shall hold its second
555 public hearing, which shall be a hearing to determine whether to
556 adopt the comprehensive plan or one or more comprehensive plan
557 amendments pursuant to subsection (11). If the local government
558 fails to hold the second hearing within 180 days after receipt
559 of the state land planning agency's report, the amendments shall
560 be deemed withdrawn unless extended by agreement with notice to
561 the state land planning agency and any affected person that
562 provided comments on the amendment. The 180-day limitation does
563 not apply to amendments processed pursuant to s. 380.06.
564 2. All comprehensive plan amendments adopted by the
565 governing body, along with the supporting data and analysis,
566 shall be transmitted within 10 calendar days after the second
567 public hearing to the state land planning agency and any other
568 agency or local government that provided timely comments under
569 paragraph (c).
570 3. The state land planning agency shall notify the local
571 government of any deficiencies within 5 working days after
572 receipt of a plan or plan amendment package. For purposes of
573 completeness, a plan or plan amendment shall be deemed complete
574 if it contains a full, executed copy of the adoption ordinance
575 or ordinances; in the case of a text amendment, a full copy of
576 the amended language in legislative format with new words
577 inserted in the text underlined, and words deleted stricken with
578 hyphens; in the case of a future land use map amendment, a copy
579 of the future land use map clearly depicting the parcel, its
580 existing future land use designation, and its adopted

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581 designation; and a copy of any data and analyses the local
582 government deems appropriate.
583 4. After the state land planning agency makes a
584 determination of completeness regarding the adopted plan or plan
585 amendment, the state land planning agency shall have 45 days to
586 determine if the plan or plan amendment is in compliance with
587 this act. Unless the plan or plan amendment is substantially
588 changed from the one commented on, the state land planning
589 agency's compliance determination shall be limited to objections
590 raised in the objections, recommendations, and comments report.
591 During the period provided for in this subparagraph, the state
592 land planning agency shall issue, through a senior administrator
593 or the secretary, a notice of intent to find that the plan or
594 plan amendment is in compliance or not in compliance. The state
595 land planning agency shall post a copy of the notice of intent
596 on the agency's Internet website. Publication by the state land
597 planning agency of the notice of intent on the state land
598 planning agency's Internet site shall be prima facie evidence of
599 compliance with the publication requirements of this
600 subparagraph.
601 5. A plan or plan amendment adopted under the state
602 coordinated review process shall go into effect pursuant to the
603 state land planning agency's notice of intent. If timely
604 challenged, an amendment does not become effective until the
605 state land planning agency or the Administration Commission
606 enters a final order determining the adopted amendment to be in
607 compliance.
608 (5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN
609 AMENDMENTS.—

610 (b) The state land planning agency may file a petition with
611 the Division of Administrative Hearings pursuant to ss. 120.569
612 and 120.57, with a copy served on the affected local government,
613 to request a formal hearing to challenge whether the plan or
614 plan amendment is in compliance as defined in paragraph (1)(b).
615 The state land planning agency's petition must clearly state the
616 reasons for the challenge. Under the expedited state review
617 process, this petition must be filed with the division within 30
618 days after the state land planning agency notifies the local
619 government that the plan amendment package is complete according
620 to subparagraph (3)(c)3. Under the state coordinated review
621 process, this petition must be filed with the division within 45
622 days after the state land planning agency notifies the local
623 government that the plan amendment package is complete according
624 to subparagraph (4)(e)3 ~~(3)(c)3~~.
625 1. The state land planning agency's challenge to plan
626 amendments adopted under the expedited state review process
627 shall be limited to the comments provided by the reviewing
628 agencies pursuant to subparagraphs (3)(b)2.-4., upon a
629 determination by the state land planning agency that an
630 important state resource or facility will be adversely impacted
631 by the adopted plan amendment. The state land planning agency's
632 petition shall state with specificity how the plan amendment
633 will adversely impact the important state resource or facility.
634 The state land planning agency may challenge a plan amendment
635 that has substantially changed from the version on which the
636 agencies provided comments but only upon a determination by the
637 state land planning agency that an important state resource or
638 facility will be adversely impacted.

639 2. If the state land planning agency issues a notice of
640 intent to find the comprehensive plan or plan amendment not in
641 compliance with this act, the notice of intent shall be
642 forwarded to the Division of Administrative Hearings of the
643 Department of Management Services, which shall conduct a
644 proceeding under ss. 120.569 and 120.57 in the county of and
645 convenient to the affected local jurisdiction. The parties to
646 the proceeding shall be the state land planning agency, the
647 affected local government, and any affected person who
648 intervenes. A ~~No~~ new issue may not be alleged as a reason to
649 find a plan or plan amendment not in compliance in an
650 administrative pleading filed more than 21 days after
651 publication of notice unless the party seeking that issue
652 establishes good cause for not alleging the issue within that
653 time period. Good cause does not include excusable neglect.
654 (d) If the administrative law judge recommends that the
655 amendment be found not in compliance, the judge shall submit the
656 recommended order to the Administration Commission for final
657 agency action. The Administration Commission shall make every
658 effort to enter a final order expeditiously, but at a minimum,
659 within the time period provided by s. 120.569 ~~45 days after its~~
660 ~~receipt of the recommended order~~.
661 (e) If the administrative law judge recommends that the
662 amendment be found in compliance, the judge shall submit the
663 recommended order to the state land planning agency.
664 1. If the state land planning agency determines that the
665 plan amendment should be found not in compliance, the agency
666 shall make every effort to refer~~, within 30 days after receipt~~
667 ~~of the recommended order,~~ the recommended order and its

668 determination expeditiously to the Administration Commission for
669 final agency action, but at a minimum within the time period
670 provided by 120.569.
671 2. If the state land planning agency determines that the
672 plan amendment should be found in compliance, the agency shall
673 enter its final order expeditiously, but at a minimum, within
674 the time period provided by s. 120.569 ~~not later than 30 days~~
675 ~~after receipt of the recommended order~~.
676 (6) COMPLIANCE AGREEMENT.—
677 (f) For challenges to amendments adopted under the state
678 coordinated process, the state land planning agency~~, upon~~
679 ~~receipt of a plan or plan amendment adopted pursuant to a~~
680 ~~compliance agreement,~~ shall issue a cumulative notice of intent
681 addressing both the remedial amendment and the plan or plan
682 amendment that was the subject of the agreement within 20 days
683 after receiving a complete plan or plan amendment adopted
684 pursuant to a compliance agreement.
685 1. If the local government adopts a comprehensive plan or
686 plan amendment pursuant to a compliance agreement and a notice
687 of intent to find the plan amendment in compliance is issued,
688 the state land planning agency shall forward the notice of
689 intent to the Division of Administrative Hearings and the
690 administrative law judge shall realign the parties in the
691 pending proceeding under ss. 120.569 and 120.57, which shall
692 thereafter be governed by the process contained in paragraph
693 (5)(a) and subparagraph (5)(c)1., including provisions relating
694 to challenges by an affected person, burden of proof, and issues
695 of a recommended order and a final order. Parties to the
696 original proceeding at the time of realignment may continue as

697 parties without being required to file additional pleadings to
698 initiate a proceeding, but may timely amend their pleadings to
699 raise any challenge to the amendment that is the subject of the
700 cumulative notice of intent, and must otherwise conform to the
701 rules of procedure of the Division of Administrative Hearings.
702 Any affected person not a party to the realigned proceeding may
703 challenge the plan amendment that is the subject of the
704 cumulative notice of intent by filing a petition with the agency
705 as provided in subsection (5). The agency shall forward the
706 petition filed by the affected person not a party to the
707 realigned proceeding to the Division of Administrative Hearings
708 for consolidation with the realigned proceeding. If the
709 cumulative notice of intent is not challenged, the state land
710 planning agency shall request that the Division of
711 Administrative Hearings relinquish jurisdiction to the state
712 land planning agency for issuance of a final order.
713 2. If the local government adopts a comprehensive plan
714 amendment pursuant to a compliance agreement and a notice of
715 intent is issued that finds the plan amendment not in
716 compliance, the state land planning agency shall forward the
717 notice of intent to the Division of Administrative Hearings,
718 which shall consolidate the proceeding with the pending
719 proceeding and immediately set a date for a hearing in the
720 pending proceeding under ss. 120.569 and 120.57. Affected
721 persons who are not a party to the underlying proceeding under
722 ss. 120.569 and 120.57 may challenge the plan amendment adopted
723 pursuant to the compliance agreement by filing a petition
724 pursuant to paragraph (5)(a).
725 (12) CONCURRENT ZONING.—At the request of an applicant, a

726 local government shall consider an application for zoning
727 changes that would be required to properly enact any proposed
728 plan amendment transmitted pursuant to this section ~~subsection~~.
729 Zoning changes approved by the local government are contingent
730 upon the comprehensive plan or plan amendment transmitted
731 becoming effective.
732 Section 9. Subsection (3) of section 163.3191, Florida
733 Statutes, is amended to read:
734 163.3191 Evaluation and appraisal of comprehensive plan.—
735 (3) Local governments are encouraged to comprehensively
736 evaluate and, as necessary, update comprehensive plans to
737 reflect changes in local conditions. Plan amendments transmitted
738 pursuant to this section shall be reviewed pursuant to s.
739 163.3184(4) ~~in accordance with s. 163.3184~~.
740 Section 10. Subsections (1) and (7) of section 163.3245,
741 Florida Statutes, are amended, and present subsections (8)
742 through (14) of that section are redesignated as subsections (7)
743 through (13), respectively, to read:
744 163.3245 Sector plans.—
745 (1) In recognition of the benefits of long-range planning
746 for specific areas, local governments or combinations of local
747 governments may adopt into their comprehensive plans a sector
748 plan in accordance with this section. This section is intended
749 to promote and encourage long-term planning for conservation,
750 development, and agriculture on a landscape scale; to further
751 support ~~the intent of s. 163.3177(11), which supports~~ innovative
752 and flexible planning and development strategies, and the
753 purposes of this part and part I of chapter 380; to facilitate
754 protection of regionally significant resources, including, but

755 not limited to, regionally significant water courses and
756 wildlife corridors; and to avoid duplication of effort in terms
757 of the level of data and analysis required for a development of
758 regional impact, while ensuring the adequate mitigation of
759 impacts to applicable regional resources and facilities,
760 including those within the jurisdiction of other local
761 governments, as would otherwise be provided. Sector plans are
762 intended for substantial geographic areas that include at least
763 15,000 acres of one or more local governmental jurisdictions and
764 are to emphasize urban form and protection of regionally
765 significant resources and public facilities. A sector plan may
766 not be adopted in an area of critical state concern.
767 ~~(7) Beginning December 1, 1999, and each year thereafter,~~
768 ~~the department shall provide a status report to the President of~~
769 ~~the Senate and the Speaker of the House of Representatives~~
770 ~~regarding each optional sector plan authorized under this~~
771 ~~section.~~
772 Section 11. Paragraph (d) of subsection (2) of section
773 186.002, Florida Statutes, is amended to read:
774 186.002 Findings and intent.—
775 (2) It is the intent of the Legislature that:
776 (d) The state planning process shall be informed and guided
777 by the experience of public officials at all levels of
778 government. ~~In preparing any plans or proposed revisions or~~
779 ~~amendments required by this chapter, the Governor shall consider~~
780 ~~the experience of and information provided by local governments~~
781 ~~in their evaluation and appraisal reports pursuant to s.~~
782 ~~163.3191.~~
783 Section 12. Subsection (8) of section 186.007, Florida

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784 Statutes, is amended to read:
785 186.007 State comprehensive plan; preparation; revision.—
786 (8) The revision of the state comprehensive plan is a
787 continuing process. Each section of the plan shall be reviewed
788 and analyzed biennially by the Executive Office of the Governor
789 in conjunction with the planning officers of other state
790 agencies significantly affected by the provisions of the
791 particular section under review. In conducting this review and
792 analysis, the Executive Office of the Governor shall review and
793 consider, with the assistance of the state land planning agency
794 and regional planning councils, ~~the evaluation and appraisal~~
795 ~~reports submitted pursuant to s. 163.3191 and~~ the evaluation and
796 appraisal reports prepared pursuant to s. 186.511. Any necessary
797 revisions of the state comprehensive plan shall be proposed by
798 the Governor in a written report and be accompanied by an
799 explanation of the need for such changes. If the Governor
800 determines that changes are unnecessary, the written report must
801 explain why changes are unnecessary. The proposed revisions and
802 accompanying explanations may be submitted in the report
803 required by s. 186.031. Any proposed revisions to the plan shall
804 be submitted to the Legislature as provided in s. 186.008(2) at
805 least 30 days before ~~prior to~~ the regular legislative session
806 occurring in each even-numbered year.
807 Section 13. Subsections (8) and (20) of section 186.505,
808 Florida Statutes, are amended to read:
809 186.505 Regional planning councils; powers and duties.—Any
810 regional planning council created hereunder shall have the
811 following powers:
812 (8) To accept and receive, in furtherance of its functions,

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813 funds, grants, and services from the Federal Government or its
814 agencies; from departments, agencies, and instrumentalities of
815 state, municipal, or local government; or from private or civic
816 sources, except as prohibited by subsection (20). Each regional
817 planning council shall render an accounting of the receipt and
818 disbursement of all funds received by it, pursuant to the
819 federal Older Americans Act, to the Legislature no later than
820 March 1 of each year. Before accepting a grant, a regional
821 planning council must make a formal public determination that
822 the purpose of the grant is in furtherance of the council's
823 functions and will not diminish the council's ability to fund
824 and accomplish its statutory functions.
825 (20) To provide technical assistance to local governments
826 on growth management matters. However, a regional planning
827 council may not provide consulting services for a fee to a local
828 government for a project for which the council also serves in a
829 review capacity or provide consulting services to a private
830 developer or landowner for a project for which the council may
831 also serve in a review capacity in the future.
832 Section 14. Subsection (1) of section 186.508, Florida
833 Statutes, is amended to read:
834 186.508 Strategic regional policy plan adoption;
835 consistency with state comprehensive plan.—
836 (1) Each regional planning council shall submit to the
837 Executive Office of the Governor its proposed strategic regional
838 policy plan on a schedule established by the Executive Office of
839 the Governor to coordinate implementation of the strategic
840 regional policy plans with the evaluation and appraisal process
841 ~~reports~~ required by s. 163.3191. The Executive Office of the

842 Governor, or its designee, shall review the proposed strategic
843 regional policy plan to ensure consistency with the adopted
844 state comprehensive plan and shall, within 60 days, provide any
845 recommended revisions. The Governor's recommended revisions
846 shall be included in the plans in a comment section. However,
847 nothing in this section precludes ~~herein shall preclude~~ a
848 regional planning council from adopting or rejecting any or all
849 of the revisions as a part of its plan before ~~prior to~~ the
850 effective date of the plan. The rules adopting the strategic
851 regional policy plan are ~~shall~~ not ~~be~~ subject to rule challenge
852 under s. 120.56(2) or to drawout proceedings under s.
853 120.54(3)(c)2., but, once adopted, are ~~shall be~~ subject to an
854 invalidity challenge under s. 120.56(3) by substantially
855 affected persons, including the Executive Office of the
856 Governor. The rules shall be adopted by the regional planning
857 councils, and ~~shall~~ become effective upon filing with the
858 Department of State, notwithstanding the provisions of s.
859 120.54(3)(e)6.
860 Section 15. Subsections (2) and (3) of section 189.415,
861 Florida Statutes, are amended to read:
862 189.415 Special district public facilities report.—
863 (2) Each independent special district shall submit to each
864 local general-purpose government in which it is located a public
865 facilities report and an annual notice of any changes. The
866 public facilities report shall specify the following
867 information:
868 (a) A description of existing public facilities owned or
869 operated by the special district, and each public facility that
870 is operated by another entity, except a local general-purpose

871 government, through a lease or other agreement with the special
872 district. This description shall include the current capacity of
873 the facility, the current demands placed upon it, and its
874 location. This information shall be required in the initial
875 report and updated every 7 ~~5~~ years at least 12 months before
876 ~~prior to~~ the submission date of the evaluation and appraisal
877 notification letter ~~report~~ of the appropriate local government
878 required by s. 163.3191. The department shall post a schedule on
879 its website, based on the evaluation and appraisal notification
880 schedule prepared pursuant to s. 163.3191(5), for use by a
881 special district to determine when its public facilities report
882 and updates to that report are due to the local general-purpose
883 governments in which the special district is located. ~~At least~~
884 ~~12 months prior to the date on which each special district's~~
885 ~~first updated report is due, the department shall notify each~~
886 ~~independent district on the official list of special districts~~
887 ~~compiled pursuant to s. 189.4035 of the schedule for submission~~
888 ~~of the evaluation and appraisal report by each local government~~
889 ~~within the special district's jurisdiction.~~
890 (b) A description of each public facility the district is
891 building, improving, or expanding, or is currently proposing to
892 build, improve, or expand within at least the next 7 ~~5~~ years,
893 including any facilities that the district is assisting another
894 entity, except a local general-purpose government, to build,
895 improve, or expand through a lease or other agreement with the
896 district. For each public facility identified, the report shall
897 describe how the district currently proposes to finance the
898 facility.
899 (c) If the special district currently proposes to replace

900 any facilities identified in paragraph (a) or paragraph (b)
901 within the next 10 years, the date when such facility will be
902 replaced.
903 (d) The anticipated time the construction, improvement, or
904 expansion of each facility will be completed.
905 (e) The anticipated capacity of and demands on each public
906 facility when completed. In the case of an improvement or
907 expansion of a public facility, both the existing and
908 anticipated capacity must be listed.
909 (3) A special district proposing to build, improve, or
910 expand a public facility which requires a certificate of need
911 pursuant to chapter 408 shall elect to notify the appropriate
912 local general-purpose government of its plans either in its 7-
913 year ~~5-year~~ plan or at the time the letter of intent is filed
914 with the Agency for Health Care Administration pursuant to s.
915 408.039.
916 Section 16. Subsection (5) of section 288.975, Florida
917 Statutes, is amended to read:
918 288.975 Military base reuse plans.—
919 (5) At the discretion of the host local government, the
920 provisions of this act may be complied with through the adoption
921 of the military base reuse plan as a separate component of the
922 local government comprehensive plan or through simultaneous
923 amendments to all pertinent portions of the local government
924 comprehensive plan. Once adopted and approved in accordance with
925 this section, the military base reuse plan shall be considered
926 to be part of the host local government's comprehensive plan and
927 shall be thereafter implemented, amended, and reviewed pursuant
928 to ~~in accordance with the provisions of~~ part II of chapter 163.

929 ~~Local government comprehensive plan amendments necessary to~~
930 ~~initially adopt the military base reuse plan shall be exempt~~
931 ~~from the limitation on the frequency of plan amendments~~
932 ~~contained in s. 163.3187(1)~~.
933 Section 17. Paragraph (b) of subsection (6), paragraph (e)
934 of subsection (19), subsection (24), and paragraph (b) of
935 subsection (29) of section 380.06, Florida Statutes, are amended
936 to read:
937 380.06 Developments of regional impact.—
938 (6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT
939 PLAN AMENDMENTS.—
940 (b) Any local government comprehensive plan amendments
941 related to a proposed development of regional impact, including
942 any changes proposed under subsection (19), may be initiated by
943 a local planning agency or the developer and must be considered
944 by the local governing body at the same time as the application
945 for development approval using the procedures provided for local
946 plan amendment in s. 163.3184 ~~s. 163.3187~~ and applicable local
947 ordinances, without regard to local limits on the frequency of
948 consideration of amendments to the local comprehensive plan.
949 This paragraph does not require favorable consideration of a
950 plan amendment solely because it is related to a development of
951 regional impact. The procedure for processing such comprehensive
952 plan amendments is as follows:
953 1. If a developer seeks a comprehensive plan amendment
954 related to a development of regional impact, the developer must
955 so notify in writing the regional planning agency, the
956 applicable local government, and the state land planning agency
957 no later than the date of preapplication conference or the

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958 submission of the proposed change under subsection (19).
959 2. When filing the application for development approval or
960 the proposed change, the developer must include a written
961 request for comprehensive plan amendments that would be
962 necessitated by the development-of-regional-impact approvals
963 sought. That request must include data and analysis upon which
964 the applicable local government can determine whether to
965 transmit the comprehensive plan amendment pursuant to s.
966 163.3184.
967 3. The local government must advertise a public hearing on
968 the transmittal within 30 days after filing the application for
969 development approval or the proposed change and must make a
970 determination on the transmittal within 60 days after the
971 initial filing unless that time is extended by the developer.
972 4. If the local government approves the transmittal,
973 procedures set forth in s. 163.3184 ~~s. 163.3184(4)(b)-(d)~~ must
974 be followed.
975 5. Notwithstanding subsection (11) or subsection (19), the
976 local government may not hold a public hearing on the
977 application for development approval or the proposed change or
978 on the comprehensive plan amendments sooner than 30 days after
979 reviewing agency comments are due to the local government ~~from~~
980 ~~receipt of the response from the state land planning agency~~
981 pursuant to s. 163.3184 ~~s. 163.3184(4)(d)~~.
982 6. The local government must hear both the application for
983 development approval or the proposed change and the
984 comprehensive plan amendments at the same hearing. However, the
985 local government must take action separately on the application
986 for development approval or the proposed change and on the

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987 comprehensive plan amendments.
988 7. Thereafter, the appeal process for the local government
989 development order must follow the provisions of s. 380.07, and
990 the compliance process for the comprehensive plan amendments
991 must follow the provisions of s. 163.3184.
992 (19) SUBSTANTIAL DEVIATIONS.—
993 (e)1. Except for a development order rendered pursuant to
994 subsection (22) or subsection (25), a proposed change to a
995 development order that individually or cumulatively with any
996 previous change is less than any numerical criterion contained
997 in subparagraphs (b)1.-10. and does not exceed any other
998 criterion, or that involves an extension of the buildout date of
999 a development, or any phase thereof, of less than 5 years is not
1000 subject to the public hearing requirements of subparagraph
1001 (f)3., and is not subject to a determination pursuant to
1002 subparagraph (f)5. Notice of the proposed change shall be made
1003 to the regional planning council and the state land planning
1004 agency. Such notice shall include a description of previous
1005 individual changes made to the development, including changes
1006 previously approved by the local government, and shall include
1007 appropriate amendments to the development order.
1008 2. The following changes, individually or cumulatively with
1009 any previous changes, are not substantial deviations:
1010 a. Changes in the name of the project, developer, owner, or
1011 monitoring official.
1012 b. Changes to a setback that do not affect noise buffers,
1013 environmental protection or mitigation areas, or archaeological
1014 or historical resources.
1015 c. Changes to minimum lot sizes.

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1016 d. Changes in the configuration of internal roads that do
1017 not affect external access points.
1018 e. Changes to the building design or orientation that stay
1019 approximately within the approved area designated for such
1020 building and parking lot, and which do not affect historical
1021 buildings designated as significant by the Division of
1022 Historical Resources of the Department of State.
1023 f. Changes to increase the acreage in the development,
1024 provided that no development is proposed on the acreage to be
1025 added.
1026 g. Changes to eliminate an approved land use, provided that
1027 there are no additional regional impacts.
1028 h. Changes required to conform to permits approved by any
1029 federal, state, or regional permitting agency, provided that
1030 these changes do not create additional regional impacts.
1031 i. Any renovation or redevelopment of development within a
1032 previously approved development of regional impact which does
1033 not change land use or increase density or intensity of use.
1034 j. Changes that modify boundaries and configuration of
1035 areas described in subparagraph (b)11. due to science-based
1036 refinement of such areas by survey, by habitat evaluation, by
1037 other recognized assessment methodology, or by an environmental
1038 assessment. In order for changes to qualify under this sub-
1039 subparagraph, the survey, habitat evaluation, or assessment must
1040 occur prior to the time a conservation easement protecting such
1041 lands is recorded and must not result in any net decrease in the
1042 total acreage of the lands specifically set aside for permanent
1043 preservation in the final development order.
1044 k. Any other change which the state land planning agency,

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1045 in consultation with the regional planning council, agrees in
1046 writing is similar in nature, impact, or character to the
1047 changes enumerated in sub-subparagraphs a.-j. and which does not
1048 create the likelihood of any additional regional impact.
1049
1050 This subsection does not require the filing of a notice of
1051 proposed change but shall require an application to the local
1052 government to amend the development order in accordance with the
1053 local government's procedures for amendment of a development
1054 order. In accordance with the local government's procedures,
1055 including requirements for notice to the applicant and the
1056 public, the local government shall either deny the application
1057 for amendment or adopt an amendment to the development order
1058 which approves the application with or without conditions.
1059 Following adoption, the local government shall render to the
1060 state land planning agency the amendment to the development
1061 order. The state land planning agency may appeal, pursuant to s.
1062 380.07(3), the amendment to the development order if the
1063 amendment involves sub-subparagraph g., sub-subparagraph h.,
1064 sub-subparagraph j., or sub-subparagraph k., and it believes the
1065 change creates a reasonable likelihood of new or additional
1066 regional impacts.
1067 3. Except for the change authorized by sub-subparagraph
1068 2.f., any addition of land not previously reviewed or any change
1069 not specified in paragraph (b) or paragraph (c) shall be
1070 presumed to create a substantial deviation. This presumption may
1071 be rebutted by clear and convincing evidence.
1072 4. Any submittal of a proposed change to a previously
1073 approved development shall include a description of individual

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1074 changes previously made to the development, including changes
1075 previously approved by the local government. The local
1076 government shall consider the previous and current proposed
1077 changes in deciding whether such changes cumulatively constitute
1078 a substantial deviation requiring further development-of-
1079 regional-impact review.
1080 5. The following changes to an approved development of
1081 regional impact shall be presumed to create a substantial
1082 deviation. Such presumption may be rebutted by clear and
1083 convincing evidence.
1084 a. A change proposed for 15 percent or more of the acreage
1085 to a land use not previously approved in the development order.
1086 Changes of less than 15 percent shall be presumed not to create
1087 a substantial deviation.
1088 b. Notwithstanding any provision of paragraph (b) to the
1089 contrary, a proposed change consisting of simultaneous increases
1090 and decreases of at least two of the uses within an authorized
1091 multiuse development of regional impact which was originally
1092 approved with three or more uses specified in s. 380.0651(3)(c)
1093 and (d) ~~s. 380.0651(3)(c), (d), and (e)~~ and residential use.
1094 6. If a local government agrees to a proposed change, a
1095 change in the transportation proportionate share calculation and
1096 mitigation plan in an adopted development order as a result of
1097 recalculation of the proportionate share contribution meeting
1098 the requirements of s. 163.3180(5)(h) in effect as of the date
1099 of such change shall be presumed not to create a substantial
1100 deviation. For purposes of this subsection, the proposed change
1101 in the proportionate share calculation or mitigation plan shall
1102 not be considered an additional regional transportation impact.

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1103 (24) STATUTORY EXEMPTIONS.—
1104 (a) Any proposed hospital is exempt from this section.
1105 (b) Any proposed electrical transmission line or electrical
1106 power plant is exempt from this section.
1107 (c) Any proposed addition to an existing sports facility
1108 complex is exempt from this section if the addition meets the
1109 following characteristics:
1110 1. It would not operate concurrently with the scheduled
1111 hours of operation of the existing facility.
1112 2. Its seating capacity would be no more than 75 percent of
1113 the capacity of the existing facility.
1114 3. The sports facility complex property is owned by a
1115 public body before July 1, 1983.
1116
1117 This exemption does not apply to any pari-mutuel facility.
1118 (d) Any proposed addition or cumulative additions
1119 subsequent to July 1, 1988, to an existing sports facility
1120 complex owned by a state university is exempt if the increased
1121 seating capacity of the complex is no more than 30 percent of
1122 the capacity of the existing facility.
1123 (e) Any addition of permanent seats or parking spaces for
1124 an existing sports facility located on property owned by a
1125 public body before July 1, 1973, is exempt from this section if
1126 future additions do not expand existing permanent seating or
1127 parking capacity more than 15 percent annually in excess of the
1128 prior year's capacity.
1129 (f) Any increase in the seating capacity of an existing
1130 sports facility having a permanent seating capacity of at least
1131 50,000 spectators is exempt from this section, provided that

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1132 such an increase does not increase permanent seating capacity by
1133 more than 5 percent per year and not to exceed a total of 10
1134 percent in any 5-year period, and provided that the sports
1135 facility notifies the appropriate local government within which
1136 the facility is located of the increase at least 6 months before
1137 the initial use of the increased seating, in order to permit the
1138 appropriate local government to develop a traffic management
1139 plan for the traffic generated by the increase. Any traffic
1140 management plan shall be consistent with the local comprehensive
1141 plan, the regional policy plan, and the state comprehensive
1142 plan.
1143 (g) Any expansion in the permanent seating capacity or
1144 additional improved parking facilities of an existing sports
1145 facility is exempt from this section, if the following
1146 conditions exist:
1147 1.a. The sports facility had a permanent seating capacity
1148 on January 1, 1991, of at least 41,000 spectator seats;
1149 b. The sum of such expansions in permanent seating capacity
1150 does not exceed a total of 10 percent in any 5-year period and
1151 does not exceed a cumulative total of 20 percent for any such
1152 expansions; or
1153 c. The increase in additional improved parking facilities
1154 is a one-time addition and does not exceed 3,500 parking spaces
1155 serving the sports facility; and
1156 2. The local government having jurisdiction of the sports
1157 facility includes in the development order or development permit
1158 approving such expansion under this paragraph a finding of fact
1159 that the proposed expansion is consistent with the
1160 transportation, water, sewer and stormwater drainage provisions

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1161 of the approved local comprehensive plan and local land
1162 development regulations relating to those provisions.
1163
1164 Any owner or developer who intends to rely on this statutory
1165 exemption shall provide to the department a copy of the local
1166 government application for a development permit. Within 45 days
1167 after receipt of the application, the department shall render to
1168 the local government an advisory and nonbinding opinion, in
1169 writing, stating whether, in the department's opinion, the
1170 prescribed conditions exist for an exemption under this
1171 paragraph. The local government shall render the development
1172 order approving each such expansion to the department. The
1173 owner, developer, or department may appeal the local government
1174 development order pursuant to s. 380.07, within 45 days after
1175 the order is rendered. The scope of review shall be limited to
1176 the determination of whether the conditions prescribed in this
1177 paragraph exist. If any sports facility expansion undergoes
1178 development-of-regional-impact review, all previous expansions
1179 which were exempt under this paragraph shall be included in the
1180 development-of-regional-impact review.
1181 (h) Expansion to port harbors, spoil disposal sites,
1182 navigation channels, turning basins, harbor berths, and other
1183 related inwater harbor facilities of ports listed in s.
1184 403.021(9)(b), port transportation facilities and projects
1185 listed in s. 311.07(3)(b), and intermodal transportation
1186 facilities identified pursuant to s. 311.09(3) are exempt from
1187 this section when such expansions, projects, or facilities are
1188 consistent with comprehensive master plans that are in
1189 compliance with s. 163.3178.

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1190 (i) Any proposed facility for the storage of any petroleum
1191 product or any expansion of an existing facility is exempt from
1192 this section.
1193 (j) Any renovation or redevelopment within the same land
1194 parcel which does not change land use or increase density or
1195 intensity of use.
1196 (k) Waterport and marina development, including dry storage
1197 facilities, are exempt from this section.
1198 (l) Any proposed development within an urban service
1199 boundary established under s. 163.3177(14), Florida Statutes
1200 (2010), which is not otherwise exempt pursuant to subsection
1201 (29), is exempt from this section if the local government having
1202 jurisdiction over the area where the development is proposed has
1203 adopted the urban service boundary and has entered into a
1204 binding agreement with jurisdictions that would be impacted and
1205 with the Department of Transportation regarding the mitigation
1206 of impacts on state and regional transportation facilities.
1207 (m) Any proposed development within a rural land
1208 stewardship area created under s. 163.3248.
1209 (n) The establishment, relocation, or expansion of any
1210 military installation as defined in s. 163.3175, is exempt from
1211 this section.
1212 (o) Any self-storage warehousing that does not allow retail
1213 or other services is exempt from this section.
1214 (p) Any proposed nursing home or assisted living facility
1215 is exempt from this section.
1216 (q) Any development identified in an airport master plan
1217 and adopted into the comprehensive plan pursuant to s.
1218 163.3177(6)(b)4. ~~s. 163.3177(6)(k)~~ is exempt from this section.

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1219 (r) Any development identified in a campus master plan and
1220 adopted pursuant to s. 1013.30 is exempt from this section.
1221 (s) Any development in a detailed specific area plan which
1222 is prepared and adopted pursuant to s. 163.3245 is exempt from
1223 this section.
1224 (t) Any proposed solid mineral mine and any proposed
1225 addition to, expansion of, or change to an existing solid
1226 mineral mine is exempt from this section. A mine owner will
1227 enter into a binding agreement with the Department of
1228 Transportation to mitigate impacts to strategic intermodal
1229 system facilities pursuant to the transportation thresholds in
1230 subsection (19) or rule 9J-2.045(6), Florida Administrative
1231 Code. Proposed changes to any previously approved solid mineral
1232 mine development-of-regional-impact development orders having
1233 vested rights are is not subject to further review or approval
1234 as a development-of-regional-impact or notice-of-proposed-change
1235 review or approval pursuant to subsection (19), except for those
1236 applications pending as of July 1, 2011, which shall be governed
1237 by s. 380.115(2). Notwithstanding the foregoing, however,
1238 pursuant to s. 380.115(1), previously approved solid mineral
1239 mine development-of-regional-impact development orders shall
1240 continue to enjoy vested rights and continue to be effective
1241 unless rescinded by the developer. All local government
1242 regulations of proposed solid mineral mines shall be applicable
1243 to any new solid mineral mine or to any proposed addition to,
1244 expansion of, or change to an existing solid mineral mine.
1245 (u) Notwithstanding any provisions in an agreement with or
1246 among a local government, regional agency, or the state land
1247 planning agency or in a local government's comprehensive plan to

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1248 the contrary, a project no longer subject to development-of-
1249 regional-impact review under revised thresholds is not required
1250 to undergo such review.
1251 (v) Any development within a county with a research and
1252 education authority created by special act and that is also
1253 within a research and development park that is operated or
1254 managed by a research and development authority pursuant to part
1255 V of chapter 159 is exempt from this section.
1256 (w) Any development in an energy economic zone designated
1257 pursuant to s. 377.809 is exempt from this section upon approval
1258 by its local governing body.
1259
1260 If a use is exempt from review as a development of regional
1261 impact under paragraphs (a)-(u), but will be part of a larger
1262 project that is subject to review as a development of regional
1263 impact, the impact of the exempt use must be included in the
1264 review of the larger project, unless such exempt use involves a
1265 development of regional impact that includes a landowner,
1266 tenant, or user that has entered into a funding agreement with
1267 the Department of Economic Opportunity under the Innovation
1268 Incentive Program and the agreement contemplates a state award
1269 of at least $50 million.
1270 (29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—
1271 (b) If a municipality that does not qualify as a dense
1272 urban land area pursuant to paragraph (a) ~~s. 163.3164~~ designates
1273 any of the following areas in its comprehensive plan, any
1274 proposed development within the designated area is exempt from
1275 the development-of-regional-impact process:
1276 1. Urban infill as defined in s. 163.3164;

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1277 2. Community redevelopment areas as defined in s. 163.340;
1278 3. Downtown revitalization areas as defined in s. 163.3164;
1279 4. Urban infill and redevelopment under s. 163.2517; or
1280 5. Urban service areas as defined in s. 163.3164 or areas
1281 within a designated urban service boundary under s.
1282 163.3177(14).
1283 Section 18. Subsection (1) of section 380.115, Florida
1284 Statutes, is amended to read:
1285 380.115 Vested rights and duties; effect of size reduction,
1286 changes in guidelines and standards.—
1287 (1) A change in a development-of-regional-impact guideline
1288 and standard does not abridge or modify any vested or other
1289 right or any duty or obligation pursuant to any development
1290 order or agreement that is applicable to a development of
1291 regional impact. A development that has received a development-
1292 of-regional-impact development order pursuant to s. 380.06, but
1293 is no longer required to undergo development-of-regional-impact
1294 review by operation of a change in the guidelines and standards
1295 or has reduced its size below the thresholds in s. 380.0651, or
1296 a development that is exempt pursuant to s. 380.06(24) or s.
1297 380.06(29) shall be governed by the following procedures:
1298 (a) The development shall continue to be governed by the
1299 development-of-regional-impact development order and may be
1300 completed in reliance upon and pursuant to the development order
1301 unless the developer or landowner has followed the procedures
1302 for rescission in paragraph (b). Any proposed changes to those
1303 developments which continue to be governed by a development
1304 order shall be approved pursuant to s. 380.06(19) as it existed
1305 prior to a change in the development-of-regional-impact

1306 guidelines and standards, except that all percentage criteria
1307 shall be doubled and all other criteria shall be increased by 10
1308 percent. The development-of-regional-impact development order
1309 may be enforced by the local government as provided by ss.
1310 380.06(17) and 380.11.
1311 (b) If requested by the developer or landowner, the
1312 development-of-regional-impact development order shall be
1313 rescinded by the local government having jurisdiction upon a
1314 showing that all required mitigation related to the amount of
1315 development that existed on the date of rescission has been
1316 completed.
1317 Section 19. Section 1013.33, Florida Statutes, is amended
1318 to read:
1319 1013.33 Coordination of planning with local governing
1320 bodies.—
1321 (1) It is the policy of this state to require the
1322 coordination of planning between boards and local governing
1323 bodies to ensure that plans for the construction and opening of
1324 public educational facilities are facilitated and coordinated in
1325 time and place with plans for residential development,
1326 concurrently with other necessary services. Such planning shall
1327 include the integration of the educational facilities plan and
1328 applicable policies and procedures of a board with the local
1329 comprehensive plan and land development regulations of local
1330 governments. The planning must include the consideration of
1331 allowing students to attend the school located nearest their
1332 homes when a new housing development is constructed near a
1333 county boundary and it is more feasible to transport the
1334 students a short distance to an existing facility in an adjacent

1335 county than to construct a new facility or transport students
1336 longer distances in their county of residence. The planning must
1337 also consider the effects of the location of public education
1338 facilities, including the feasibility of keeping central city
1339 facilities viable, in order to encourage central city
1340 redevelopment and the efficient use of infrastructure and to
1341 discourage uncontrolled urban sprawl. In addition, all parties
1342 to the planning process must consult with state and local road
1343 departments to assist in implementing the Safe Paths to Schools
1344 program administered by the Department of Transportation.
1345 (2)~~(a)~~ The school board, county, and nonexempt
1346 municipalities located within the geographic area of a school
1347 district shall enter into an interlocal agreement according to
1348 s. 163.31777, which ~~that~~ jointly establishes the specific ways
1349 in which the plans and processes of the district school board
1350 and the local governments are to be coordinated. ~~The interlocal~~
1351 ~~agreements shall be submitted to the state land planning agency~~
1352 ~~and the Office of Educational Facilities in accordance with a~~
1353 ~~schedule published by the state land planning agency.~~
1354 ~~(b) The schedule must establish staggered due dates for~~
1355 ~~submission of interlocal agreements that are executed by both~~
1356 ~~the local government and district school board, commencing on~~
1357 ~~March 1, 2003, and concluding by December 1, 2004, and must set~~
1358 ~~the same date for all governmental entities within a school~~
1359 ~~district. However, if the county where the school district is~~
1360 ~~located contains more than 20 municipalities, the state land~~
1361 ~~planning agency may establish staggered due dates for the~~
1362 ~~submission of interlocal agreements by these municipalities. The~~
1363 ~~schedule must begin with those areas where both the number of~~

1364 ~~districtwide capital-outlay full-time-equivalent students equals~~
1365 ~~80 percent or more of the current year's school capacity and the~~
1366 ~~projected 5-year student growth rate is 1,000 or greater, or~~
1367 ~~where the projected 5-year student growth rate is 10 percent or~~
1368 ~~greater.~~
1369 ~~(c) If the student population has declined over the 5-year~~
1370 ~~period preceding the due date for submittal of an interlocal~~
1371 ~~agreement by the local government and the district school board,~~
1372 ~~the local government and district school board may petition the~~
1373 ~~state land planning agency for a waiver of one or more of the~~
1374 ~~requirements of subsection (3). The waiver must be granted if~~
1375 ~~the procedures called for in subsection (3) are unnecessary~~
1376 ~~because of the school district's declining school age~~
1377 ~~population, considering the district's 5-year work program~~
1378 ~~prepared pursuant to s. 1013.35. The state land planning agency~~
1379 ~~may modify or revoke the waiver upon a finding that the~~
1380 ~~conditions upon which the waiver was granted no longer exist.~~
1381 ~~The district school board and local governments must submit an~~
1382 ~~interlocal agreement within 1 year after notification by the~~
1383 ~~state land planning agency that the conditions for a waiver no~~
1384 ~~longer exist.~~
1385 ~~(d) Interlocal agreements between local governments and~~
1386 ~~district school boards adopted pursuant to s. 163.3177 before~~
1387 ~~the effective date of subsections (2)-(7) must be updated and~~
1388 ~~executed pursuant to the requirements of subsections (2)-(7), if~~
1389 ~~necessary. Amendments to interlocal agreements adopted pursuant~~
1390 ~~to subsections (2)-(7) must be submitted to the state land~~
1391 ~~planning agency within 30 days after execution by the parties~~
1392 ~~for review consistent with subsections (3) and (4). Local~~

1393 ~~governments and the district school board in each school~~
1394 ~~district are encouraged to adopt a single interlocal agreement~~
1395 ~~in which all join as parties. The state land planning agency~~
1396 ~~shall assemble and make available model interlocal agreements~~
1397 ~~meeting the requirements of subsections (2)-(7) and shall notify~~
1398 ~~local governments and, jointly with the Department of Education,~~
1399 ~~the district school boards of the requirements of subsections~~
1400 ~~(2)-(7), the dates for compliance, and the sanctions for~~
1401 ~~noncompliance. The state land planning agency shall be available~~
1402 ~~to informally review proposed interlocal agreements. If the~~
1403 ~~state land planning agency has not received a proposed~~
1404 ~~interlocal agreement for informal review, the state land~~
1405 ~~planning agency shall, at least 60 days before the deadline for~~
1406 ~~submission of the executed agreement, renotify the local~~
1407 ~~government and the district school board of the upcoming~~
1408 ~~deadline and the potential for sanctions.~~
1409 ~~(3) At a minimum, the interlocal agreement must address~~
1410 ~~interlocal agreement requirements in s. 163.31777 and, if~~
1411 ~~applicable, s. 163.3180(6), and must address the following~~
1412 ~~issues:~~
1413 ~~(a) A process by which each local government and the~~
1414 ~~district school board agree and base their plans on consistent~~
1415 ~~projections of the amount, type, and distribution of population~~
1416 ~~growth and student enrollment. The geographic distribution of~~
1417 ~~jurisdiction-wide growth forecasts is a major objective of the~~
1418 ~~process.~~
1419 ~~(b) A process to coordinate and share information relating~~
1420 ~~to existing and planned public school facilities, including~~
1421 ~~school renovations and closures, and local government plans for~~

1422 ~~development and redevelopment.~~
1423 ~~(c) Participation by affected local governments with the~~
1424 ~~district school board in the process of evaluating potential~~
1425 ~~school closures, significant renovations to existing schools,~~
1426 ~~and new school site selection before land acquisition. Local~~
1427 ~~governments shall advise the district school board as to the~~
1428 ~~consistency of the proposed closure, renovation, or new site~~
1429 ~~with the local comprehensive plan, including appropriate~~
1430 ~~circumstances and criteria under which a district school board~~
1431 ~~may request an amendment to the comprehensive plan for school~~
1432 ~~siting.~~
1433 ~~(d) A process for determining the need for and timing of~~
1434 ~~onsite and offsite improvements to support new construction,~~
1435 ~~proposed expansion, or redevelopment of existing schools. The~~
1436 ~~process shall address identification of the party or parties~~
1437 ~~responsible for the improvements.~~
1438 ~~(e) A process for the school board to inform the local~~
1439 ~~government regarding the effect of comprehensive plan amendments~~
1440 ~~on school capacity. The capacity reporting must be consistent~~
1441 ~~with laws and rules regarding measurement of school facility~~
1442 ~~capacity and must also identify how the district school board~~
1443 ~~will meet the public school demand based on the facilities work~~
1444 ~~program adopted pursuant to s. 1013.35.~~
1445 ~~(f) Participation of the local governments in the~~
1446 ~~preparation of the annual update to the school board's 5-year~~
1447 ~~district facilities work program and educational plant survey~~
1448 ~~prepared pursuant to s. 1013.35.~~
1449 ~~(g) A process for determining where and how joint use of~~
1450 ~~either school board or local government facilities can be shared~~

1451 ~~for mutual benefit and efficiency.~~
1452 ~~(h) A procedure for the resolution of disputes between the~~
1453 ~~district school board and local governments, which may include~~
1454 ~~the dispute resolution processes contained in chapters 164 and~~
1455 ~~186.~~
1456 ~~(i) An oversight process, including an opportunity for~~
1457 ~~public participation, for the implementation of the interlocal~~
1458 ~~agreement.~~
1459 ~~(4)(a) The Office of Educational Facilities shall submit~~
1460 ~~any comments or concerns regarding the executed interlocal~~
1461 ~~agreement to the state land planning agency within 30 days after~~
1462 ~~receipt of the executed interlocal agreement. The state land~~
1463 ~~planning agency shall review the executed interlocal agreement~~
1464 ~~to determine whether it is consistent with the requirements of~~
1465 ~~subsection (3), the adopted local government comprehensive plan,~~
1466 ~~and other requirements of law. Within 60 days after receipt of~~
1467 ~~an executed interlocal agreement, the state land planning agency~~
1468 ~~shall publish a notice of intent in the Florida Administrative~~
1469 ~~Weekly and shall post a copy of the notice on the agency's~~
1470 ~~Internet site. The notice of intent must state that the~~
1471 ~~interlocal agreement is consistent or inconsistent with the~~
1472 ~~requirements of subsection (3) and this subsection as~~
1473 ~~appropriate.~~
1474 ~~(b) The state land planning agency's notice is subject to~~
1475 ~~challenge under chapter 120; however, an affected person, as~~
1476 ~~defined in s. 163.3184(1)(a), has standing to initiate the~~
1477 ~~administrative proceeding, and this proceeding is the sole means~~
1478 ~~available to challenge the consistency of an interlocal~~
1479 ~~agreement required by this section with the criteria contained~~

1480 ~~in subsection (3) and this subsection. In order to have~~
1481 ~~standing, each person must have submitted oral or written~~
1482 ~~comments, recommendations, or objections to the local government~~
1483 ~~or the school board before the adoption of the interlocal~~
1484 ~~agreement by the district school board and local government. The~~
1485 ~~district school board and local governments are parties to any~~
1486 ~~such proceeding. In this proceeding, when the state land~~
1487 ~~planning agency finds the interlocal agreement to be consistent~~
1488 ~~with the criteria in subsection (3) and this subsection, the~~
1489 ~~interlocal agreement must be determined to be consistent with~~
1490 ~~subsection (3) and this subsection if the local government's and~~
1491 ~~school board's determination of consistency is fairly debatable.~~
1492 ~~When the state land planning agency finds the interlocal~~
1493 ~~agreement to be inconsistent with the requirements of subsection~~
1494 ~~(3) and this subsection, the local government's and school~~
1495 ~~board's determination of consistency shall be sustained unless~~
1496 ~~it is shown by a preponderance of the evidence that the~~
1497 ~~interlocal agreement is inconsistent.~~
1498 ~~(c) If the state land planning agency enters a final order~~
1499 ~~that finds that the interlocal agreement is inconsistent with~~
1500 ~~the requirements of subsection (3) or this subsection, the state~~
1501 ~~land planning agency shall forward it to the Administration~~
1502 ~~Commission, which may impose sanctions against the local~~
1503 ~~government pursuant to s. 163.3184(11) and may impose sanctions~~
1504 ~~against the district school board by directing the Department of~~
1505 ~~Education to withhold an equivalent amount of funds for school~~
1506 ~~construction available pursuant to ss. 1013.65, 1013.68,~~
1507 ~~1013.70, and 1013.72.~~
1508 ~~(5) If an executed interlocal agreement is not timely~~

1509 ~~submitted to the state land planning agency for review, the~~
1510 ~~state land planning agency shall, within 15 working days after~~
1511 ~~the deadline for submittal, issue to the local government and~~
1512 ~~the district school board a notice to show cause why sanctions~~
1513 ~~should not be imposed for failure to submit an executed~~
1514 ~~interlocal agreement by the deadline established by the agency.~~
1515 ~~The agency shall forward the notice and the responses to the~~
1516 ~~Administration Commission, which may enter a final order citing~~
1517 ~~the failure to comply and imposing sanctions against the local~~
1518 ~~government and district school board by directing the~~
1519 ~~appropriate agencies to withhold at least 5 percent of state~~
1520 ~~funds pursuant to s. 163.3184(11) and by directing the~~
1521 ~~Department of Education to withhold from the district school~~
1522 ~~board at least 5 percent of funds for school construction~~
1523 ~~available pursuant to ss. 1013.65, 1013.68, 1013.70, and~~
1524 ~~1013.72.~~
1525 ~~(6) Any local government transmitting a public school~~
1526 ~~element to implement school concurrency pursuant to the~~
1527 ~~requirements of s. 163.3180 before the effective date of this~~
1528 ~~section is not required to amend the element or any interlocal~~
1529 ~~agreement to conform with the provisions of subsections (2)-(6)~~
1530 ~~if the element is adopted prior to or within 1 year after the~~
1531 ~~effective date of subsections (2)-(6) and remains in effect.~~
1532 (3) ~~(7)~~ A board and the local governing body must share and
1533 coordinate information related to existing and planned school
1534 facilities; proposals for development, redevelopment, or
1535 additional development; and infrastructure required to support
1536 the school facilities, concurrent with proposed development. A
1537 school board shall use information produced by the demographic,

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1538 revenue, and education estimating conferences pursuant to s.
1539 216.136 when preparing the district educational facilities plan
1540 pursuant to s. 1013.35, as modified and agreed to by the local
1541 governments, when provided by interlocal agreement, and the
1542 Office of Educational Facilities, in consideration of local
1543 governments' population projections, to ensure that the district
1544 educational facilities plan not only reflects enrollment
1545 projections but also considers applicable municipal and county
1546 growth and development projections. The projections must be
1547 apportioned geographically with assistance from the local
1548 governments using local government trend data and the school
1549 district student enrollment data. A school board is precluded
1550 from siting a new school in a jurisdiction where the school
1551 board has failed to provide the annual educational facilities
1552 plan for the prior year required pursuant to s. 1013.35 unless
1553 the failure is corrected.
1554 (4) ~~(8)~~ The location of educational facilities shall be
1555 consistent with the comprehensive plan of the appropriate local
1556 governing body developed under part II of chapter 163 and
1557 consistent with the plan's implementing land development
1558 regulations.
1559 (5) ~~(9)~~ To improve coordination relative to potential
1560 educational facility sites, a board shall provide written notice
1561 to the local government that has regulatory authority over the
1562 use of the land consistent with an interlocal agreement entered
1563 pursuant to s. 163.31777 ~~subsections (2)-(6)~~ at least 60 days
1564 before ~~prior to~~ acquiring or leasing property that may be used
1565 for a new public educational facility. The local government,
1566 upon receipt of this notice, shall notify the board within 45

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1567 days if the site proposed for acquisition or lease is consistent
1568 with the land use categories and policies of the local
1569 government's comprehensive plan. This preliminary notice does
1570 not constitute the local government's determination of
1571 consistency pursuant to subsection (6) ~~(10)~~.
1572 (6)~~(10)~~ As early in the design phase as feasible and
1573 consistent with an interlocal agreement entered pursuant to s.
1574 163.31777 ~~subsections (2)-(6)~~, but no later than 90 days before
1575 commencing construction, the district school board shall in
1576 writing request a determination of consistency with the local
1577 government's comprehensive plan. The local governing body that
1578 regulates the use of land shall determine, in writing within 45
1579 days after receiving the necessary information and a school
1580 board's request for a determination, whether a proposed
1581 educational facility is consistent with the local comprehensive
1582 plan and consistent with local land development regulations. If
1583 the determination is affirmative, school construction may
1584 commence and further local government approvals are not
1585 required, except as provided in this section. Failure of the
1586 local governing body to make a determination in writing within
1587 90 days after a district school board's request for a
1588 determination of consistency shall be considered an approval of
1589 the district school board's application. Campus master plans and
1590 development agreements must comply with the provisions of s.
1591 1013.30.
1592 (7)~~(11)~~ A local governing body may not deny the site
1593 applicant based on adequacy of the site plan as it relates
1594 solely to the needs of the school. If the site is consistent
1595 with the comprehensive plan's land use policies and categories

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1596 in which public schools are identified as allowable uses, the
1597 local government may not deny the application but it may impose
1598 reasonable development standards and conditions in accordance
1599 with s. 1013.51(1) and consider the site plan and its adequacy
1600 as it relates to environmental concerns, health, safety and
1601 welfare, and effects on adjacent property. Standards and
1602 conditions may not be imposed which conflict with those
1603 established in this chapter or the Florida Building Code, unless
1604 mutually agreed and consistent with the interlocal agreement
1605 required by s. 163.31777 ~~subsections (2)-(6)~~.
1606 (8)~~(12)~~ This section does not prohibit a local governing
1607 body and district school board from agreeing and establishing an
1608 alternative process for reviewing a proposed educational
1609 facility and site plan, and offsite impacts, pursuant to an
1610 interlocal agreement adopted in accordance with s. 163.31777
1611 ~~subsections (2)-(6)~~.
1612 (9)~~(13)~~ Existing schools shall be considered consistent
1613 with the applicable local government comprehensive plan adopted
1614 under part II of chapter 163. If a board submits an application
1615 to expand an existing school site, the local governing body may
1616 impose reasonable development standards and conditions on the
1617 expansion only, and in a manner consistent with s. 1013.51(1).
1618 Standards and conditions may not be imposed which conflict with
1619 those established in this chapter or the Florida Building Code,
1620 unless mutually agreed. Local government review or approval is
1621 not required for:
1622 (a) The placement of temporary or portable classroom
1623 facilities; or
1624 (b) Proposed renovation or construction on existing school

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1625 sites, with the exception of construction that changes the
1626 primary use of a facility, includes stadiums, or results in a
1627 greater than 5 percent increase in student capacity, or as
1628 mutually agreed upon, pursuant to an interlocal agreement
1629 adopted in accordance with s. 163.31777 ~~subsections (2)-(6)~~.
1630 Section 20. Paragraph (b) of subsection (2) of section
1631 1013.35, Florida Statutes, is amended to read:
1632 1013.35 School district educational facilities plan;
1633 definitions; preparation, adoption, and amendment; long-term
1634 work programs.—
1635 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
1636 FACILITIES PLAN.—
1637 (b) The plan must also include a financially feasible
1638 district facilities work program for a 5-year period. The work
1639 program must include:
1640 1. A schedule of major repair and renovation projects
1641 necessary to maintain the educational facilities and ancillary
1642 facilities of the district.
1643 2. A schedule of capital outlay projects necessary to
1644 ensure the availability of satisfactory student stations for the
1645 projected student enrollment in K-12 programs. This schedule
1646 shall consider:
1647 a. The locations, capacities, and planned utilization rates
1648 of current educational facilities of the district. The capacity
1649 of existing satisfactory facilities, as reported in the Florida
1650 Inventory of School Houses must be compared to the capital
1651 outlay full-time-equivalent student enrollment as determined by
1652 the department, including all enrollment used in the calculation
1653 of the distribution formula in s. 1013.64.

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1654 b. The proposed locations of planned facilities, whether
1655 those locations are consistent with the comprehensive plans of
1656 all affected local governments, and recommendations for
1657 infrastructure and other improvements to land adjacent to
1658 existing facilities. The provisions of ss. 1013.33(6), (7), and
1659 (8) ~~ss. 1013.33(10), (11), and (12)~~ and 1013.36 must be
1660 addressed for new facilities planned within the first 3 years of
1661 the work plan, as appropriate.
1662 c. Plans for the use and location of relocatable
1663 facilities, leased facilities, and charter school facilities.
1664 d. Plans for multitrack scheduling, grade level
1665 organization, block scheduling, or other alternatives that
1666 reduce the need for additional permanent student stations.
1667 e. Information concerning average class size and
1668 utilization rate by grade level within the district which will
1669 result if the tentative district facilities work program is
1670 fully implemented.
1671 f. The number and percentage of district students planned
1672 to be educated in relocatable facilities during each year of the
1673 tentative district facilities work program. For determining
1674 future needs, student capacity may not be assigned to any
1675 relocatable classroom that is scheduled for elimination or
1676 replacement with a permanent educational facility in the current
1677 year of the adopted district educational facilities plan and in
1678 the district facilities work program adopted under this section.
1679 Those relocatable classrooms clearly identified and scheduled
1680 for replacement in a school-board-adopted, financially feasible,
1681 5-year district facilities work program shall be counted at zero
1682 capacity at the time the work program is adopted and approved by

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1683 the school board. However, if the district facilities work
1684 program is changed and the relocatable classrooms are not
1685 replaced as scheduled in the work program, the classrooms must
1686 be reentered into the system and be counted at actual capacity.
1687 Relocatable classrooms may not be perpetually added to the work
1688 program or continually extended for purposes of circumventing
1689 this section. All relocatable classrooms not identified and
1690 scheduled for replacement, including those owned, lease-
1691 purchased, or leased by the school district, must be counted at
1692 actual student capacity. The district educational facilities
1693 plan must identify the number of relocatable student stations
1694 scheduled for replacement during the 5-year survey period and
1695 the total dollar amount needed for that replacement.
1696 g. Plans for the closure of any school, including plans for
1697 disposition of the facility or usage of facility space, and
1698 anticipated revenues.
1699 h. Projects for which capital outlay and debt service funds
1700 accruing under s. 9(d), Art. XII of the State Constitution are
1701 to be used shall be identified separately in priority order on a
1702 project priority list within the district facilities work
1703 program.
1704 3. The projected cost for each project identified in the
1705 district facilities work program. For proposed projects for new
1706 student stations, a schedule shall be prepared comparing the
1707 planned cost and square footage for each new student station, by
1708 elementary, middle, and high school levels, to the low, average,
1709 and high cost of facilities constructed throughout the state
1710 during the most recent fiscal year for which data is available
1711 from the Department of Education.

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1712 4. A schedule of estimated capital outlay revenues from
1713 each currently approved source which is estimated to be
1714 available for expenditure on the projects included in the
1715 district facilities work program.
1716 5. A schedule indicating which projects included in the
1717 district facilities work program will be funded from current
1718 revenues projected in subparagraph 4.
1719 6. A schedule of options for the generation of additional
1720 revenues by the district for expenditure on projects identified
1721 in the district facilities work program which are not funded
1722 under subparagraph 5. Additional anticipated revenues may
1723 include effort index grants, SIT Program awards, and Classrooms
1724 First funds.
1725 Section 21. Subsections (3), (5), (6), (7), (8), (9), (10),
1726 and (11) of section 1013.351, Florida Statutes, are amended to
1727 read:
1728 1013.351 Coordination of planning between the Florida
1729 School for the Deaf and the Blind and local governing bodies.—
1730 (3) The board of trustees and the municipality in which the
1731 school is located may enter into an interlocal agreement to
1732 establish the specific ways in which the plans and processes of
1733 the board of trustees and the local government are to be
1734 coordinated. ~~If the school and local government enter into an~~
1735 ~~interlocal agreement, the agreement must be submitted to the~~
1736 ~~state land planning agency and the Office of Educational~~
1737 ~~Facilities.~~
1738 ~~(5)(a) The Office of Educational Facilities shall submit~~
1739 ~~any comments or concerns regarding the executed interlocal~~
1740 ~~agreements to the state land planning agency no later than 30~~

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1741 ~~days after receipt of the executed interlocal agreements. The~~
1742 ~~state land planning agency shall review the executed interlocal~~
1743 ~~agreements to determine whether they are consistent with the~~
1744 ~~requirements of subsection (4), the adopted local government~~
1745 ~~comprehensive plans, and other requirements of law. Not later~~
1746 ~~than 60 days after receipt of an executed interlocal agreement,~~
1747 ~~the state land planning agency shall publish a notice of intent~~
1748 ~~in the Florida Administrative Weekly. The notice of intent must~~
1749 ~~state that the interlocal agreement is consistent or~~
1750 ~~inconsistent with the requirements of subsection (4) and this~~
1751 ~~subsection as appropriate.~~
1752 ~~(b)1. The state land planning agency's notice is subject to~~
1753 ~~challenge under chapter 120. However, an affected person, as~~
1754 ~~defined in s. 163.3184, has standing to initiate the~~
1755 ~~administrative proceeding, and this proceeding is the sole means~~
1756 ~~available to challenge the consistency of an interlocal~~
1757 ~~agreement with the criteria contained in subsection (4) and this~~
1758 ~~subsection. In order to have standing, a person must have~~
1759 ~~submitted oral or written comments, recommendations, or~~
1760 ~~objections to the appropriate local government or the board of~~
1761 ~~trustees before the adoption of the interlocal agreement by the~~
1762 ~~board of trustees and local government. The board of trustees~~
1763 ~~and the appropriate local government are parties to any such~~
1764 ~~proceeding.~~
1765 ~~2. In the administrative proceeding, if the state land~~
1766 ~~planning agency finds the interlocal agreement to be consistent~~
1767 ~~with the criteria in subsection (4) and this subsection, the~~
1768 ~~interlocal agreement must be determined to be consistent with~~
1769 ~~subsection (4) and this subsection if the local government and~~

1770 ~~board of trustees is fairly debatable.~~
1771 ~~3. If the state land planning agency finds the interlocal~~
1772 ~~agreement to be inconsistent with the requirements of subsection~~
1773 ~~(4) and this subsection, the determination of consistency by the~~
1774 ~~local government and board of trustees shall be sustained unless~~
1775 ~~it is shown by a preponderance of the evidence that the~~
1776 ~~interlocal agreement is inconsistent.~~
1777 ~~(c) If the state land planning agency enters a final order~~
1778 ~~that finds that the interlocal agreement is inconsistent with~~
1779 ~~the requirements of subsection (4) or this subsection, the state~~
1780 ~~land planning agency shall identify the issues in dispute and~~
1781 ~~submit the matter to the Administration Commission for final~~
1782 ~~action. The report to the Administration Commission must list~~
1783 ~~each issue in dispute, describe the nature and basis for each~~
1784 ~~dispute, identify alternative resolutions of each dispute, and~~
1785 ~~make recommendations. After receiving the report from the state~~
1786 ~~land planning agency, the Administration Commission shall take~~
1787 ~~action to resolve the issues. In deciding upon a proper~~
1788 ~~resolution, the Administration Commission shall consider the~~
1789 ~~nature of the issues in dispute, the compliance of the parties~~
1790 ~~with this section, the extent of the conflict between the~~
1791 ~~parties, the comparative hardships, and the public interest~~
1792 ~~involved. In resolving the matter, the Administration Commission~~
1793 ~~may prescribe, by order, the contents of the interlocal~~
1794 ~~agreement which shall be executed by the board of trustees and~~
1795 ~~the local government.~~
1796 (5) ~~(6)~~ An interlocal agreement may be amended under
1797 subsections (2)-(4) ~~(2)-(5)~~:
1798 (a) In conjunction with updates to the school's educational

1799 plant survey prepared under s. 1013.31; or
1800 (b) If either party delays by more than 12 months the
1801 construction of a capital improvement identified in the
1802 agreement.
1803 (6) ~~(7)~~ This section does not prohibit a local governing
1804 body and the board of trustees from agreeing and establishing an
1805 alternative process for reviewing proposed expansions to the
1806 school's campus and offsite impacts, under the interlocal
1807 agreement adopted in accordance with subsections (2)-(5) ~~(2)-~~
1808 ~~(6)~~.
1809 (7) ~~(8)~~ School facilities within the geographic area or the
1810 campus of the school as it existed on or before January 1, 1998,
1811 are consistent with the local government's comprehensive plan
1812 developed under part II of chapter 163 and consistent with the
1813 plan's implementing land development regulations.
1814 (8) ~~(9)~~ To improve coordination relative to potential
1815 educational facility sites, the board of trustees shall provide
1816 written notice to the local governments consistent with the
1817 interlocal agreements entered under subsections (2)-(5) ~~(2)-(6)~~
1818 at least 60 days before the board of trustees acquires any
1819 additional property. The local government shall notify the board
1820 of trustees no later than 45 days after receipt of this notice
1821 if the site proposed for acquisition is consistent with the land
1822 use categories and policies of the local government's
1823 comprehensive plan. This preliminary notice does not constitute
1824 the local government's determination of consistency under
1825 subsection (9) ~~(10)~~.
1826 (9) ~~(10)~~ As early in the design phase as feasible, but no
1827 later than 90 days before commencing construction, the board of

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1828 trustees shall request in writing a determination of consistency
1829 with the local government's comprehensive plan and local
1830 development regulations for the proposed use of any property
1831 acquired by the board of trustees on or after January 1, 1998.
1832 The local governing body that regulates the use of land shall
1833 determine, in writing, no later than 45 days after receiving the
1834 necessary information and a school board's request for a
1835 determination, whether a proposed use of the property is
1836 consistent with the local comprehensive plan and consistent with
1837 local land development regulations. If the local governing body
1838 determines the proposed use is consistent, construction may
1839 commence and additional local government approvals are not
1840 required, except as provided in this section. Failure of the
1841 local governing body to make a determination in writing within
1842 90 days after receiving the board of trustees' request for a
1843 determination of consistency shall be considered an approval of
1844 the board of trustees' application. This subsection does not
1845 apply to facilities to be located on the property if a contract
1846 for construction of the facilities was entered on or before the
1847 effective date of this act.
1848 (10) ~~(11)~~ Disputes that arise in the implementation of an
1849 executed interlocal agreement or in the determinations required
1850 pursuant to subsection (8) ~~(9)~~ or subsection (9) ~~(10)~~ must be
1851 resolved in accordance with chapter 164.
1852 Section 22. Subsection (6) of section 1013.36, Florida
1853 Statutes, is amended to read:
1854 1013.36 Site planning and selection.—
1855 (6) If the school board and local government have entered
1856 into an interlocal agreement pursuant to s. 1013.33(2) and

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1857 ~~either s. 163.3177(6)(h)4. or~~ s. 163.31777 or have developed a
1858 process to ensure consistency between the local government
1859 comprehensive plan and the school district educational
1860 facilities plan, site planning and selection must be consistent
1861 with the interlocal agreements and the plans.
1862 Section 23. This act shall take effect upon becoming a law.

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S0842

GENERAL BILL/CS/CS by CM, CA, Bennett; (Similar CS/1ST ENG/H 7081, Compare CS/S 0440, CS/2ND ENG/S 0692, CS/CS/H 0977, CS/1ST ENG/H 1037, CS/S 1204, H 1489, S 2076, CS/1ST ENG/H 7041, H 7075)

Growth Management. EFFECTIVE DATE: upon becoming a law.

03/07/12 S Read 2nd time -SJ 915 ; Substituted CS/HB 7081 -SJ 916 ; Laid on Table, companion bill(s) passed, see CS/HB 7081 (Ch. 2012-99), CS/HB 7041 (Ch. 2012-96), HB 7075 (Ch. 2012-98), CS/CS/SB 922 (Ch. 2012-159) -SJ 916

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: SB 1494

INTRODUCER: Senator Evers

SUBJECT: Driver Licenses

DATE: February 22, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	**Favorable**
2.	Carey	Meyer	BTA	**Favorable**
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill repeals s. 322.58, F.S., relating to chauffeur's licenses, which were phased out and replaced by Commercial Driver Licenses in the early 1990's.

This bill repeals s. 322.58, F.S.

II. Present Situation:

Section 322.58, F.S., enacted in 1989, provides a period of time for holders of chauffeur's licenses to transfer to uniform Commercial Driver's License requirements. The 'phasing out' period ended on April 1, 1991, after which time chauffeurs' licenses were no longer issued nor recognized as valid.

III. Effect of Proposed Changes:

The bill repeals s. 322.58, F.S., as chauffeurs' licenses have neither been issued or recognized since 1991.

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. 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.

By Senator Evers

2-01260-12 20121494__

A bill to be entitled

An act relating to driver licenses; repealing s. 322.58, F.S., relating to the effect of classified licensure on persons holding a chauffeur's license; repealing provisions for licensure of such persons under the appropriate license classification; providing an effective date.

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

Section 1. Sections 322.58, Florida Statutes, is repealed.

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

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S1494
GENERAL BILL by Evers; (Identical H 4035, Compare CS/CS/S 1122, CS/CS/2ND ENG/H 1223)
Driver Licenses. EFFECTIVE DATE: 07/01/2012.
03/06/12 S Withdrawn from Budget -SJ 874 ; Placed on Calendar, on 2nd reading -SJ 874
03/09/12 S Died on Calendar, companion bill(s) passed, see CS/CS/HB 1223 (Ch. 2012-181)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/SB 1388

INTRODUCER: Transportation Committee; and Senator Bogdanoff

SUBJECT: Motor Vehicle Registration Forms

DATE: February 22, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	**Fav/CS**
2.	Carey	Meyer	BTA	**Favorable**
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

The bill amends ss. 320.02 and 322.08, F.S., to create $1 voluntary contribution check-offs on a motor vehicle application (initial registration and renewal) and a driver license or identification card application (initial, renewal, or replacement). The check-offs are created for the following entities and causes:

- Autism Services and Supports – contributions must be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund.
- Support Our Troops – contributions must be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

The bill substantially amends ss. 320.02 and 322.08, F.S.

II. Present Situation:

Motor Vehicle Registration Voluntary Check-offs

During the 1998 Session, the Legislature created s. 320.023, F.S., which outlines the procedures that an organization must follow prior to seeking Legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application. The check-off allows a registered owner or registrant of a motor vehicle to voluntarily contribute to one or more of the authorized organizations during a motor vehicle registration transaction. Before the organization is eligible, it must submit the following requirements to Department of Highway Safety and Motor Vehicles (DHSMV or department) at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to $10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than $25,000 has been contributed by the end of the fifth year, or if less than $25,000 is contributed during any subsequent five-year period.

Section 320.02, F.S., specifies the language that must appear on the State of Florida vehicle‘s registration and renewal application forms. Included in s. 320.02, F.S., are options for seventeen authorized voluntary contributions to the corporations, trust funds, and organizations.[1] There are also three additional voluntary contributions relating to registrations authorized in other sections of law.[2] These contributions are not income revenue and are not subject to the trust fund service charge detailed in s. 215.20, F.S., with the exception of the Organ and Tissue Donor trust fund.[3]

Driver License Application Voluntary Check-offs

Section 322.081, F.S., outlines the procedure an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary contribution on a driver’s license or identification card application (initial, renewal, or replacement). The contribution allows a person applying for, renewing, or replacing a Florida driver’s license or identification card to voluntarily contribute to one or more of the authorized organizations during the transaction. To become eligible, the organization must submit the following to DHSMV at least 90 days before the convening of the next regular session of the Legislature:

[1] DHSMV provided a chart listing each authorized motor vehicle registration voluntary check-off that includes revenue collected for each check-off: Florida Department of Highway Safety and Motor Vehicles, *Drivers License and Motor Vehicle Voluntary Contributions FY 2004-05 through 2010-11* (on file with Senate Transportation Committee).

[2] Specifically, s. 320.08047, F.S., allows a $1 voluntary contribution to be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry. Section 328.72(11), F.S., requires that vessel registration and renewal application forms include a provision allowing for a voluntary contribution of $2 or $5 to the Save the Manatee Trust Fund to fund an impartial scientific benchmark census of the manatee population in the state and other activities intended to provide manatee and marine mammal protection and recovery efforts. Lastly, s. 328.72(16), F.S., requires the DHSMV to offer for sale with vessel registrations a marine turtle sticker for $5 with proceeds deposited into the Marine Resource Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts.

[3] Sections 320.02 and 322.081, F.S.

- a request for the particular voluntary contribution being sought, describing it in general terms;
- an application fee of up to $10,000 (state funds may not be used) to defray the DHSMV's costs for reviewing the application and developing the check-off, if authorized; and
- a short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the contribution if less than $25,000 has been contributed by the end of the fifth year, or if less than $25,000 is contributed during any subsequent five-year period.

The authorized voluntary check-offs on a driver's license or identification card application are listed in s. 322.08, F.S.

Moratorium on New Voluntary Check-offs
In 2010, the Legislature passed HB 971, which included a moratorium on the creation of new voluntary contributions on motor vehicle registration and driver license forms by DHSMV. The moratorium is effective from July 1, 2010 to July 1, 2013, but contains an exception to "establish a voluntary contribution for an organization that has submitted a request to the Department of Highway Safety and Motor Vehicles before May 1, 2010, and submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010," or "which was included in a bill filed during the 2010 Legislative Session and met the requirements."[4] According to DHSMV, five organizations met the moratorium exceptions as set forth in s. 320.023, F.S.[5] The Achievement and Rehabilitation Centers, Inc., Autism Services Fund and Support Our Troops, Inc., are two organizations that have met these requirements.[6]

III. Effect of Proposed Changes:

Section 1 amends s. 320.02(15), F.S., to include voluntary contribution check-off options of $1 on motor vehicle registration and renewal forms to Autism Services and Supports and to Support our Troops. The department must distribute the proceeds monthly to the Florida Achievement and Rehabilitation Centers, Inc., Autism Services Fund for the contributions to Autism Services and Supports and to Support Our Troops, Inc., a Florida not-for profit organization, for contributions to Support Our Troops. Contributions are not income of a revenue nature for the purposes of applying the service charge provided in s. 215.20, F.S.

Section 2 amends s. 322.08, F.S., to create a $1 voluntary contribution check-off on an original, renewal, or replacement driver's license or identification card application. The check-offs are created for the following entities and causes:

[4] Section 45, 2008-176, Laws of Florida
[5] Florida Department of Highway Safety And Motor Vehicles, *2011 Voluntary Contributions—Motor Vehicle and Driver License* (September 7, 2010) (on file with Senate Transportation Committee).
[6] Florida Department of Highway Safety and Motor Vehicles, *SB 1388 Bill Analysis – Motor Vehicle Registration Forms Contribution* (January 12, 2012) (on file with Senate Transportation Committee).

- Autism Services and Supports – contributions shall be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund.
- Support Our Troops – contributions shall be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

Section 3 provides July 1, 2012 as the effective date of the bill.

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:

Persons who elect to donate to a charitable cause on motor vehicle registration or renewal applications or driver license will be required to pay an additional $1 for each check-off they elect. It is impossible to determine how many people will elect to donate. Therefore, the aggregate impact to the private sector cannot be determined.

C. Government Sector Impact:

The bill provides the application form for motor vehicle registration (initial or renewal) shall include language permitting the voluntary contribution of $1 per applicant for two additional charitable organizations that have met the filing requirements set forth in s. 320.023, F.S. The application fee for the organizations is already on deposit with DHSMV to cover the costs for reviewing the application and developing the contribution. The bill provides this same authorization regarding driver's license applications (initial, renewal, or replacement).

Additionally, Tax Collector Offices will be minimally impacted by collecting additional funds when a motorist elects to contribute to Autism Services and Supports or Support Our Troops.[7]

[7] *Id*.

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 Transportation on January 26, 2012:
The committee substitute creates a $1 voluntary check-off on driver license applications and renewals for the Achievement and Rehabilitation Centers, Inc., and the Support Our Troops, Inc.

B. Amendments:

None.

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

By the Committee on Transportation; and Senator Bogdanoff

596-02438-12 20121388c1

A bill to be entitled

An act relating to motor vehicle registration forms; amending s. 320.02, F.S.; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to Autism Services and Supports and to Support Our Troops; providing that such contributions are not income for specified purposes; amending s. 322.08, F.S.; requiring the application forms for an original, renewal, or replacement driver license or identification card to include language permitting the applicant to make a voluntary contribution to Autism Services and Supports and to Support Our Troops; providing that such contributions are not income for specified purposes; providing an effective date.

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

Section 1. Paragraphs (o) and (p) are added to subsection (15) of section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(15)

(o) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of $1 per applicant for Autism Services and Supports. Such contributions must be transferred by the department each month to the Achievement and Rehabilitation

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596-02438-12 20121388c1

Centers, Inc., Autism Services Fund.

(p) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of $1 per applicant to Support Our Troops, which shall be distributed monthly to Support Our Troops, Inc., a Florida not-for-profit organization.

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

Section 2. Subsection (7) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(7) The application form for an original, renewal, or replacement driver ~~driver's~~ license or identification card shall include language permitting the following:

(a) A voluntary contribution of $1 per applicant, which contribution shall be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

(b) A voluntary contribution of $1 per applicant, which contribution shall be distributed to the Florida Council of the Blind.

(c) A voluntary contribution of $2 per applicant, which shall be distributed to the Hearing Research Institute, Incorporated.

(d) A voluntary contribution of $1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation

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59 International.
60 (e) A voluntary contribution of $1 per applicant, which
61 shall be distributed to the Children's Hearing Help Fund.
62 (f) A voluntary contribution of $1 per applicant, which
63 shall be distributed to Family First, a nonprofit organization.
64 (g) A voluntary contribution of $1 per applicant to Stop
65 Heart Disease, which shall be distributed to the Florida Heart
66 Research Institute, a nonprofit organization.
67 (h) A voluntary contribution of $1 per applicant to Senior
68 Vision Services, which shall be distributed to the Florida
69 Association of Agencies Serving the Blind, Inc., a not-for-
70 profit organization.
71 (i) A voluntary contribution of $1 per applicant for
72 services for persons with developmental disabilities, which
73 shall be distributed to The Arc of Florida.
74 (j) A voluntary contribution of $1 to the Ronald McDonald
75 House, which shall be distributed each month to Ronald McDonald
76 House Charities of Tampa Bay, Inc.
77 (k) Notwithstanding s. 322.081, a voluntary contribution of
78 $1 per applicant, which shall be distributed to the League
79 Against Cancer/La Liga Contra el Cancer, a not-for-profit
80 organization.
81 (l) A voluntary contribution of $1 per applicant to Prevent
82 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
83 Inc., a nonprofit organization.
84 (m) A voluntary contribution of $1 per applicant, which
85 shall be distributed to Prevent Blindness Florida, a not-for-
86 profit organization, to prevent blindness and preserve the sight
87 of the residents of this state.

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

88 (n) Notwithstanding s. 322.081, a voluntary contribution of
89 $1 per applicant to the state homes for veterans, to be
90 distributed on a quarterly basis by the department to the State
91 Homes for Veterans Trust Fund, which is administered by the
92 Department of Veterans' Affairs.
93 (o) A voluntary contribution of $1 per applicant to the
94 Disabled American Veterans, Department of Florida, which shall
95 be distributed quarterly to Disabled American Veterans,
96 Department of Florida, a nonprofit organization.
97 (p) A voluntary contribution of $1 per applicant for Autism
98 Services and Supports, which shall be distributed to Achievement
99 and Rehabilitation Centers, Inc., Autism Services Fund.
100 (q) A voluntary contribution of $1 per applicant to Support
101 Our Troops, which shall be distributed to Support Our Troops,
102 Inc., a Florida not-for-profit organization.
103
104 A statement providing an explanation of the purpose of the trust
105 funds shall also be included. For the purpose of applying the
106 service charge provided in s. 215.20, contributions received
107 under paragraphs (b)-(q) ~~(b)-(o)~~ are not income of a revenue
108 nature.
109 Section 3. This act shall take effect July 1, 2012.

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

S1388

GENERAL BILL/CS by TR, Bogdanoff; (Identical CS/H 1287, Compare CS/CS/2ND ENG/H 1223)

Motor Vehicle Registration Forms. EFFECTIVE DATE: 07/01/2012.

03/09/12 S Read 2nd time -SJ 1270 ; Substituted CS/HB 1287 -SJ 1270 ; Laid on Table, companion bill(s) passed, see CS/HB 1287 (Ch. 2012-86), CS/CS/HB 1223 (Ch. 2012-181) -SJ 1270

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/CS/SB 824

INTRODUCER: Environmental Preservation and Conservation Committee; Transportation Committee; and Senators Dean and Gaetz

SUBJECT: Mitigation

DATE: February 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	**Fav/CS**
2.	Uchino	Yeatman	EP	**Fav/CS**
3.	Carey/Smith	Meyer, R.	BTA	**Favorable**
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

The Committee Substitute (CS) amends s. 373.4137, F.S., to allow the Florida Department of Transportation (FDOT) more freedom in choosing between various mitigation methods when mitigation is required for transportation projects by:

- changing the legislative intent to include the use of "any other mitigation options that satisfy state and federal requirements."
- allowing the release of funds that are identified or maintained in escrow for the Water Management Districts (WMDs) if the transportation project falls outside, in whole or in part, of the WMD mitigation plan.
- allowing FDOT to elect whether or not to incorporate its mitigation efforts into the planning structure detailed under this section.
- requiring FDOT, when making such an election, to:
  - investigate the use of credits from permitted private mitigation banks; and
  - create a written analysis of cost-effectiveness which considers certain factors.

The CS requires the Department of Environmental Protection (DEP) to approve a mitigation plan, in whole or in part, before it is submitted to the appropriate WMD for approval and implementation.

The CS amends s. 373.4135, F.S., to prohibit a governmental entity from creating or providing mitigation unless it does so for its own project, or it uses non-conservation lands and provides the same financial assurances as specified mitigation banks. The CS exempts certain mitigation banks or areas permitted or established before December 31, 2012, and other specified mitigation types from provisions in the CS.

The CS substantially amends ss. 373.4137 and 373.4135 of the Florida Statutes.

II. Present Situation:

Background, Legislative Intent and Purpose

Environmental mitigation, as it relates to wetlands regulatory programs, is generally defined as "the creation, restoration, preservation or enhancement of wetlands to compensate for permitted wetlands losses."[1] Mitigation banking is a concept designed to increase the success of environmental mitigation efforts and reduce costs to developers of individual mitigation projects.[2]

Section 373.4135, F.S., as part of the Environmental Reorganization Act of 1993, directs the DEP and WMDs to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation.[3] Section 404 of the federal Clean Water Act[4] and early Florida law attempted to regulate wetlands impacts; however, the regulations did not specifically establish a wetlands protection program. As such, the Florida Legislature responded to the lack of both a comprehensive policy and a regulatory framework to handle environmental mitigation efforts with passage of s. 373.4135, F.S.[5] The Legislature intended that the provisions for establishing mitigation banks would apply equally to both public and private entities, except for necessary variability for the DEP and each WMD to ensure the construction and perpetual protection of mitigation banks.[6]

Mitigation Banking Process

In 1994, rules governing the establishment and use of mitigation banks were adopted.[7] The substantive aspects of these rules, codified in s. 373.4136, F.S., address the following:[8]

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[1] John J. Fumero, *Environmental Law: 1994 Survey of Florida Law – At a Crossroads in Natural Resource Protection and Management in Florida*, 19 Nova L. Rev. 77, 101 (1994).
[2] *Id*. at 103.
[3] Chapter 93-213, s. 29, Laws of Florida.
[4] 33 U.S.C. s. 1344.
[5] Fumero, *supra* note 1, at 103.
[6] Section 373.4135(1)(a), F.S.
[7] The rules have been amended several times and are incorporated in Rule 62-342.700, F.A.C., effective May 2001.
[8] In 1996, the Florida Legislature revised the statutes on mitigation banking and the substantive sections of the rules were placed in s. 373.4136, F.S. *See* the "Legal Authority" section of the DEP, *Mitigation and Mitigation Banking*,

- the establishment of mitigation banks by governmental, nonprofit or for-profit entities;
- requirements to ensure the financial responsibility of nongovernmental entities proposing to develop mitigation banks;
- the appropriateness or desirability of mitigation banking when onsite mitigation is determined not to have the comparable long-term viability and ecological value of a mitigation bank;
- a framework for determining the value of a mitigation bank through the issuance of credits;
- criteria for withdrawal of mitigation credits by projects within or outside the regional watershed where the bank is located;
- measurements to ensure the long-term management and protection of mitigation banks; and
- criteria governing the contribution of funds or land to an approved mitigation bank.[9]

A "banker" is an entity that creates, operates, manages or maintains a mitigation bank.[10] A banker must apply for a mitigation bank permit before establishing and operating a mitigation bank.[11] Mitigation banks are permitted by the DEP or one of the WMDs that has adopted rules based on the location of the bank and activity-based considerations, such as whether the ecological benefits will preserve wetlands losses resulting from development or land use activities or will offset losses to threatened and endangered species.[12] The mitigation bank permit authorizes the establishment and operation of the mitigation bank and sets forth the rights and responsibilities, including financial responsibilities, of the banker and the DEP for its implementation, management, maintenance and operation.[13] Specific state mitigation bank permit requirements are contained in s. 373.4136, F.S., and Rules 62-342.450 and 62-342.700, Florida Administrative Code (F.A.C.). Mitigation banks must also go through a federal permitting process administered by the United States Army Corps of Engineers (Corps).

Mitigation Requirements for Specified Transportation Projects

Mitigation for transportation projects has distinct requirements apart from other types of mitigation. In 1996, the Florida Legislature found that environmental mitigation efforts related to transportation projects proposed by the FDOT or appropriate transportation authorities could be more effectively achieved through regional, long-range mitigation planning rather than on a project-by-project basis.[14] As such, s. 373.4137, F.S., requires the FDOT to fund mitigation efforts to offset the adverse impacts of transportation projects on wetlands, wildlife and other aspects of the natural environment. Mitigation efforts are required to be carried out by a combination of the WMDs and the use of mitigation banks.

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http://www.dep.state.fl.us/water/wetlands/mitigation/synopsis.htm (last visited Feb. 20, 2012). Rule 62-342, F.A.C., was revised in May 2001, providing specific financial assurance requirements.

[9] Fumero, *supra* note 1, at 104.

[10] Rule 62-342.200(1), F.A.C.

[11] *Id*.

[12] DEP, *Mitigation and Mitigation Banking*, http://www.dep.state.fl.us/water/wetlands/mitigation/synopsis.htm (last visited Feb. 20, 2012).

[13] *Id*.

[14] Chapter 96-238, s. 1, Laws of Florida

FDOT's Role in the Mitigation Process

Section 373.4137, F.S., requires the FDOT and appropriate transportation authorities to annually submit by July 1 a copy of their adopted work programs along with environmental impact inventories of affected habitats. The WMDs are responsible for ensuring compliance with federal permitting requirements. The environmental impact inventory must be submitted to the WMDs and must include the following:

- a description of habitats impacted by transportation projects, including location, acreage and type;
- a statement of the water quality classification of impacted wetlands and other surface waters;
- identification of any other state or regional designations for the habitats; and
- a survey of threatened species, endangered species and species of special concern affected by the proposed project. In practice this is only a list not an actual scientific survey.

WMDs Decision to Involve Mitigation Banks in the Mitigation Process

By March 1 of each year, each WMD must develop a mitigation plan in consultation with the DEP, Corps, FDOT, appropriate transportation authorities and various other federal, state and local governmental entities. The plans must be submitted to each WMD's governing board for review and approval.[15] The plans are, in part, based on the information provided in the environmental impact inventories and compiled in coordination with mitigation bankers.[16] Among other requirements, the WMDs must consider the purchase of credits from properly permitted public or private mitigation banks when developing the plan and shall include this information in the plan when the purchase would:

- offset the impact of the transportation project;
- provide equal benefits to the water resources than other mitigation options being considered; and
- provide the most cost-effective mitigation option.[17]

For each transportation project with a funding request for the next fiscal year, the mitigation plan must include, to the extent practicable, a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options. Currently, factors such as time saved, liability for success of the mitigation and long-term maintenance are not required.

Florida law also provides that specific projects may be excluded from mitigation plans in certain instances if the FDOT, appropriate transportation authorities and WMDs agree that the efficiency or timeliness of the planning or permitting process would be hampered were the project included. Additionally, a WMD may unilaterally exclude a project from the mitigation plan if appropriate mitigation for the project is not identifiable.[18] At this time, Florida law does not allow the FDOT or an appropriate transportation authority to elect to opt-out of the WMDs' mitigation plans for certain projects.

[15] Section 373.4137(4), F.S.
[16] *Id*.
[17] *Id*.
[18] *Id*.

Mitigation Credits

Each quarter the FDOT and appropriate transportation authorities must transfer sufficient funds into escrow accounts within the State Transportation Trust Fund to pay for mitigation of projected acreage impacts resulting from projects identified in their approved mitigation plans. By statute, the amount transferred must correspond to $75,000 per acre of acreage projected to be impacted and must be spent down through the use of 'mitigation credits' throughout the fiscal year. This $75,000 per acre statutory figure was originally based on estimates of the historical average cost per acre that the FDOT was spending on mitigation on a project-by-project basis in the early 1990s. This mitigation was usually conducted strictly onsite to restore or enhance wetlands directly linked to the impacted area. The amount is adjusted on July 1 each year based on the Consumer Price Index. For fiscal year 2011-2012, the adjusted amount is $104,701 per acre. As defined by statute, a 'mitigation credit' is a unit of measure which represents the increase in ecological value resulting from mitigation efforts on a proposed project or projects.[19] One mitigation credit equals the ecological value gained by successfully creating one acre of wetlands.[20]

At the end of each quarter, the projected acreage impacts are compared to the actual acreage impacts and escrow balances are adjusted accordingly. Pursuant to the process, and with limited exceptions, WMDs may request a release of funds from the escrow accounts no sooner than 30 days prior to the date the funds are needed to pay for costs associated with the development or implementation of the mitigation efforts. Associated costs relate to, but are not limited to, the following:

- design costs,
- engineering costs,
- production costs, and
- staff support.

Mitigation Expenditures

From 2007 to 2011, the FDOT's mitigation expenditures totaled $169,921,562. The WMDs received $116,456,080 (68.54 percent) of the total expenditures, while public and private mitigation banks received $38,107,600 (22.43 percent) of the total expenditures.[21] During this time, the FDOT also carried out its own mitigation in cases where mitigation banks were unavailable or the WMDs could not identify the appropriate amount of mitigation within the existing statutory scheme. These related expenditures amounted to $15,357,882 (9.04 percent) of total expenditures.

From inception of the FDOT mitigation program in 1996 through the present, many acres of wetlands impacts have been or will be offset across the state. According to its "2011 FDOT Mitigation Plan," the St. Johns River WMD had, as of September 30, 2010, provided 35,036.68 acres of mitigation to offset 1305 acres of wetlands and other surface water impacts. This total

[19] Section 373.403(20), F.S.
[20] Rule 62-342.200(5), F.A.C.
[21] According to the FDOT, "itemizing mitigation bank purchases by project is not readily available because of the ability to purchase advance mitigation credits and the ability to lump various projects within a single mitigation bank credit purchase."

includes the mitigation acreage associated with 132.09 mitigation bank credits. The Southwest Florida WMD, according to its draft "2012 FDOT Mitigation Plan," has provided for 814 acres of wetlands impacts. This total includes mitigation acreage associated with 44.01 mitigation bank credits purchased from four mitigation banks and two local government regional off-site mitigation areas.[22]

Statewide Anticipated Mitigation Inventory for Fiscal Year 2012-2013

For fiscal year 2012-2013, the total anticipated mitigation inventory is $20,068,232. It is anticipated that the WMDs will receive $10,374,303 of the total, while public and private mitigation banks are anticipated to receive $9,643,929 of the total. The FDOT also anticipates it will carry out its own mitigation totaling $50,000.[23]

III. Effect of Proposed Changes:

Section 1 amends s. 373.4137, F.S., providing the FDOT additional flexibility in choosing mitigation methods to offset transportation project impacts. Specifically, the CS clarifies legislative intent specifying the FDOT may use mitigation banks and other mitigation options that satisfy state and federal requirements. It allows the FDOT or a transportation authority created pursuant to ch. 348 or 349, F.S., to opt-out of the existing mitigation program with the WMDs in favor of a different mitigation method. Participating entities also are required to provide a list of threatened or endangered species, or species of special concern that may be impacted by a proposed project instead of an actual survey. This comports with existing practice. The CS also directs the release of funds that are identified or maintained in escrow for a WMD if the WMD will no longer provide mitigation, in whole or in part, for a planned transportation project.

The CS requires the DEP to approve a mitigation plan, in whole or in part, before it can be submitted and approved by a WMD. It also directs that for each transportation project with a funding request for the next fiscal year the mitigation plan include an explanation as to why or why not a mitigation bank was not chosen. The CS requires three new details:

- time saved;
- liability for success of the mitigation; and
- long-term maintenance.

The CS allows the FDOT, an appropriate transportation authority or a WMD to elect to exclude specific projects from the mitigation plan. Under current law, the entities involved must come to agreement whether or not to exclude a specific project, with the WMDs being able to unilaterally exclude projects if no mitigation options exist. When choosing to include or exclude projects from the mitigation plan, the CS requires the FDOT to first investigate using private permitted mitigation banks before the project is submitted or allowed to remain in the mitigation plan. The investigation must include a written evaluation of the cost-effectiveness of using private mitigation banks that considers:

[22] This plan is projected to be approved by the Southwest Florida WMD Governing Board on January 31, 2012. *See* http://www.swfwmd.state.fl.us/projects/mitigation/ (last visited Jan. 26, 2012).
[23] According to the FDOT, these figures are subject to change based on FDOT work program changes or coordination with the WMDs and Corps.

- a comparison of costs between using a mitigation bank and including the project in the mitigation plan;
- the value in complying with federal transportation policies for federal aid projects;
- the value of using private mitigation banks credits in expediting approvals by the Corps; and
- the value of transferring liability for successful mitigation from the state to the private mitigation banks when mitigation credits are purchased.

Section 2 amends s. 373.4135, F.S., requiring that a governmental entity not create or provide mitigation unless it is providing mitigation for its own project. The CS provides exceptions to this provision if the governmental entity uses non-conservation lands and provides the same financial assurances as mitigation banks permitted under s. 373.4136, F.S. The CS specifies that the prohibition on providing mitigation does not apply to:

- governmental mitigation banks permitted before December 31, 2011;
- offsite regional mitigation areas established before December 31, 2011;
- mitigation for transportation projects under ss. 373.4137 and 373.4139, F.S.;
- mitigation for impacts from mining activities under s. 373.41492, F.S.;
- mitigation provided for single-family lots or homeowners;
- mitigation provided for electric utility impacts certified under ch. 403, part II, F.S.; or
- mitigation provided on sovereignty submerged lands.

This provision restricts most governmental entities' ability to run mitigation banks and brings the requirements placed on governmental entities that provide mitigation more in line with those placed on private mitigation banks.

Section 3 provides the act will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The CS may have a positive but indeterminate impact on private mitigation banks as they are given a more prominent statutory position in providing mitigation for transportation projects. Private mitigation banks may also be more competitive with governmental entities that provide mitigation given the additional requirements for governmental entities.

C. Government Sector Impact:

The CS gives the FDOT additional flexibility to choose the most cost-effective mitigation option; however, the impact is indeterminate but likely positive.

The CS may also result in cost savings for the WMDs who may provide fewer mitigation services for transportation projects. Again, the impact is indeterminate.

The CS provides for additional requirements on governmental entities that provide mitigation for project impacts. Their ability to provide certain mitigation is also restricted which may negatively impact those governmental entities. Likewise the impact is indeterminate.

Finally, the CS requires the DEP to review and approve mitigation plans. The DEP has estimated that the additional costs associated with mitigation plan reviews will be met with existing staff and resources.

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 Environmental Preservation and Conservation on January 30, 2012:

- Clarifies the FDOT cannot opt out of the entire mitigation planning program;
- Allows the DEP to approve a mitigation plan in whole or in part;
- Applies the “notwithstanding” clause to all of s. 373.4135, F.S.;
- Deletes a cross-reference requiring the same financial assurance as regional offsite mitigation areas as this is not relevant to providing financial assurance; and
- Provides additional exemptions for mitigation for electric utility impacts certified under ch. 403, part II, F.S., and mitigation on sovereignty submerged lands.

CS by Transportation on January 19, 2012:

- Deletes subsection (10) of the bill.
- "Section 2" of the CS is similar to the provision in "Section 10" of the original bill, except it amends s. 373.4135, F.S. instead of s. 373.4137, F.S., and:
  - no longer restricts governmental entities from competing with private mitigation banks;
  - references financial obligations in ss. 373.4136 and 373.4135(6), F.S., which governmental entities that provide mitigation must follow, instead of listing them in the CS; and
  - lists specific types of mitigation that are exempt from the newly created paragraph.
- Requires the act to take effect upon becoming a law rather than on July 1, 2012.

B. Amendments:

None.

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

By the Committees on Environmental Preservation and Conservation; and Transportation; and Senators Dean and Gaetz

592-02647A-12 2012824c2

A bill to be entitled

An act relating to mitigation; amending s. 373.4137, F.S.; revising legislative intent to encourage the use of other mitigation options that satisfy state and federal requirements; providing the Department of Transportation or a transportation authority the option of participating in a mitigation project; requiring a transportation authority that chooses to participate in the program to submit lists of its projects in the adopted work program to the water management districts; requiring a list rather than a survey of threatened or endangered species and species of special concern affected by a proposed project; providing conditions for the release of certain environmental mitigation funds; prohibiting a mitigation plan from being implemented unless the plan is submitted to and approved, in part or in its entirety, by the Department of Environmental Protection; providing additional factors that must be explained regarding the choice of mitigation bank; removing a provision requiring an explanation for excluding certain projects from the mitigation plan; providing criteria that the Department of Transportation must use in determining which projects to include or exclude in the mitigation plan; amending s. 373.4135, F.S.; limiting the circumstances under which a governmental entity may create or provide mitigation for a project other than its own project; specifying certain exceptions; providing an effective

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592-02647A-12 2012824c2

date.

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

Section 1. Subsections (1) and (2), paragraph (c) of subsection (3), and subsections (4) and (5) of section 373.4137, Florida Statutes, are amended to read:

373.4137 Mitigation requirements for specified transportation projects.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by ~~the water management districts, including~~ the use of mitigation banks and any other mitigation options that satisfy state and federal requirements ~~established pursuant to this part~~.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall be developed as follows:

(a) By July 1 of each year, the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349 which chooses to participate in the program, shall submit to the water management

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59 districts a list ~~copy~~ of its projects in the adopted work
60 program and an environmental impact inventory of habitats
61 addressed in the rules adopted pursuant to this part and s. 404
62 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
63 by its plan of construction for transportation projects in the
64 next 3 years of the tentative work program. The Department of
65 Transportation or a transportation authority established
66 pursuant to chapter 348 or chapter 349 may also include in its
67 environmental impact inventory the habitat impacts of any future
68 transportation project. The Department of Transportation and
69 each transportation authority established pursuant to chapter
70 348 or chapter 349 may fund any mitigation activities for future
71 projects using current year funds.
72 (b) The environmental impact inventory shall include a
73 description of these habitat impacts, including their location,
74 acreage, and type; state water quality classification of
75 impacted wetlands and other surface waters; any other state or
76 regional designations for these habitats; and a list ~~survey~~ of
77 threatened species, endangered species, and species of special
78 concern affected by the proposed project.
79 (3)
80 (c) Except for current mitigation projects in the
81 monitoring and maintenance phase and except as allowed by
82 paragraph (d), the water management districts may request a
83 transfer of funds from an escrow account no sooner than 30 days
84 before ~~prior to~~ the date the funds are needed to pay for
85 activities associated with development or implementation of the
86 approved mitigation plan described in subsection (4) for the
87 current fiscal year, including, but not limited to, design,

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88 engineering, production, and staff support. Actual conceptual
89 plan preparation costs incurred before plan approval may be
90 submitted to the Department of Transportation or the appropriate
91 transportation authority each year with the plan. The conceptual
92 plan preparation costs of each water management district will be
93 paid from mitigation funds associated with the environmental
94 impact inventory for the current year. The amount transferred to
95 the escrow accounts each year by the Department of
96 Transportation and participating transportation authorities
97 established pursuant to chapter 348 or chapter 349 shall
98 correspond to a cost per acre of $75,000 multiplied by the
99 projected acres of impact identified in the environmental impact
100 inventory described in subsection (2). However, the $75,000 cost
101 per acre does not constitute an admission against interest by
102 the state or its subdivisions and ~~nor~~ is not ~~the cost~~ admissible
103 as evidence of full compensation for any property acquired by
104 eminent domain or through inverse condemnation. Each July 1, the
105 cost per acre shall be adjusted by the percentage change in the
106 average of the Consumer Price Index issued by the United States
107 Department of Labor for the most recent 12-month period ending
108 September 30, compared to the base year average, which is the
109 average for the 12-month period ending September 30, 1996. Each
110 quarter, the projected acreage of impact shall be reconciled
111 with the acreage of impact of projects as permitted, including
112 permit modifications, pursuant to this part and s. 404 of the
113 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
114 of funds shall be adjusted accordingly to reflect the acreage of
115 impacts as permitted. The Department of Transportation and
116 participating transportation authorities established pursuant to

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117 chapter 348 or chapter 349 are authorized to transfer such funds
118 from the escrow accounts to the water management districts to
119 carry out the mitigation programs. Environmental mitigation
120 funds that are identified for or maintained in an escrow account
121 for the benefit of a water management district may be released
122 if the associated transportation project is excluded in whole or
123 part from the mitigation plan. For a mitigation project that is
124 in the maintenance and monitoring phase, the water management
125 district may request and receive a one-time payment based on the
126 project's expected future maintenance and monitoring costs. Upon
127 disbursement of the final maintenance and monitoring payment,
128 the escrow account for the project established by the Department
129 of Transportation or the participating transportation authority
130 may be closed. Any interest earned on these disbursed funds
131 shall remain with the water management district and must be used
132 as authorized under this section.
133 (4) Before ~~Prior to~~ March 1 of each year, each water
134 management district, in consultation with the Department of
135 Environmental Protection, the United States Army Corps of
136 Engineers, the Department of Transportation, participating
137 transportation authorities established pursuant to chapter 348
138 or chapter 349, and other appropriate federal, state, and local
139 governments, and other interested parties, including entities
140 operating mitigation banks, shall develop a plan for the primary
141 purpose of complying with the mitigation requirements adopted
142 pursuant to this part and 33 U.S.C. s. 1344. In developing such
143 plans, the districts shall use ~~utilize~~ sound ecosystem
144 management practices to address significant water resource needs
145 and shall focus on activities of the Department of Environmental

146 Protection and the water management districts, such as surface
147 water improvement and management (SWIM) projects and lands
148 identified for potential acquisition for preservation,
149 restoration, or enhancement, and the control of invasive and
150 exotic plants in wetlands and other surface waters, to the
151 extent that the ~~such~~ activities comply with the mitigation
152 requirements adopted under this part and 33 U.S.C. s. 1344. In
153 determining the activities to be included in the ~~such~~ plans, the
154 districts shall ~~also~~ consider the purchase of credits from
155 public or private mitigation banks permitted under s. 373.4136
156 and associated federal authorization and shall include the ~~such~~
157 purchase as a part of the mitigation plan when the ~~such~~ purchase
158 would offset the impact of the transportation project, provide
159 equal benefits to the water resources than other mitigation
160 options being considered, and provide the most cost-effective
161 mitigation option. The mitigation plan shall be submitted to the
162 water management district governing board, or its designee, for
163 review and approval. At least 14 days before ~~prior to~~ approval,
164 the water management district shall provide a copy of the draft
165 mitigation plan to any person who has requested a copy. The plan
166 may not be implemented until it is submitted to and approved, in
167 part or in its entirety, by the Department of Environmental
168 Protection.
169 (a) For each transportation project with a funding request
170 for the next fiscal year, the mitigation plan must include a
171 brief explanation of why a mitigation bank was or was not chosen
172 as a mitigation option, including an estimation of identifiable
173 costs of the mitigation bank and nonbank options and other
174 factors such as time saved, liability for success of the

175 mitigation, and long-term maintenance ~~to the extent practicable~~.
176 (b) Specific projects may be excluded from the mitigation
177 plan, in whole or in part, and are ~~shall~~ not ~~be~~ subject to this
178 section upon the election ~~agreement~~ of the Department of
179 Transportation, ~~or~~ a transportation authority if applicable, or
180 ~~and~~ the appropriate water management district ~~that the inclusion~~
181 ~~of such projects would hamper the efficiency or timeliness of~~
182 ~~the mitigation planning and permitting process~~. ~~The water~~
183 ~~management district may choose to exclude a project in whole or~~
184 ~~in part if the district is unable to identify mitigation that~~
185 ~~would offset impacts of the project.~~
186 (c) When determining which projects to include or exclude
187 from the mitigation plan, the department shall investigate using
188 credits from a permitted private mitigation bank before those
189 projects are submitted to, or are allowed to remain in, the
190 plan.
191 1. The investigation shall include the cost-effectiveness
192 of private mitigation bank credits.
193 2. The cost-effectiveness analysis must be in writing and
194 consider:
195 a. How the nominal cost of the private mitigation bank
196 credits compares with the nominal cost for any given project to
197 be included in the plan;
198 b. The value of complying with federal transportation
199 policies for federal aid projects;
200 c. The value that private mitigation bank credits provide
201 as the result of the expedited approvals by the Army Corps of
202 Engineers when private mitigation banks are used; and
203 d. The value that private mitigation banks provide to the

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204 state and its residents as a result of the state and federal
205 liability for the success of the mitigation transferring to the
206 private mitigation bank when credits are purchased from the
207 private mitigation bank.
208 (5) The water management district shall ensure ~~be~~
209 ~~responsible for ensuring~~ that mitigation requirements pursuant
210 to 33 U.S.C. s. 1344 are met for the impacts identified in the
211 environmental impact inventory described in subsection (2), by
212 implementation of the approved plan described in subsection (4)
213 to the extent funding is provided by the Department of
214 Transportation, or a transportation authority established
215 pursuant to chapter 348 or chapter 349, if applicable. During
216 the federal permitting process, the water management district
217 may deviate from the approved mitigation plan in order to comply
218 with federal permitting requirements.
219 Section 2. Present paragraphs (b) through (e) of subsection
220 (1) of section 373.4135, Florida Statutes, are redesignated as
221 paragraphs (c) through (f), respectively, and a new paragraph
222 (b) is added to that subsection, to read:
223 373.4135 Mitigation banks and offsite regional mitigation.—
224 (1) The Legislature finds that the adverse impacts of
225 activities regulated under this part may be offset by the
226 creation, maintenance, and use of mitigation banks and offsite
227 regional mitigation. Mitigation banks and offsite regional
228 mitigation can enhance the certainty of mitigation and provide
229 ecological value due to the improved likelihood of environmental
230 success associated with their proper construction, maintenance,
231 and management. Therefore, the department and the water
232 management districts are directed to participate in and

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233 encourage the establishment of private and public mitigation
234 banks and offsite regional mitigation. Mitigation banks and
235 offsite regional mitigation should emphasize the restoration and
236 enhancement of degraded ecosystems and the preservation of
237 uplands and wetlands as intact ecosystems rather than alteration
238 of landscapes to create wetlands. This is best accomplished
239 through restoration of ecological communities that were
240 historically present.
241 (b) Notwithstanding the provisions of this section, a
242 governmental entity may not create or provide mitigation for a
243 project other than its own unless the governmental entity uses
244 land that was not previously purchased for conservation and
245 unless the governmental entity provides the same financial
246 assurances as required for mitigation banks permitted under s.
247 373.4136. This paragraph does not apply to:
248 1. Mitigation banks permitted before December 31, 2011,
249 under s. 373.4136;
250 2. Offsite regional mitigation areas established before
251 December 31, 2011, under subsection (6);
252 3. Mitigation for transportation projects under ss.
253 373.4137 and 373.4139;
254 4. Mitigation for impacts from mining activities under s.
255 373.41492;
256 5. Mitigation provided for single-family lots or homeowners
257 under subsection (6);
258 6. Mitigation provided for electric utility impacts
259 certified under part II of chapter 403; or
260 7. Mitigation provided on sovereignty submerged lands under
261 subsection (6).

262 Section 3. This act shall take effect upon becoming a law.

S0824

GENERAL BILL/CS/CS by EP; TR; Dean; (CO-INTRODUCERS) Gaetz; (Compare CS/CS/CS/2ND ENG/H 0599, CS/CS/CS/2ND ENG/H 1399, CS/CS/S 1866)

Mitigation . EFFECTIVE DATE: upon becoming a law.

03/09/12 S Amendment(s) adopted (296882, 302310, 537664, 613082) -SJ 1248 ; Substituted CS/CS/CS/HB 599 -SJ 1248 ; Laid on Table, companion bill(s) passed, see CS/CS/CS/HB 599 (Ch. 2012-174) -SJ 1248

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/CS/SB 292

INTRODUCER: Judiciary Committee; Community Affairs Committee; and Senator Bennett

SUBJECT: Effective Public Notices by Governmental Entities

DATE: February 22, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	**Fav/CS**
2.	O'Connor	Cibula	JU	**Fav/CS**
3.	Martin	Meyer	BTA	**Favorable**
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This Committee Substitute for Committee Substitute (CS) requires newspapers that publish legal notices in print to also:

- Publish those notices on the newspapers' websites at no additional charge;
- Place those notices on www.floridapublicnotices.com, which is a website maintained by the Florida Press Association as a repository for legal notices; and
- Provide e-mail notification of new legal notices when they are printed and added to the newspaper's website. The notification service must be provided free of charge to persons upon request.

The CS also revises the rates that newspapers may charge for legal notices. The CS eliminates existing rates that are based on the population of the county served by a newspaper. As a result, the rates for publishing a legal notice are 70 cents per square inch for the first insertion and 40 cents per square inch for the second insertion or the minimum commercial rate, whichever is greater. Additionally, the CS prohibits a newspaper from charging a government entity more

than 85 percent of the rate for subsequent advertisements of the same legal notice if the publication costs cannot be imposed on a private party.
Lastly, the CS deletes requirements for several types of notices to be published in a newspaper and provides for certain notices to be provided on a state agency's website or by email in lieu of publication in a newspaper.

This CS substantially amends the following sections of the Florida Statutes: 50.041, 50.061, 125.66, 166.041, 190.005, 200.065, 17.325, 120.60, 215.555, 215.68, 253.52, 255.518, 380.0668, 455.275, 473.3141, 527.23, 573.109, 573.111, and 631.59.

This CS creates section 50.0211, Florida Statutes.

II. Present Situation:

Purpose of Legal Notices and Legal Advertisements

Public notices and legal advertisements provide notice of activities and events that impact citizens' lives because of governmental actions or requirements. They include actions such as government hearings and meetings, zoning, annexation and land use changes, election notices, municipal budgets, tax, and special assessment information. Also, public notices cover requests for bids on government construction and service contracts; permit and licensing applications; land and water use regulations; judicial and executive sales; disposal of foreclosed and abandoned property; and many others.

The Florida Legislature has recognized the need and right of the public to be informed about these activities and events. As a result, statutes require that public notices and legal advertisements be published in newspapers to effectively disseminate this important information throughout the relevant communities.

According to newspaper trade associations and independent analysts, "it's unclear how much newspapers collect in total from such publicly financed advertising."[1] A report published by The Florida Senate in 2010 stated that publication costs for public notices and legal advertisements placed by local governments ranged considerably with the City of Center Hill reporting an annual cost of $150 and the Miami City Clerk's Office reporting the annual cost was $130,000.[2]

Technical Requirements for Legal Notices and Advertisements

Chapter 50, F.S., contains the requirements for legal and official advertisements. Section 50.011, F.S., provides requirements governing the publication of legal advertisements and notices in a newspaper, including all legal notices and advertisements of sheriffs and tax collectors. Publication must be in a newspaper that is printed and published at least once a week, and must contain at least 25 percent of its words in the English language. The newspaper must qualify or

[1] Dalesio, Emery P., *Move to Online Public Notices Looms Over Papers*, USA Today, May 22, 2009, http://www.usatoday.com/tech/news/2009-05-22-online-notices_N.htm (last visited Feb. 14, 2012).
[2] Committee on Community Affairs, Internet Notice, Interim Report 2010-106 (October 2009) (on file with the Community Affairs Staff).

be entered to qualify as periodicals matter at the post office in the county where published, and be generally available to the public for the purpose of publication of official or other notices. The charge for publishing each official public notice or legal advertisement is 70 cents per square inch for the first insertion and 40 cents per square inch for each subsequent insertion, with some exceptions.[3]

Uniform affidavits are required by statute to serve as proof of publication. Each affidavit is required to be printed on white bond paper containing at least 25 percent rag material and must be 8 1/2 inches in width and of convenient length, at least 5 1/2 inches. A white margin of at least 2 1/2 inches must be left at the right side of each affidavit form and a clipping is required to be substantially pasted on or in this space, which must be a true copy of the public notice or legal advertisement for which proof is executed.[4]

Common Types of Legal Notices

The Florida Statutes contain requirements for the placement of legal notices and advertisements. Such notices and advertisements include:

- Notices of proceedings to validate bonds which must be published in a newspaper in Leon County and in a newspaper in the area that may potentially be affected by the bonds.[5]
- Notice that the Department of Business and Professional Regulation has issued an administrative complaint against a licensee who the department is unable to serve by certified mail. The notice must be published once a week for 4 weeks in the county of the licensee's last known address.[6]
- Notices of the adoption of municipal ordinances and resolutions which must be published one time at least 10 days prior to adoption in a newspaper of general circulation in the municipality.[7]
- Advertisements of millage rates which must be published in a newspaper of general paid circulation in the county or in a geographically limited insert of such newspaper.[8]

III. Effect of Proposed Changes:

Publication Requirements for Legal Notices (Section 1)

The CS amends s. 50.021, F.S., to require newspapers that publish legal notices in print to also:

- Publish those notices on the newspapers' websites at no additional charge;
- Place those notices on www.floridapublicnotices.com, which is a website maintained by the Florida Press Association as a repository for legal notices; and

[3] Section 50.061(2), F.S.
[4] Section 50.041, F.S.
[5] Section 75.06, F.S.
[6] Section 455.275, F.S.
[7] Section 166.041, F.S.
[8] Section 200.065, F.S.

- Provide e-mail notification of new legal notices when they are printed and added to the newspaper's website. The notification service must be provided free of charge upon request.

Specifications of Proof of Publication Affidavits (Section 2)

The CS amends s. 50.041, F.S., to delete requirements that a proof of publication affidavit printed on paper be printed on "bond" paper "containing at least 25 percent rag material." The CS also authorizes proof of publication affidavits to be in an electronic form. An electronic affidavit must contain an electronic signature.

Publication Rates for Legal Notices (Section 3)

The CS amends s. 50.061, F.S., to eliminate existing rates a newspaper may charge for legal notices which are based on the population of the county served by a newspaper. As a result, the rates for publishing a legal notice are 70 cents per square inch for the first insertion and 40 cents per square inch for the second insertion or the minimum commercial rate, whichever is greater. Additionally, the CS prohibits a newspaper from charging a government entity more than 85 percent of the rate for subsequent advertisements of the same legal notice if the publication costs cannot be imposed on a private party.

Publication of Legal Notices Containing Maps (Sections 4 - 7)

The CS amends ss. 125.66, 166.041, 190.005, and 200.065, F.S., requiring that website publication of certain legal notices include maps that appear in the newspaper advertisements.

Deletion of Requirements for Publication in Leon County (Sections 10, 11, 13, & 14)

The CS deletes requirements for the following legal notices to be published in a newspaper in Leon County, Florida:

- Notices of intent by a state agency to take action against a licensee who does not reside in this state.
- Notices of proceedings to validate state or local government bonds or bonds to be issued by the Florida Hurricane Catastrophe Fund Finance Corporation. However, the CS retains existing requirements to publish these notices in the areas of the state which potentially may be affected by the issuance of the bonds.

Deletion of Requirements to Publish a Notice in a Newspaper (Sections 8, 9, & 12)

The CS deletes requirements for the following notices to be published in a newspaper:

- Notices by the State Board of Administration for the sale of bonds issued on behalf of a state agency.
- Notices by the Board of Trustees of the Internal Improvement Trust Fund to sell oil and gas leases on state land.

- Advertisements by the Chief Financial Officer to promote the governmental efficiency hotline which must contain the slogan "Tell us where we can 'Get Lean.'" However, the CS allows the Chief Financial Officer to advertise the hotline in a newspaper if he or she wishes.

Constructive Notice of Intended Actions by Department of Business and Professional Regulation (Sections 15 & 16)

The CS amends s. 455.275, F.S., to revise the procedures for the Department of Business and Professional Regulation to provide constructive notice of an administrative complaint to a person who is licensed by the department. Under existing law, constructive notice of the complaint must be accomplished by publishing notice of the complaint in a newspaper. Under the CS, the department may provide notice of the administrative complaint by posting notice of the complaint on the department's website and by sending notices of the complaint via e-mail to newspapers and news departments of broadcast networks in this state.

The CS amends s. 473.3141, F.S., to delete requirements for the Department of Business and Professional Regulation to provide constructive notice of an administrative complaint against a certified public accountant who is licensed by the department. Under existing law, the department must notice of the complaint in a newspaper to provide constructive notice. As a result, the certified public accountant will receive constructive notice of the complaint as provided in s. 455.275, F.S., as described above.

Notice of Marketing Orders by the Department of Agriculture and Consumer Services (Sections 17-19)

The CS deletes requirements for the Department of Agriculture and Professional Regulation to publish in a newspaper the results of a referendum on a marketing order to govern the distribution and handling of propane gas. Under the CS, such referendum results must be published on the department's website and by sending notices of the referendum results via e-mail to newspapers and news departments of broadcast networks in this state.

The CS also deletes requirements for the Department of Agriculture and Professional Regulation to publish in a newspaper the results of a referendum on a marketing order to govern the distribution and handling of agricultural commodities. Under the CS, such referendum results must be published on the department's website and by sending notices of the referendum results via e-mail to newspapers and news departments of broadcast networks in this state.

Notice of Insolvency of an Insurer (Section 20)

Under existing law, the Department of Financial Services may require that the Florida Insurance Guarantee Association, Inc., notify insureds of the insolvency of their insurer by publishing a notice in a newspaper if the association does not have sufficient information to send a notice by mail. The CS authorizes the notice of insolvency to be provided via email or telephone and deletes the authority of the department to require the association to publish notice of the insolvency in a newspaper.

Effective Date (Section 21)

The CS provides an effective date of July 1, 2012, except as otherwise provided.

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:

Floridians will have enhanced public notice since information will now be available in print, on the newspaper's website, at www.floridapublicnotices.com, or in an email. Newspapers might have to expend funds to create, maintain and issue correspondence from a registry of persons requesting notifications by e-mail.

According to a report published by the Florida Senate in 2010, the median income reported from newspapers for public notices and legal advertisements was $108,704 with an average cost of $173,219.[9]

C. Government Sector Impact:

The Office of Economic and Demographic Research (EDR) Revenue Estimating Impact Conference has not yet addressed this CS. The Florida League of Cities along with the Florida Association of Counties have stated that based on a survey of their constituents they estimate that local governments spend more than $16 million a year to print legal notices in local newspapers.

This CS reduces the rates that newspapers may charge for legal notices in some cases. The CS removes language specifying rates based on population size and in its place sets out to standardize the rates on which government notices are based. If the government notice is not paid in advance or reimbursed by private parties the rate is initially 70 cents

[9] Committee on Community Affairs, *supra* note 2.

per square inch and successive insertions would be charged at a rate no more than 85 percent of "the original rate," which is 59.50 cents. However, if the government is reimbursed by private parties the rate will be 70 cents per square inch for the initial posting and 40 cents thereafter.

This will likely have an unknown fiscal impact on those governmental entities that publish these notices.

VI. Technical Deficiencies:

The Department of Revenue (DOR) performed a staff analysis of SB 292 prior to the bill becoming a committee substitute. Some of their areas of concern are applicable to the committee substitute as it is now written.[10]

The DOR made some recommendations regarding additional sections of Florida Statutes that may need to be added to SB 292 (and now the CS) to conform to the changes proposed in the CS. Their report states that if the intent of the legislation is that a notice on www.floridapublicnotices.com constitutes legal notice, the following statutes will need to be amended: ss. 194.037, 196.194, 197.122, 197.2301, 197.322, 197.402, 197.403, 197.512, 197.522, F.S. These sections describe newspaper advertisement requirements, and the sponsor may want to have them remain consistent if any changes are made to the underlying requirements.

VII. Related Issues:

This CS deletes requirements for the Department of Business and Professional Regulation to provide constructive notice of an administrative complaint against a licensee of the department by publishing notice of the complaint in a newspaper. In lieu of notice by publication, the CS authorizes the department to provide notice of the administrative complaint by posting notice of the complaint on the department's website and by sending notices of the complaint via e-mail to newspapers and to news departments of broadcast networks in this state.

The Legislature may wish to revise s. 120.60, F.S., the general licensing statute applicable to state agencies, to allow all state agencies to provide constructive notice of administrative complaints in the same manner that the CS authorizes the Department of Business and Professional Regulation to provide constructive notice of administrative complaints.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Judiciary on February 16, 2012:
The committee substitute:

[10] Department of Revenue, Staff Analysis SB 292 (2011) (on file with the Senate Committee on Community Affairs.)

- Provides that a newspaper may not impose a charge for publishing a legal notice on its website that the newspaper publishes in print;
- Deletes a requirement to publish a notice of the sale of bonds issued for a state agency;
- Provides for publication of notices relating to marketing orders for propane gas on the Internet rather than requiring such publication in a newspaper; and
- Provides for publication of notices relating agricultural marketing orders on the Internet rather than requiring such publication in a newspaper.

CS by Community Affairs on January 12, 2012:
The CS created a new framework for which legal notices are required to be published. The CS also removes several references to Leon County in statutes as they pertain to legal notices being published there. The CS requires that websites that publish legal notices include maps that appear in the newspaper advertisements.

B. Amendments:

None.

By the Committees on Judiciary; and Community Affairs; and Senator Bennett

590-03546-12 2012292c2

A bill to be entitled

An act relating to legal notices; creating s. 50.0211, F.S.; requiring that, after a specified date, if a legal notice is published in a newspaper, the newspaper publishing the notice shall also place the notice on a website maintained by the newspaper, at no additional charge; providing requirements for size and placement of such website publication; requiring free access to such online publications; requiring that legal notices published in newspapers also be published on another specified website; requiring that, after a specified date, newspapers that publish legal notice must provide e-mail notification of new legal notices; providing requirements for such notice; providing that an error on a newspaper or statewide website shall be considered a harmless error and legal notice requirements shall be considered met if the notice published in the newspaper is correct; amending s. 50.041, F.S.; revising physical requirements for proof of publication affidavits; authorizing electronic affidavits that meet specified requirements; amending s. 50.061, F.S.; limiting the rate that may be charged for government notices required to be published more than once in certain circumstances; deleting provisions specifying rates for legal notices based on county population; specifying that if a public notice is published in a newspaper, publication of a notice on a website pursuant to specified provisions must be done at no

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590-03546-12 2012292c2

charge; amending ss. 125.66, 166.041, 190.005, and 200.065, F.S.; requiring that website publication of certain legal notices include maps that appear in the newspaper advertisements; amending s. 17.325, F.S.; making it optional for the Chief Financial Officer to advertise the availability of the governmental efficiency hotline; amending s. 215.68, F.S.; deleting specific criteria for publishing certain bond notices; amending ss. 120.60 215.555, 253.52, 255.518, and 380.0668, F.S.; deleting requirements that certain legal notices be published in Leon County; amending s. 455.275, F.S.; deleting a requirement that certain notices concerning professional licensees who cannot be personally served be published in Leon County; requiring that plain notice to the licensee to be posted on the front page of the Department of Business and Professional Regulation's website and provided to certain news outlets; amending s. 473.3141, F.S.; deleting a requirement that notices concerning discipline of certain certified public accountants be published in Leon County; amending s. 527.23, F.S.; deleting requirements relating to the newspaper publication of certain notices relating to marketing orders for propane gas; providing for Internet publication of such orders and for providing information to certain news outlets; amending ss. 573.109 and 573.111, F.S.; deleting requirements relating to the newspaper publication of certain notices relating to agricultural marketing orders;

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

59 providing for Internet publication of such orders and
60 for providing information to certain news outlets;
61 amending s. 631.59, F.S.; deleting requirements for
62 the newspaper publication of certain notices
63 concerning insolvent insurers; providing for notice by
64 e-mail or telephone; providing for applicability;
65 providing effective dates.
66
67 Be It Enacted by the Legislature of the State of Florida:
68
69 Section 1. Section 50.0211, Florida Statutes, is created to
70 read:
71 50.0211 Internet website publication.—
72 (1) This section applies to legal notices that must be
73 published in accordance with this chapter unless otherwise
74 specified.
75 (2) Each legal notice must be placed on the newspaper's
76 website on the same day the notice appears in the newspaper, at
77 no additional charge. A link to legal notices shall be provided
78 on the front page of the newspaper's website that provides
79 access to the legal notices without charge. If there is a
80 specified size and placement required for a printed legal
81 notice, the size and placement of the notice on the newspaper's
82 website should optimize its online visibility in keeping with
83 the print requirements. The newspaper's web pages that contain
84 legal notices shall present the legal notices as the dominant
85 subject matter of those pages. The newspaper's website shall
86 contain a search function to facilitate searching the legal
87 notices. This subsection shall take effect July 1, 2013.

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88 (3) If a legal notice is published in a newspaper, the
89 newspaper publishing the notice shall place the notice on the
90 website established and maintained as an initiative of the
91 Florida Press Association as a repository for such notices
92 located at the following address: www.floridapublicnotices.com.
93 (4) Newspapers that publish legal notices shall, upon
94 request, provide e-mail notification of new legal notices when
95 they are printed in the newspaper and added to the newspaper's
96 website. Such e-mail notification shall be provided without
97 charge and notification for such an e-mail registry shall be
98 available on the front page of the legal notices section of the
99 newspaper's website. This subsection shall take effect July 1,
100 2013.
101 (5) An error in the notice placed on the newspaper or
102 statewide website shall be considered a harmless error and
103 proper legal notice requirements shall be considered met if the
104 notice published in the newspaper is correct.
105 Section 2. Subsection (2) of section 50.041, Florida
106 Statutes, is amended to read:
107 50.041 Proof of publication; uniform affidavits required.—
108 (2) Each such affidavit shall be printed upon white ~~bond~~
109 paper ~~containing at least 25 percent rag material~~ and shall be 8
110 1/2 inches in width and of convenient length, not less than 5
111 1/2 inches. A white margin of not less than 2 1/2 inches shall
112 be left at the right side of each affidavit form and upon or in
113 this space shall be substantially pasted a clipping which shall
114 be a true copy of the public notice or legal advertisement for
115 which proof is executed. Alternatively, the affidavit may be
116 provided in electronic rather than paper form, provided the

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117 notarization of the affidavit complies with the requirements of
118 s. 117.021.
119 Section 3. Section 50.061, Florida Statutes, is amended to
120 read:
121 50.061 Amounts chargeable.—
122 (1) The publisher of any newspaper publishing any and all
123 official public notices or legal advertisements shall charge
124 therefor the rates specified in this section without rebate,
125 commission or refund.
126 (2) The charge for publishing each such official public
127 notice or legal advertisement shall be 70 cents per square inch
128 for the first insertion and 40 cents per square inch for each
129 subsequent insertion, except that government notices required to
130 be published more than once whose cost is paid for by the
131 government and not paid in advance by or allowed to be recouped
132 from private parties may not be charged for the second and
133 successive insertions at a rate greater than 85 percent of the
134 original rate.~~:~~
135 ~~(a) In all counties having a population of more than~~
136 ~~304,000 according to the latest official decennial census, the~~
137 ~~charge for publishing each such official public notice or legal~~
138 ~~advertisement shall be 80 cents per square inch for the first~~
139 ~~insertion and 60 cents per square inch for each subsequent~~
140 ~~insertion.~~
141 ~~(b) In all counties having a population of more than~~
142 ~~450,000 according to the latest official decennial census, the~~
143 ~~charge for publishing each such official public notice or legal~~
144 ~~advertisement shall be 95 cents per square inch for the first~~
145 ~~insertion and 75 cents per square inch for each subsequent~~

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146 ~~insertion.~~
147 (3) Where the regular established minimum commercial rate
148 per square inch of the newspaper publishing such official public
149 notices or legal advertisements is in excess of the rate herein
150 stipulated, said minimum commercial rate per square inch may be
151 charged for all such legal advertisements or official public
152 notices for each insertion, except that government notices
153 required to be published more than once whose cost is paid for
154 by the government and not paid in advance by or allowed to be
155 recouped from private parties may not be charged for the second
156 and successive insertions at a rate greater than 85 percent of
157 the original rate.
158 (4) A governmental agency publishing an official public
159 notice or legal advertisement may procure publication by
160 soliciting and accepting written bids from newspapers published
161 in the county, in which case the specified charges in this
162 section do not apply.
163 (5) If the public notice is published in a newspaper, the
164 posting of the notice on the newspaper's website pursuant to s.
165 50.0211(2) must be done at no additional charge.
166 (6)~~(4)~~ All official public notices and legal advertisements
167 shall be charged and paid for on the basis of 6-point type on 6-
168 point body, unless otherwise specified by statute.
169 (7)~~(5)~~ Any person violating ~~a provision of~~ this section,
170 either by allowing or accepting any rebate, commission, or
171 refund, commits a misdemeanor of the second degree, punishable
172 as provided in s. 775.082 or s. 775.083.
173 (8)~~(6)~~ Failure to charge the rates prescribed by this
174 section shall in no way affect the validity of any official

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175 public notice or legal advertisement and shall not subject same
176 to legal attack upon such grounds.
177 Section 4. Paragraph (b) of subsection (4) of section
178 125.66, Florida Statutes, is amended to read:
179 125.66 Ordinances; enactment procedure; emergency
180 ordinances; rezoning or change of land use ordinances or
181 resolutions.—
182 (4) Ordinances or resolutions, initiated by other than the
183 county, that change the actual zoning map designation of a
184 parcel or parcels of land shall be enacted pursuant to
185 subsection (2). Ordinances or resolutions that change the actual
186 list of permitted, conditional, or prohibited uses within a
187 zoning category, or ordinances or resolutions initiated by the
188 county that change the actual zoning map designation of a parcel
189 or parcels of land shall be enacted pursuant to the following
190 procedure:
191 (b) In cases in which the proposed ordinance or resolution
192 changes the actual list of permitted, conditional, or prohibited
193 uses within a zoning category, or changes the actual zoning map
194 designation of a parcel or parcels of land involving 10
195 contiguous acres or more, the board of county commissioners
196 shall provide for public notice and hearings as follows:
197 1. The board of county commissioners shall hold two
198 advertised public hearings on the proposed ordinance or
199 resolution. At least one hearing shall be held after 5 p.m. on a
200 weekday, unless the board of county commissioners, by a majority
201 plus one vote, elects to conduct that hearing at another time of
202 day. The first public hearing shall be held at least 7 days
203 after the day that the first advertisement is published. The

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204 second hearing shall be held at least 10 days after the first
205 hearing and shall be advertised at least 5 days prior to the
206 public hearing.
207 2. The required advertisements shall be no less than 2
208 columns wide by 10 inches long in a standard size or a tabloid
209 size newspaper, and the headline in the advertisement shall be
210 in a type no smaller than 18 point. The advertisement shall not
211 be placed in that portion of the newspaper where legal notices
212 and classified advertisements appear. The advertisement shall be
213 placed in a newspaper of general paid circulation in the county
214 and of general interest and readership in the community pursuant
215 to chapter 50, not one of limited subject matter. It is the
216 legislative intent that, whenever possible, the advertisement
217 shall appear in a newspaper that is published at least 5 days a
218 week unless the only newspaper in the community is published
219 less than 5 days a week. The advertisement shall be in
220 substantially the following form:
221
222 NOTICE OF (TYPE OF) CHANGE
223
224 The ...(name of local governmental unit)... proposes to
225 adopt the following by ordinance or resolution:...(title of
226 ordinance or resolution)....
227
228 A public hearing on the ordinance or resolution will be
229 held on ...(date and time)... at ...(meeting place).....
230
231 Except for amendments which change the actual list of permitted,
232 conditional, or prohibited uses within a zoning category, the

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233 advertisement shall contain a geographic location map which
234 clearly indicates the area within the local government covered
235 by the proposed ordinance or resolution. The map shall include
236 major street names as a means of identification of the general
237 area. In addition to being published in the newspaper, the map
238 must be part of the online notice required pursuant to s.
239 50.0211.
240 3. In lieu of publishing the advertisements set out in this
241 paragraph, the board of county commissioners may mail a notice
242 to each person owning real property within the area covered by
243 the ordinance or resolution. Such notice shall clearly explain
244 the proposed ordinance or resolution and shall notify the person
245 of the time, place, and location of both public hearings on the
246 proposed ordinance or resolution.
247 Section 5. Paragraph (c) of subsection (3) of section
248 166.041, Florida Statutes, is amended to read:
249 166.041 Procedures for adoption of ordinances and
250 resolutions.—
251 (3)
252 (c) Ordinances initiated by other than the municipality
253 that change the actual zoning map designation of a parcel or
254 parcels of land shall be enacted pursuant to paragraph (a).
255 Ordinances that change the actual list of permitted,
256 conditional, or prohibited uses within a zoning category, or
257 ordinances initiated by the municipality that change the actual
258 zoning map designation of a parcel or parcels of land shall be
259 enacted pursuant to the following procedure:
260 1. In cases in which the proposed ordinance changes the
261 actual zoning map designation for a parcel or parcels of land

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262 involving less than 10 contiguous acres, the governing body
263 shall direct the clerk of the governing body to notify by mail
264 each real property owner whose land the municipality will
265 redesignate by enactment of the ordinance and whose address is
266 known by reference to the latest ad valorem tax records. The
267 notice shall state the substance of the proposed ordinance as it
268 affects that property owner and shall set a time and place for
269 one or more public hearings on such ordinance. Such notice shall
270 be given at least 30 days prior to the date set for the public
271 hearing, and a copy of the notice shall be kept available for
272 public inspection during the regular business hours of the
273 office of the clerk of the governing body. The governing body
274 shall hold a public hearing on the proposed ordinance and may,
275 upon the conclusion of the hearing, immediately adopt the
276 ordinance.
277 2. In cases in which the proposed ordinance changes the
278 actual list of permitted, conditional, or prohibited uses within
279 a zoning category, or changes the actual zoning map designation
280 of a parcel or parcels of land involving 10 contiguous acres or
281 more, the governing body shall provide for public notice and
282 hearings as follows:
283 a. The local governing body shall hold two advertised
284 public hearings on the proposed ordinance. At least one hearing
285 shall be held after 5 p.m. on a weekday, unless the local
286 governing body, by a majority plus one vote, elects to conduct
287 that hearing at another time of day. The first public hearing
288 shall be held at least 7 days after the day that the first
289 advertisement is published. The second hearing shall be held at
290 least 10 days after the first hearing and shall be advertised at

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291 least 5 days prior to the public hearing.
292 b. The required advertisements shall be no less than 2
293 columns wide by 10 inches long in a standard size or a tabloid
294 size newspaper, and the headline in the advertisement shall be
295 in a type no smaller than 18 point. The advertisement shall not
296 be placed in that portion of the newspaper where legal notices
297 and classified advertisements appear. The advertisement shall be
298 placed in a newspaper of general paid circulation in the
299 municipality and of general interest and readership in the
300 municipality, not one of limited subject matter, pursuant to
301 chapter 50. It is the legislative intent that, whenever
302 possible, the advertisement appear in a newspaper that is
303 published at least 5 days a week unless the only newspaper in
304 the municipality is published less than 5 days a week. The
305 advertisement shall be in substantially the following form:
306
307 NOTICE OF (TYPE OF) CHANGE
308
309 The ...(name of local governmental unit)... proposes to
310 adopt the following ordinance:...(title of the ordinance)....
311
312 A public hearing on the ordinance will be held on ....(date
313 and time).... at ...(meeting place)....
314
315 Except for amendments which change the actual list of permitted,
316 conditional, or prohibited uses within a zoning category, the
317 advertisement shall contain a geographic location map which
318 clearly indicates the area covered by the proposed ordinance.
319 The map shall include major street names as a means of

320 identification of the general area. In addition to being
321 published in the newspaper, the map must be part of the online
322 notice required pursuant to s. 50.0211.
323 c. In lieu of publishing the advertisement set out in this
324 paragraph, the municipality may mail a notice to each person
325 owning real property within the area covered by the ordinance.
326 Such notice shall clearly explain the proposed ordinance and
327 shall notify the person of the time, place, and location of any
328 public hearing on the proposed ordinance.
329 Section 6. Paragraph (d) of subsection (1) of section
330 190.005, Florida Statutes, is amended to read:
331 190.005 Establishment of district.—
332 (1) The exclusive and uniform method for the establishment
333 of a community development district with a size of 1,000 acres
334 or more shall be pursuant to a rule, adopted under chapter 120
335 by the Florida Land and Water Adjudicatory Commission, granting
336 a petition for the establishment of a community development
337 district.
338 (d) A local public hearing on the petition shall be
339 conducted by a hearing officer in conformance with the
340 applicable requirements and procedures of the Administrative
341 Procedure Act. The hearing shall include oral and written
342 comments on the petition pertinent to the factors specified in
343 paragraph (e). The hearing shall be held at an accessible
344 location in the county in which the community development
345 district is to be located. The petitioner shall cause a notice
346 of the hearing to be published in a newspaper at least once a
347 week for the 4 successive weeks immediately prior to the
348 hearing. Such notice shall give the time and place for the

349 hearing, a description of the area to be included in the
350 district, which description shall include a map showing clearly
351 the area to be covered by the district, and any other relevant
352 information which the establishing governing bodies may require.
353 The advertisement shall not be placed in that portion of the
354 newspaper where legal notices and classified advertisements
355 appear. The advertisement shall be published in a newspaper of
356 general paid circulation in the county and of general interest
357 and readership in the community, not one of limited subject
358 matter, pursuant to chapter 50. Whenever possible, the
359 advertisement shall appear in a newspaper that is published at
360 least 5 days a week, unless the only newspaper in the community
361 is published fewer than 5 days a week. In addition to being
362 published in the newspaper, the map referenced above must be
363 part of the online advertisement required pursuant to s.
364 50.0211. All affected units of general-purpose local government
365 and the general public shall be given an opportunity to appear
366 at the hearing and present oral or written comments on the
367 petition.
368 Section 7. Paragraph (h) of subsection (3) of section
369 200.065, Florida Statutes, is amended to read:
370 200.065 Method of fixing millage.—
371 (3) The advertisement shall be no less than one-quarter
372 page in size of a standard size or a tabloid size newspaper, and
373 the headline in the advertisement shall be in a type no smaller
374 than 18 point. The advertisement shall not be placed in that
375 portion of the newspaper where legal notices and classified
376 advertisements appear. The advertisement shall be published in a
377 newspaper of general paid circulation in the county or in a

378 geographically limited insert of such newspaper. The geographic
379 boundaries in which such insert is circulated shall include the
380 geographic boundaries of the taxing authority. It is the
381 legislative intent that, whenever possible, the advertisement
382 appear in a newspaper that is published at least 5 days a week
383 unless the only newspaper in the county is published less than 5
384 days a week, or that the advertisement appear in a
385 geographically limited insert of such newspaper which insert is
386 published throughout the taxing authority's jurisdiction at
387 least twice each week. It is further the legislative intent that
388 the newspaper selected be one of general interest and readership
389 in the community and not one of limited subject matter, pursuant
390 to chapter 50.
391 (h) In no event shall any taxing authority add to or delete
392 from the language of the advertisements as specified herein
393 unless expressly authorized by law, except that, if an increase
394 in ad valorem tax rates will affect only a portion of the
395 jurisdiction of a taxing authority, advertisements may include a
396 map or geographical description of the area to be affected and
397 the proposed use of the tax revenues under consideration. In
398 addition, if published in the newspaper, the map must be part of
399 the online advertisement required by s. 50.0211. The
400 advertisements required herein shall not be accompanied,
401 preceded, or followed by other advertising or notices which
402 conflict with or modify the substantive content prescribed
403 herein.
404 Section 8. Subsection (2) of section 17.325, Florida
405 Statutes, is amended to read:
406 17.325 Governmental efficiency hotline; duties of Chief

407 Financial Officer.—
408 (2) The Chief Financial Officer shall operate the hotline
409 24 hours a day. The Chief Financial Officer may ~~shall~~ advertise
410 the availability of the hotline in newspapers of general
411 circulation in this state and shall provide for the posting of
412 notices in conspicuous places in state agency offices, city
413 halls, county courthouses, and places in which there is exposure
414 to significant numbers of the general public, including, but not
415 limited to, local convenience stores, shopping malls, shopping
416 centers, gasoline stations, or restaurants. The Chief Financial
417 Officer shall use the slogan "Tell us where we can 'Get Lean'"
418 for the hotline and in advertisements for the hotline.
419 Section 9. Paragraph (b) of subsection (5) of section
420 215.68, Florida Statutes, is amended to read:
421 215.68 Issuance of bonds; form; maturity date, execution,
422 sale.—
423 (5)
424 (b) All of such bonds shall be sold at public sale at such
425 place or places within the state as the board shall determine to
426 receive proposals for the purchase of such bonds. Notice of such
427 sale shall be provided at such time ~~published at least once at~~
428 ~~least 10 days prior to the date of sale in one or more~~
429 ~~newspapers or financial journals published within or without the~~
430 ~~state~~ and shall contain such terms as the board shall deem
431 advisable and proper under the circumstances; provided, that if
432 no bids are received at the time and place called for by such
433 notice of sale, or if all bids received are rejected, such bonds
434 may again be offered for public sale by competitive bid or
435 negotiated sale, as provided herein, upon a shorter period of

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436 reasonable notice provided for by resolution of the board.
437 However, unless the State Constitution specifically requires the
438 public sale by competitive bid of such bonds, the division may,
439 by resolution adopted at a public meeting, determine that a
440 negotiated sale of such bonds is in the best interest of the
441 issuer, and may negotiate for sale of such bonds to any
442 underwriter designated by the division.
443 1. In the resolution authorizing the negotiated sale, the
444 division shall provide specific findings as to the reasons
445 requiring the negotiated sale.
446 2. A resolution authorizing a negotiated bond sale may be
447 the same resolution as that authorizing the issuance of such
448 bonds.
449 Section 10. Subsection (5) of section 120.60, Florida
450 Statutes, is amended to read:
451 120.60 Licensing.—
452 (5) No revocation, suspension, annulment, or withdrawal of
453 any license is lawful unless, prior to the entry of a final
454 order, the agency has served, by personal service or certified
455 mail, an administrative complaint which affords reasonable
456 notice to the licensee of facts or conduct which warrant the
457 intended action and unless the licensee has been given an
458 adequate opportunity to request a proceeding pursuant to ss.
459 120.569 and 120.57. When personal service cannot be made and the
460 certified mail notice is returned undelivered, the agency shall
461 cause a short, plain notice to the licensee to be published once
462 each week for 4 consecutive weeks in a newspaper published in
463 the county of the licensee's last known address as it appears on
464 the records of the agency. If no newspaper is published in that

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465 county, the notice may be published in a newspaper of general
466 circulation in that county. ~~If the address is in some state~~
467 ~~other than this state or in a foreign territory or country, the~~
468 ~~notice may be published in Leon County.~~
469 Section 11. Paragraph (d) of subsection (6) of section
470 215.555, Florida Statutes, is amended to read:
471 215.555 Florida Hurricane Catastrophe Fund.—
472 (6) REVENUE BONDS.—
473 (d) *Florida Hurricane Catastrophe Fund Finance*
474 *Corporation*.—
475 1. In addition to the findings and declarations in
476 subsection (1), the Legislature also finds and declares that:
477 a. The public benefits corporation created under this
478 paragraph will provide a mechanism necessary for the cost-
479 effective and efficient issuance of bonds. This mechanism will
480 eliminate unnecessary costs in the bond issuance process,
481 thereby increasing the amounts available to pay reimbursement
482 for losses to property sustained as a result of hurricane
483 damage.
484 b. The purpose of such bonds is to fund reimbursements
485 through the Florida Hurricane Catastrophe Fund to pay for the
486 costs of construction, reconstruction, repair, restoration, and
487 other costs associated with damage to properties of
488 policyholders of covered policies due to the occurrence of a
489 hurricane.
490 c. The efficacy of the financing mechanism will be enhanced
491 by the corporation's ownership of the assessments, by the
492 insulation of the assessments from possible bankruptcy
493 proceedings, and by covenants of the state with the

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494 corporation's bondholders.
495 2.a. There is created a public benefits corporation, which
496 is an instrumentality of the state, to be known as the Florida
497 Hurricane Catastrophe Fund Finance Corporation.
498 b. The corporation shall operate under a five-member board
499 of directors consisting of the Governor or a designee, the Chief
500 Financial Officer or a designee, the Attorney General or a
501 designee, the director of the Division of Bond Finance of the
502 State Board of Administration, and the senior employee of the
503 State Board of Administration responsible for operations of the
504 Florida Hurricane Catastrophe Fund.
505 c. The corporation has all of the powers of corporations
506 under chapter 607 and under chapter 617, subject only to the
507 provisions of this subsection.
508 d. The corporation may issue bonds and engage in such other
509 financial transactions as are necessary to provide sufficient
510 funds to achieve the purposes of this section.
511 e. The corporation may invest in any of the investments
512 authorized under s. 215.47.
513 f. There shall be no liability on the part of, and no cause
514 of action shall arise against, any board members or employees of
515 the corporation for any actions taken by them in the performance
516 of their duties under this paragraph.
517 3.a. In actions under chapter 75 to validate any bonds
518 issued by the corporation, the notice required by s. 75.06 shall
519 be published ~~only in Leon County and~~ in two newspapers of
520 general circulation in the state, and the complaint and order of
521 the court shall be served only on the State Attorney of the
522 Second Judicial Circuit.

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523 b. The state hereby covenants with holders of bonds of the
524 corporation that the state will not repeal or abrogate the power
525 of the board to direct the Office of Insurance Regulation to
526 levy the assessments and to collect the proceeds of the revenues
527 pledged to the payment of such bonds as long as any such bonds
528 remain outstanding unless adequate provision has been made for
529 the payment of such bonds pursuant to the documents authorizing
530 the issuance of such bonds.
531 4. The bonds of the corporation are not a debt of the state
532 or of any political subdivision, and neither the state nor any
533 political subdivision is liable on such bonds. The corporation
534 does not have the power to pledge the credit, the revenues, or
535 the taxing power of the state or of any political subdivision.
536 The credit, revenues, or taxing power of the state or of any
537 political subdivision shall not be deemed to be pledged to the
538 payment of any bonds of the corporation.
539 5.a. The property, revenues, and other assets of the
540 corporation; the transactions and operations of the corporation
541 and the income from such transactions and operations; and all
542 bonds issued under this paragraph and interest on such bonds are
543 exempt from taxation by the state and any political subdivision,
544 including the intangibles tax under chapter 199 and the income
545 tax under chapter 220. This exemption does not apply to any tax
546 imposed by chapter 220 on interest, income, or profits on debt
547 obligations owned by corporations other than the Florida
548 Hurricane Catastrophe Fund Finance Corporation.
549 b. All bonds of the corporation shall be and constitute
550 legal investments without limitation for all public bodies of
551 this state; for all banks, trust companies, savings banks,

552 savings associations, savings and loan associations, and
553 investment companies; for all administrators, executors,
554 trustees, and other fiduciaries; for all insurance companies and
555 associations and other persons carrying on an insurance
556 business; and for all other persons who are now or may hereafter
557 be authorized to invest in bonds or other obligations of the
558 state and shall be and constitute eligible securities to be
559 deposited as collateral for the security of any state, county,
560 municipal, or other public funds. This sub-subparagraph shall be
561 considered as additional and supplemental authority and shall
562 not be limited without specific reference to this sub-
563 subparagraph.
564 6. The corporation and its corporate existence shall
565 continue until terminated by law; however, no such law shall
566 take effect as long as the corporation has bonds outstanding
567 unless adequate provision has been made for the payment of such
568 bonds pursuant to the documents authorizing the issuance of such
569 bonds. Upon termination of the existence of the corporation, all
570 of its rights and properties in excess of its obligations shall
571 pass to and be vested in the state.
572 Section 12. Section 253.52, Florida Statutes, is amended to
573 read:
574 253.52 Placing oil and gas leases on market by board.—
575 Whenever in the opinion of the Board of Trustees of the Internal
576 Improvement Trust Fund there shall be a demand for the purchase
577 of oil and gas leases on any area, tract, or parcel of the land
578 so owned, controlled, or managed, by any state board,
579 department, or agency, then the board shall place such oil and
580 gas lease or leases on the market in such blocks, tracts, or

581 parcels as it may designate. The lease or leases shall only be
582 made after notice by publication thereof has been made not less
583 than once a week for 4 consecutive weeks in a newspaper of
584 general circulation ~~published in Leon County, and in a similar~~
585 ~~newspaper for a similar period of time~~ published in the vicinity
586 of the lands offered to be leased, the last publication ~~in both~~
587 ~~newspapers~~ to be not less than 5 days in advance of the sale
588 date. Such notice shall be to the effect that a lease or leases
589 will be offered for sale at such date and time as may be named
590 in said notice and shall describe the land upon which such
591 lease, or leases, will be offered. This notice may be combined
592 with the notice required pursuant to s. 253.115. Before any
593 lease of any block, tract, or parcel of land, submerged, or
594 unsubmerged, within a radius of 3 miles of the boundaries of any
595 incorporated city, or town, or within such radius of any bathing
596 beach, or beaches, outside thereof, such board, department, or
597 agency, shall through one or more of its members hold a public
598 hearing, after notice thereof by publication once in a newspaper
599 of general circulation published at least 1 week prior to said
600 hearing in the vicinity of the land, or lands, offered to be
601 leased, of the offer to lease the same, calling upon all
602 interested persons to attend said hearing where they would be
603 given the opportunity to be heard, all of which shall be
604 considered by the board prior to the execution of any lease or
605 leases to said land, and the board may withdraw said land, or
606 any part thereof, from the market, and refuse to execute such
607 lease or leases if after such hearing, or otherwise, it
608 considers such execution contrary to the public welfare. Before
609 advertising any land for lease the form of the lease or leases

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610 to be offered for sale, not inconsistent with law, or the
611 provisions of this section, shall be prescribed by the board and
612 a copy, or copies, thereof, shall be available to the general
613 public at the office of the Board of Trustees of the Internal
614 Improvement Trust Fund and the advertisements of such sale shall
615 so state.
616 Section 13. Paragraph (b) of subsection (4) of section
617 255.518, Florida Statutes, is amended to read:
618 255.518 Obligations; purpose, terms, approval,
619 limitations.—
620 (4)
621 (b) In actions to validate such obligations pursuant to
622 chapter 75, the complaint shall be filed in the Circuit Court of
623 Leon County, the notice required by s. 75.06, shall be published
624 ~~only in Leon County and~~ in two newspapers of general circulation
625 in the state, and the complaint and order of the court shall be
626 served only on the state attorney of the Second Judicial
627 Circuit.
628 Section 14. Paragraph (b) of subsection (4) of section
629 380.0668, Florida Statutes, is amended to read:
630 380.0668 Bonds; purpose, terms, approval, limitations.—
631 (4)
632 (b) In actions to validate such bonds pursuant to chapter
633 75, the complaint shall be filed in the Circuit Court of Leon
634 County, the notice required by s. 75.06 shall be published in
635 newspapers of general circulation in ~~Leon County and~~ the county
636 in which the area or areas of critical state concern involved
637 are located, and the complaint and order of the court shall be
638 served on the state attorney of the Second Judicial Circuit and

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639 the circuit in which the area or areas of critical state concern
640 involved are located.
641 Section 15. Paragraph (b) of subsection (3) of section
642 455.275, Florida Statutes, is amended to read:
643 455.275 Address of record.—
644 (3)
645 (b) If service, as provided in paragraph (a), does not
646 provide the department with proof of service, the department
647 shall call the last known telephone number of record and cause a
648 short, plain notice to the licensee to be posted on the front
649 page of the department's website and shall send notice via e-
650 mail to all newspapers of general circulation and all news
651 departments of broadcast network affiliates in the county of the
652 licensee's last known address of record ~~published once each week~~
653 ~~for 4 consecutive weeks in a newspaper published in the county~~
654 ~~of the licensee's last known address of record. If a newspaper~~
655 ~~is not published in the county, the administrative complaint may~~
656 ~~be published in a newspaper of general circulation in the~~
657 ~~county. If the licensee's last known address is located in~~
658 ~~another state or in a foreign jurisdiction, the administrative~~
659 ~~complaint may be published in Leon County pursuant to s.~~
660 ~~120.60(5)~~.
661 Section 16. Subsection (5) of section 473.3141, Florida
662 Statutes, is amended to read:
663 473.3141 Certified public accountants licensed in other
664 states.—
665 (5) Disciplinary action against an individual or firm that
666 practices pursuant to this section is not valid unless, prior to
667 the entry of a final order, the agency has served, by personal

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

668 service pursuant to this chapter or chapter 48 or by certified
669 mail, an administrative complaint that provides reasonable
670 notice to the individual or firm of facts or conduct that
671 warrants the intended action and unless the individual or firm
672 has been given an adequate opportunity to request a proceeding
673 pursuant to ss. 120.569 and 120.57. ~~When personal service cannot~~
674 ~~be made and the certified mail notice is returned undelivered,~~
675 ~~the agency shall have a short, plain notice to the individual or~~
676 ~~firm with practice privileges published once a week for 4~~
677 ~~consecutive weeks in a newspaper published in Leon County,~~
678 ~~Florida. The newspaper shall meet the requirements prescribed by~~
679 ~~law for such purposes.~~
680 Section 17. Paragraph (b) of subsection (5) of section
681 527.23, Florida Statutes, is amended to read:
682 527.23 Marketing orders; referendum requirements;
683 assessments.—
684 (5)
685 (b) It is the duty of the producers or dealers of propane
686 gas who vote in each referendum to send their marked ballots to
687 the department, which shall have the ballots counted by
688 qualified and impartial personnel in its office, and the
689 department shall, within 10 days after the closing date for
690 submitting ballots in any referendum, certify in writing and
691 publish the results of such referendum on the front page of
692 their website and shall send notice via e-mail to all
693 publications of general circulation and all news departments of
694 broadcast network affiliates located within the state ~~in a~~
695 ~~newspaper of general circulation in the state and in such other~~
696 ~~newspapers as the department prescribes~~.

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

697 Section 18. Subsection (2) of section 573.109, Florida
698 Statutes, is amended to read:
699 573.109 Procedure for referendum.—
700 (2) It shall be the duty of the producers or handlers
701 affected who vote in each referendum to send their marked
702 ballots to the department, which shall have the ballots counted
703 by qualified and impartial personnel in its office, and the
704 department shall, within 10 days after the closing date for
705 submitting ballots in any referendum, certify in writing and
706 publish the results of such referendum on the front page of
707 their website and shall send notice via e-mail to all
708 publications of general circulation and all news departments of
709 broadcast network affiliates located within the state ~~in a~~
710 ~~newspaper of general circulation in the state and in such other~~
711 ~~newspapers as the department may prescribe~~.
712 Section 19. Section 573.111, Florida Statutes, is amended
713 to read:
714 573.111 Notice of effective date of marketing order.—Before
715 the issuance of any marketing order, or any suspension,
716 amendment, or termination thereof, a notice shall be posted on a
717 public bulletin board to be maintained by the department in the
718 Division of Marketing and Development of the department in the
719 Nathan Mayo Building, Tallahassee, Leon County, and a copy of
720 the notice shall be posted on the department website ~~published~~
721 ~~in a newspaper of general circulation in the state and in such~~
722 ~~other newspaper or newspapers as the department may prescribe.~~
723 ~~The notices published in the newspaper or newspapers shall be~~
724 ~~sent by first-class mail, by the department to those newspapers~~
725 ~~designated by it,~~ the same date that the notice is posted on the

726 bulletin board ~~with instructions to publish the same as a legal~~
727 ~~advertisement the first date after receipt of the notice as such~~
728 ~~newspaper's policy for publishing legal advertisements provides~~.
729 No marketing order, or any suspension, amendment, or termination
730 thereof, shall become effective until the termination of a
731 period of 5 days from the date of posting and publication.
732 Section 20. Subsection (2) of section 631.59, Florida
733 Statutes, is amended to read:
734 631.59 Duties and powers of department and office.—
735 (2) The department may require that the association notify
736 the insureds of the insolvent insurer and any other interested
737 parties of the determination of insolvency and of their rights
738 under this part. Such notification shall be by mail at their
739 last known addresses, when available, but if sufficient
740 information for notification by mail is not available, notice by
741 e-mail or telephone ~~publication in a newspaper of general~~
742 ~~circulation~~ shall be sufficient.
743 Section 21. Except as otherwise expressly provided in this
744 act, this act shall take effect July 1, 2012, and shall apply to
745 legal notices that must be published on or after that date.

S0292

GENERAL BILL/CS/CS by JU, CA, Bennett; (Identical CS/CS/H 0937, Compare CS/CS/CS/CS/H 0481, CS/CS/S 0860)
Legal Notices. EFFECTIVE DATE: except as otherwise expressly provided in this act, this act shall take effect July 1, 2012, and shall apply to legal notices that must be published on or after that date.

03/09/12 S Pending amendment(s), withdrawn (920062) -SJ 1236 ; Substituted CS/CS/HB 937 -SJ 1236 ;
Laid on Table, companion bill(s) passed, see CS/CS/HB 937 (Ch. 2012-212) -SJ 1236

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/SB 1180

INTRODUCER: Community Affairs Committee; and Senator Bennett

SUBJECT: Developments of Regional Impact

DATE: February 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Yeatman	CA	**Fav/CS**
2.	Martin	Meyer	BTA	**Pre-meeting**
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

The committee substitute (bill) makes a number of changes to the Development of Regional Impact (DRI) program. A DRI is any development that has a substantial effect upon the health, safety, or welfare of citizens of more than one county.

Specifically, this bill requires that comprehensive plan amendments proposing certain developments follow the state coordinated review process. The bill limits the scope of certain recommendations and comments by reviewing agencies regarding proposed developments. Also, it revises certain review criteria for reports and recommendations on the regional impact of proposed developments. The bill requires regional planning agency reports to contain recommendations consistent with the standards of state permitting agencies and water management districts. Additionally, the bill provides that specified changes to a development order are not substantial deviations and provides an exemption from development of-regional-impact review for proposed developments that meet specified criteria and are located in certain jurisdictions. The bill revises conditions under which a local government is required to rescind a development-of-regional-impact development order.

The bill creates a section of law which provides for application and approval of an amendment to the local comprehensive plan by the owner of land that meets certain criteria as an agricultural enclave. Also, the bill extends an application deadline for a 2 year permit extension.

This bill creates s. 163.3165, F.S, and substantially amends the following sections of the Florida Statutes: 163.3184, 380.06, and 380.115. The bill also creates an undesignated section of law.

II. Present Situation:

Development of Regional Impact Background

A development of regional impact (DRI) is defined in s. 380.06, F.S., as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." Section 380.06, F.S., provides for both state and regional review of local land use decisions involving DRIs. Regional Planning Councils (RPCs) coordinate the review process with local, regional, state and federal agencies and recommend conditions of approval or denial to local governments. DRIs are also reviewed by the Department of Economic Opportunity (DEO) for compliance with state law and to identify the regional and state impacts of large-scale developments. Local DRI development orders may be appealed by the owner, the developer, or the state land planning agency to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[1] Section 380.06(24), F.S., exempts numerous types of projects from review as a DRI.

The DRI program was initially created in 1972. Since that time, the state has required all local governments to adopt local comprehensive plans. The Environmental Land Management Study Committee (ELMS III) in 1992 recommended that the DRI program be eliminated in the largest local governments and relegated to an enhanced version of the intergovernmental coordination element (ICE) in their local plans.[2] After much controversy, this recommendation never fully came to fruition and the DRI program continued. The Legislature has made changes to the DRI program in the past for various reasons.

DRI Review

All developments that meet the DRI thresholds and standards provided by statute[3] and rules adopted by the Administration Commission[4] are required to undergo DRI review, unless the Legislature has provided an exemption, the development is located within a dense urban land area (DULA), or is located in a planning area receiving a legislative exemption such as a sector plan or rural land stewardship area.[5] The types of developments required to undergo DRI review upon meeting the specified thresholds and standards include certain airports, attraction and recreation facilities, office development, retail and service development, multiuse development, residential development, schools, and recreational vehicle development.[6] The state land planning agency, a RPC, or the local government may request the Administration Commission to increase

[1] S. 380.07(2), F.S.
[2] *See* Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.
[3] S. 380.0651, F.S.
[4] Rule 28-24, F.A.C.
[5] *See* the section "DRI Exemptions."
[6] S. 380.0651, F.S.

or decrease the thresholds for part of the local government's jurisdiction or for the entire jurisdiction.[7] Over the years, the Legislature also has increased the thresholds that determine which projects are subject to DRI review.

Florida's 11 RPCs coordinate the multi-agency review of proposed DRIs. RPCs are recognized as Florida's only multipurpose regional entity that plans for and coordinates intergovernmental solutions to growth-related problems on greater-than-local issues, provides technical assistance to local governments, and meets other needs of the communities in each region.[8] A DRI review begins by the developer contacting the RPC with jurisdiction over the proposed development to arrange a preapplication conference.[9] A developer or the RPC may also request other affected state and regional agencies to participate in the conference and to help identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures. At the preapplication conference, the RPC is to provide the developer with information about the DRI process and use the preapplication conference to identify issues, coordinate appropriate state and local agency requirements, and otherwise efficiently review the proposed development.

An agreement may also be reached between the RPC and the developer regarding assumptions and methodology to be used in the application for development approval, and if an agreement is reached, the reviewing agencies may not later object to the agreed upon assumptions and methodologies unless the project changes or subsequent information makes the assumptions or methodologies no longer relevant. In an effort to reduce paperwork, discourage unnecessary gathering of data, and to coordinate federal, state, and local environmental reviews with the DRI review process, s. 380.06(7)(b), F.S., provides that the developer may enter into a binding written agreement with the RPC to eliminate certain questions from the application for development approval when those questions are found to be unnecessary for DRI review.

The RPC also assists with technical planning aspects of the project, which can be beneficial to rural local governments that often have smaller planning staffs. Upon completion of the preapplication conference with all parties, the developer then files an application for development approval with the local government, RPC, and the state land planning agency. The RPC reviews the application for sufficiency and may request additional information (no more than twice) if the application is deemed insufficient.[10]

Once the RPC determines the application is sufficient or the developer declines to provide additional information, the local government must hold a public hearing on the application for development within 90 days, and must publish notice at least 60 days in advance of the hearing.[11] Within 50 days after receiving notice of the public hearing, the RPC, is required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.[12] The RPC is required to identify regional issues[13] specifically examining the extent to which:

[7] S. 380.06(3), F.S.
[8] S. 186.502, F.S.
[9] S. 380.06(7), F.S.
[10] S. 380.06(10), F.S.
[11] S. 380.06(11), F.S.
[12] S. 380.06(12), F.S.

1. the development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans;
2. the development will significantly impact adjacent jurisdictions;
3. in reviewing the first two issues, whether the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.[14]

Other appropriate agencies may also review the proposed development and prepare reports and recommendations on issues within their jurisdiction. These reports become part of the RPC's report, but the RPC may attach dissenting views.[15] When water management district and Department of Environmental Protection permits have been issued pursuant to ch. 373, F.S., or ch. 403, F.S., the RPC may comment on the regional implications of the permits but may not offer conflicting recommendations.[16]

The state land planning agency also reviews DRIs for compliance with state laws and to identify regional and state impacts and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.[17] Rule 9J-2, F.A.C., provides the rules of procedure and practice pertaining to DRIs. These rules provide detailed guidelines for how the state land planning agency evaluates the development's impact on:

- hurricane preparedness;[18]
- conservation of listed plan and wildlife resources;[19]
- treatment of archaeological and historical resources;[20]
- hazardous material usage, potable water, wastewater, and solid waste facilities;[21]
- transportation;[22]
- air quality;[23] and
- adequate housing.[24]

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI must be heard as well. When considering whether the

[13] Rule 9J-2.024, F.A.C., states in part: "In preparing the regional report, the regional planning agency shall identify and make recommendations on regional issues. Regional issues to be used in reviewing DRI applications are included in the applicable local government comprehensive plans, the Development of Regional Impact Uniform Standards Rule, the State Comprehensive Plan, and Sections 380.06(12)(a)1., 2., and 3., Florida Statutes. In addition, Strategic Regional Policy Plans adopted by regional planning councils pursuant to Sections 186.507 and 186.508, Florida Statutes, are a long-range policy guide for the development of the region and shall be used as the basis for regional review of DRIs. The regional planning agency may also identify and make recommendations on other local issues. However, local issues shall not be grounds for or be included as issues in a regional planning agency recommendation for appeal of a local government development order."
[14] S. 380.06(12)(a), F.S.
[15] S. 380.06(12)(b), F.S.
[16] *Id*.
[17] *See* Senate Interim Report 2012-114, *The Development of Regional Impact Process*, September 2011.
[18] Rule 9J-2.0256, F.A.C.
[19] Rule 9J-2.041, F.A.C.
[20] Rule 9J-2.043, F.A.C.
[21] Rule 9J-2.044, F.A.C.
[22] Rule 9J-2.045, F.A.C.
[23] Rule 9J-2.046, F.A.C.
[24] Rule 9J-2.048, F.A.C.

development must be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considers the extent to which:

1. the development is consistent with its comprehensive plan and land development regulations;
2. the development is consistent with the report and recommendations of the RPC;
3. the development is consistent with the state comprehensive plan.[25]

Local governments are required by s. 163.3177(6)(f), F.S., to adopt a housing element in the local comprehensive plan that expresses principles, guidelines, standards, and strategies related to affordable housing for all current and anticipated future residents.

Within 30 days of the public hearing on the application for development, the local government must render a decision on the application. Within 45 days after a development order is rendered, the owner or developer of the property or the state land planning agency may appeal the order to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[26] An "aggrieved or adversely affected party" may appeal and challenge the consistency of a development order with the local comprehensive plan.[27]

Substantial Deviations

DRIs are designed to be built out over many years, which increases the likelihood of necessary changes to the development due to changing market conditions or other reasons. When a developer proposes a change to a previously approved development that creates a reasonable likelihood of additional regional impact, or creates a reasonable likelihood of a regional impact not previously reviewed by the RPC, a substantial deviation exists and the proposed change is required to be subject to further DRI review. If a change qualifies as a substantial deviation and there is no exemption, a notice of proposed change must be made to the RPC and the state land planning agency.[28] The notice must include a description of previous individual changes made to the development, including changes previously approved by the local government, and must include appropriate amendments to the development order.[29]

Section 380.06(19), F.S., provides the specific criteria that constitutes a substantial deviation and causes a development to be subject to additional review.[30] The numerical standards are also automatically increased if a project is a job-creating one or is located wholly within an urban infill and redevelopment area. During the 2011 Session, the Legislature increased the substantial deviation standards by approximately 50 percent for attraction or recreational facilities, office

[25] S. 380.06(14), F.S. DRIs located in areas of critical state concern (ACSC) must also comply with the land development regulations in s. 380.05, F.S.
[26] S. 380.07(2), F.S.
[27] S. 163.3215, F.S.
[28] S. 380.06(19)(e)1., F.S.
[29] *Id*.
[30] Among the changes that constitute a substantial deviation include a decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less (s. 380.06(19)(b)8., F.S.); a 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original DRI review (s. 380.06(19)(b)10., F.S.); and any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State (s. 380.06(19)(b)11., F.S.).

development, and commercial development.[31] Section 380.06(19), F.S., also specifies changes that individually or cumulatively with any previous changes, are not substantial deviations.

DRI Exemptions

The Legislature has exempted many types of development from DRI review.[32] The Legislature has also exempted projects from DRI review within certain counties and municipalities that qualify as a "dense urban land area" (DULA).[33] There are currently 8 counties and 242 cities that meet, or have met, the population and density criteria necessary to qualify as a dense urban land area.[34] The exemption for projects within a DULA reflects state policy to encourage development within urban areas and the increased sophistication of local staffs and the progress, since the DRI program was instituted in 1972, which larger, urban counties and municipalities have made in the area of large-scale land use planning. Additionally, the Legislature has also provided two alternative large-scale planning tools known as the sector plan[35] and rural land stewardship program.[36] Large scale projects within a sector plan or rural land stewardship area are exempt from DRI review.

State Coordinated Review Process for Comprehensive Plan Amendments

The "state coordinated review process" is designed for new comprehensive plans and for amendments that require a more comprehensive review. Amendments that: are in an area of critical state concern designated pursuant to s. 380.05, F.S., propose a rural land stewardship area pursuant to s. 163.3248, F.S., propose a sector plan pursuant to s. 163.3245, F.S., update a comprehensive plan based on an evaluation and appraisal review pursuant to s. 163.3191, F.S., and new plans for newly incorporated municipalities adopted pursuant to s. 163.3167, F.S., are required to follow the state coordinated review process.

The state coordinated review process requires two public hearings and a proposed plan or plan amendment to be transmitted to the reviewing agencies[37] within 10 days after the initial public hearing. Under the state coordinated review process, reviewing agency comments are sent to the state land planning agency that may elect to issue an objections, recommendations, and comments (ORC) report to the local government within 60 days after receiving the proposed plan or plan amendment. The state land planning agency's ORC report details whether the proposed plan or plan amendment is in compliance and whether the proposed plan or plan amendment will

[31] Ch. 2011-139, L.O.F.; HB 7207 (2011).
[32] *See* 380.06(24), F.S.; ch. 2011-139, L.O.F., exempted from DRI review: movie theaters; industrial plants, industrial parks, and distribution, warehousing or wholesaling facilities; and hotel or motel development.
[33] S. 380.06(29), F.S.
[34] For a complete list of counties and municipalities qualifying as a DULA see http://www.floridajobs.org/community-planning-and-development/programs/developments-of-regional-impact-and-florida-quality-developments/list-of-local-governments-qualifying-as-dense-urban-land-areas (last accessed January 31, 2012).
[35] S. 163.3245, F.S.
[36] S. 163.3248, F.S.
[37] S. 163.3184(c), F.S., defines "reviewing agencies" as: the state land planning agency; the appropriate regional planning council; the appropriate water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of plan amendments relating to public schools, the Department of Education; in the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation; in the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and in the case of municipal plans and plan amendments, the county in which the municipality is located.

adversely impact important state resources and facilities. Once a local government receives the ORC report, it has 180 days to hold a second public hearing on whether to adopt the plan or plan amendment. After a plan or amendment is adopted, the local government must transmit the plan or plan amendment to the state land planning agency within 10 days of the second public hearing, and the state land planning agency must notify the local government of any deficiencies within 5 working days. The state land planning agency then has 45 days to determine if the adopted plan or plan amendment is in compliance or not in compliance. The state land planning agency must issue a notice of intent (NOI) to find that the plan or plan amendment is in compliance or not in compliance and must post a copy of the NOI on its website. If a NOI is issued to find the plan or plan amendment not in compliance, the NOI is forwarded to the Division of Administrative Hearings (DOAH) for a compliance hearing.

In addition to challenges brought by the state land planning agency, under the state coordinated review process any "affected person," as defined by s. 163.3184(1)(a), F.S., may challenge an adopted plan or plan amendment by filing a petition with the Division of Administrative Hearings (DOAH) within 30 days after the local government adopts the plan or plan amendment.

Vested Rights & Rescission

One of the greatest benefits of a DRI is the vested rights that attach to the development. Since DRIs are large-scale, high-cost, and long-term projects that occur in multiple phases, it is important that the rights and duties or obligations specified in the development order are vested and not changed due to a change in DRI guidelines or standards. This predictability is important so that a developer has the assurance that a future change in standards will not prohibit or delay the full build-out of the project as planned. Section 380.115, F.S., provides the procedures for developments that received a DRI development order but now are no longer required to undergo DRI review because of a change in the guidelines and standards, or a reduction in the project's size, or a development that is located in a DULA.

A development that was once subject to DRI review but now is exempt may continue to be governed by the DRI development order.[38] Alternatively, the developer or landowner may request the development order to be rescinded upon a showing that all required mitigation has been completed related to the amount of development that existed on the date of rescission.[39]

Background on Florida's economic development incentive efforts

Chapter 288, F.S., includes numerous economic development incentive programs to recruit, expand, or retain businesses to Florida. Each program is different, but can be accessed in various combinations by businesses, depending on their location, job creation, and other factors. Typically, these incentives are coupled with state tax exemptions or tax refunds provided in other chapters of law, and with local incentives, to broaden Florida's economic base.

The Division of Strategic Business Development provides support for attracting out-of-state businesses to Florida, promoting the creation and expansion of Florida businesses and facilitating Florida's economic development partnerships. This office manages Florida's economic

[38] Section 380.115(a), F.S.
[39] Section 380.115(b), F.S.

development initiatives[40], with assistance from Enterprise Florida, Inc. (EFI),[41] a public-private entity.

Agricultural Land and Practices Act

Current law allows the owner of a parcel of land defined as an agricultural enclave to apply with a local government unit for an amendment to the local government's comprehensive plan.[42] Application for amendment as an agricultural enclave requires consistency with 163.3164, F.S., which sets out the statutory definition for "agricultural enclave." By statute an agricultural enclave is defined as an unincorporated, undeveloped parcel that is owned by a single person or entity and has been in continuous use for bona fide agricultural purposes, for a period of 5 years prior to the date of any comprehensive plan amendment application. The parcel is surrounded on at least 75 percent of its perimeter by either property that has existing industrial, commercial, or residential development, or property that the local government has designated, in the local government's comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development. The parcel has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, F.S. Additionally, the parcel may not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.[43]

Land uses and land use intensities considered compatible with designation as an agricultural enclave include industrial, commercial, and residential parcels that surround the agricultural enclave. The law states that local government amendments under the act "must be transmitted to the state land planning agency for review" after good faith negotiations have been concluded "regardless of whether the local government and owner reach consensus on the land uses and intensities of use."[44] Additionally, the law requires that each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights. Nothing within s. 163.3162, F.S., relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of either the Wekiva Study Area, as described in s. 369.316, F.S., or Everglades Protection Area, as defined in s. 373.4592(2), F.S.[45]

[40] Section 288.061, F.S.
[41] Sections 288.901-288.923, F.S. (Part VII of ch. 288, F.S.)
[42] Section 163.3162, F.S.
[43] Section 163.3164(4), F.S.
[44] Section 163.3162, F.S.
[45] Section 163.3162(4)(d), F.S.

Permit Extensions
A permit extension was provided by the 2011 Florida Legislature, "in recognition of 2011 real estate market conditions," extending "any building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from January 1, 2012, through January 1, 2014," and also "any local government-issued development order or building permit" (including certificates of levels of service), for a period of 2 years after its previously scheduled date of expiration.[46] This extension is in addition to any existing permit extension, but cannot exceed four years total.[47] To get this extension, the holder of such a permit or other authorization must have notified the authorizing agency in writing by December 31, 2011.[48]

III. Effect of Proposed Changes:

Section 1 amends s. 163.3184, F.S., requiring that plan amendments proposing a development that is exempt from review because a local government elects not to apply the development-of-regional-impact review process, follow the state coordinated review process. This applies as found in s. 380.06(24)(x), F.S. This exemption does not apply to areas within the boundary of any area of critical state concern designated pursuant to s. 380.05, F.S., within the boundary of the Wekiva Study Area as described in s. 369.316, F.S, or within 2 miles of the boundary of the Everglades Protection Area as defined in s. 373.4592(2), F.S.

Section 2 amends s. 380.06, F.S., to require that reviewing agencies make only recommendations and comments regarding a proposed development which are consistent with statutes, rules, or adopted local ordinances that are applicable to developments in the jurisdiction where the proposed development is located; revises provisions relating to regional reports prepared and submitted by a regional planning agency; requires that a regional planning agency make recommendations in its regional report which are consistent with the standards of state permitting agencies and the water management district; provides that changes to a development order which do not increase the number of external peak hour trips and do not reduce open space and conserved areas within a project are not substantial deviations; provides an exemption from development-of-regional-impact review in certain jurisdictions for any proposed development where the developer, local government, and Department of Economic Opportunity agrees in writing not to apply the review process and the development is approved as a comprehensive plan amendment adopted pursuant to the state coordinated review process and qualifies for an incentive program; provides exceptions.

Section 3 amends s. 380.115, F.S., allowing a DRI to rescind a development order upon a showing that all required mitigation related to the amount of development that existed on the date of rescission will be completed under an existing permit or equivalent authorization issued by a governmental agency so long as such permit or authorization is subject to enforcement through administrative or judicial remedies.

Section 4 creates s. 163.3165, F.S., providing that the owner of a parcel of land that qualifies under certain conditions may apply for an amendment to the local government comprehensive

[46] Section 79, ch. 2011-39, L.O.F. (HB 7207).
[47] *Id.*
[48] *Id.*

plan pursuant to s. 163.3184, F.S. It also provides that if the parcel of land that is the subject of an application for an comprehensive plan amendment is abutted by land having only one land use designation, the same land use designation shall be presumed by the county to be appropriate for the parcel and the county shall grant the parcel the same land use designation as the surrounding parcel which abuts the parcel. This section specifies the qualifications to be an agricultural enclave under this section of law.

Section 5 provides for an extension of any building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from January 1, 2012, through January 1, 2014, and also any local government-issued development order or building permit, for a period of 2 years after its previously scheduled date of expiration. Provides the applicant must notify the authorizing agency in writing by December 31, 2012. Extensions granted pursuant to this section shall not exceed 4 years in total.

Section 6 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:

Allowing developers, local governments, and DEO to elect to use the state coordinated review process for certain developments instead of the DRI review process may provide significant cost and time savings for private developers.

C. Government Sector Impact:

Indeterminate, but expected to be minimal. Staff of the Division of Community Planning do not anticipate that the bill will have any net impact on workload.[49]

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 Community Affairs on February 6, 2012
The CS makes changes to the language of the Development of Regional Impact procedures and exemptions. The CS creates a section of law regarding agricultural lands surrounded by other land uses. The CS extends the deadline for those who qualify for two-year permit extensions.

B. Amendments:

None.

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

[49] Staff Analysis of SB 1180, Department of Economic Opportunity (Dec. 22, 2011) (on file with the Senate Community Affairs Committee).

103136

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 259 - 273
4 and insert:
5 (x) Any proposed development that is located in a local
6 government jurisdiction that does not qualify for an exemption
7 based on the population and density criteria in paragraph
8 (29)(a), that is approved as a comprehensive plan amendment
9 adopted pursuant to s. 163.3184(4), and that is the subject of
10 an agreement pursuant to s. 288.106(5) is exempt from this
11 section. This exemption becomes effective only upon a written

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12 agreement executed by the applicant, the local government, and
13 the state land planning agency. The state land planning agency
14 shall be a party to the agreement only upon a determination that
15 the development is the subject of an agreement pursuant to s.
16 288.106(5) and that the local government has the capacity to
17 adequately assess the impacts of the proposed development. The
18 local government shall be a party to the agreement only upon
19 approval by its elected governing body and upon providing notice
20 at least 21 days before such approval to adjacent local
21 governments, which must include, at a minimum, information
22 regarding the location, density and intensity of use, and timing
23 of the proposed development. This exemption does not apply to
24 areas within the boundary of any area of critical state concern
25 designated pursuant to s. 380.05, within the boundary of the
26 Wekiva Study Area as described in s. 369.316, or within 2 miles
27 of the boundary of the Everglades Protection Area as defined in
28 s. 373.4592(2).
29
30 ========== T I T L E A M E N D M E N T ==========
31 And the title is amended as follows:
32 Delete line 18
33 and insert:
34 certain jurisdictions; requiring that an agreement
35 under s. 288.106, F.S., which relates to a tax refund
36 program for qualified target industry businesses, be
37 executed as a condition for such exemption; providing
38 notice requirements; providing applicability;

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 325 - 362
4 and insert:
5 163.3165 Agricultural lands surrounded by a single land
6 use.—
7 (1) Notwithstanding any provision of ss. 163.3162 and
8 163.3164 to the contrary, the owner of a parcel of land located
9 in an unincorporated area of a county that qualifies under this
10 section may apply for an amendment to the local government
11 comprehensive plan pursuant to s. 163.3184. The amendment is

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12 presumed not to be urban sprawl as defined in s.163.3164 if it
13 proposes land uses and intensities of use which are consistent
14 with the existing uses and intensities of use of, or consistent
15 with the uses and intensities of use authorized for, the
16 industrial, commercial, or residential areas that surround the
17 parcel. If the parcel of land that is the subject of an
18 application for an amendment under this section is abutted on
19 all sides by land having only one land use designation, the same
20 land use designation shall be presumed by the county to be
21 appropriate for the parcel. The county shall, after considering
22 the proposed density and intensity, grant the parcel the same
23 land use designation as the surrounding parcels that abut the
24 parcel unless the county finds by clear and convincing evidence
25 that such grant would be detrimental to the health, safety, and
26 welfare of its citizens.
27 (2) In order to qualify as an agricultural enclave under
28 this section, the parcel of land must be a parcel that:
29 (a) Is owned by a single person or entity;
30 (b) Has been in continuous use for bona fide agricultural
31 purposes, as defined by s. 193.461, for a period of 5 years
32 before the date of any comprehensive plan amendment application;
33 (c) Is surrounded on at least 95 percent of its perimeter
34 by property that the local government has designated as land
35 that may be developed for industrial, commercial, or residential
36 purposes; and
37 (d) Does not exceed 650 acres but is not smaller than 500
38 acres.
39
40 In order to qualify for the redesignation as an enclave, the

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41 owner of a parcel of land meeting the requirements of paragraphs
42 (a)-(d) must apply for the redesignation by January 1, 2014.
43 Section 5. (1) Except as provided in subsection (4), and in
44 recognition of 2012 real estate market conditions, any building
45 permit, and any permit issued by the Department of Environmental
46 Protection or by a water management district pursuant to part IV
47 of chapter 373, Florida Statutes, which has an expiration date
48 from January 1, 2011, through January 1, 2014, is extended and
49
50 ========== T I T L E A M E N D M E N T ==========
51 And the title is amended as follows:
52 Delete line 26
53 and insert:
54 a 3-year permit extension; providing an effective

By the Committee on Community Affairs; and Senator Bennett

578-02950-12 20121180c1

A bill to be entitled

An act relating to growth management; amending s. 163.3184, F.S.; requiring that comprehensive plan amendments proposing certain developments follow the state coordinated review process; amending s. 380.06, F.S.; limiting the scope of certain recommendations and comments by reviewing agencies regarding proposed developments; revising certain review criteria for reports and recommendations on the regional impact of proposed developments; requiring regional planning agency reports to contain recommendations consistent with the standards of state permitting agencies and water management districts; providing that specified changes to a development order are not substantial deviations; providing an exemption from development-of-regional-impact review for proposed developments that meet specified criteria and are located in certain jurisdictions; providing applicability; amending s. 380.115, F.S.; revising conditions under which a local government is required to rescind a development-of-regional-impact development order; creating s. 163.3165, F.S.; providing for application and approval of an amendment to the local comprehensive plan by the owner of land that meets certain criteria as an agricultural enclave; creating a 2-year permit extension; providing an effective date.

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

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

578-02950-12 20121180c1

Section 1. Paragraph (c) of subsection (2) of section 163.3184, Florida Statutes, is amended to read:

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

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; propose a development pursuant to s. 380.06(24)(x); or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167 shall follow the state coordinated review process in subsection (4).

Section 2. Paragraph (a) of subsection (7), subsection (12), and paragraph (e) of subsection (19) of section 380.06, Florida Statutes, are amended, and paragraph (x) is added to subsection (24) of that section, to read:

380.06 Developments of regional impact.—

(7) PREAPPLICATION PROCEDURES.—

(a) Before filing an application for development approval, the developer shall contact the regional planning agency having ~~with~~ jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as

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59 applied to the proposed development. The levels of service
60 required in the transportation methodology shall be the same
61 levels of service used to evaluate concurrency in accordance
62 with s. 163.3180. The regional planning agency shall provide the
63 developer information about the development-of-regional-impact
64 process and the use of preapplication conferences to identify
65 issues, coordinate appropriate state and local agency
66 requirements, and otherwise promote a proper and efficient
67 review of the proposed development. If an agreement is reached
68 regarding assumptions and methodology to be used in the
69 application for development approval, the reviewing agencies may
70 not subsequently object to those assumptions and methodologies
71 unless subsequent changes to the project or information obtained
72 during the review make those assumptions and methodologies
73 inappropriate. The reviewing agencies may make only
74 recommendations or comments regarding a proposed development
75 which are consistent with the statutes, rules, or adopted local
76 government ordinances that are applicable to developments in the
77 jurisdiction where the proposed development is located.
78 (12) REGIONAL REPORTS.—
79 (a) Within 50 days after receipt of the notice of public
80 hearing required in paragraph (11)(c), the regional planning
81 agency, if one has been designated for the area including the
82 local government, shall prepare and submit to the local
83 government a report and recommendations on the regional impact
84 of the proposed development. In preparing its report and
85 recommendations, the regional planning agency shall identify
86 regional issues based upon the following review criteria and
87 make recommendations to the local government on these regional

88 issues, specifically considering whether, and the extent to
89 which:
90 1. The development will have a favorable or unfavorable
91 impact on state or regional resources or facilities identified
92 in the applicable state or regional plans. As used in ~~For the~~
93 ~~purposes of~~ this subsection, the term "applicable state plan"
94 means the state comprehensive plan. As used in ~~For the purposes~~
95 ~~of~~ this subsection, the term "applicable regional plan" means an
96 ~~adopted comprehensive regional policy plan until the adoption of~~
97 ~~a strategic regional policy plan pursuant to s. 186.508, and~~
98 ~~thereafter means an~~ adopted strategic regional policy plan.
99 2. The development will significantly impact adjacent
100 jurisdictions. At the request of the appropriate local
101 government, regional planning agencies may also review and
102 comment upon issues that affect only the requesting local
103 government.
104 3. As one of the issues considered in the review in
105 subparagraphs 1. and 2., the development will favorably or
106 adversely affect the ability of people to find adequate housing
107 reasonably accessible to their places of employment if the
108 regional planning agency has adopted an affordable housing
109 policy as part of its strategic regional policy plan. The
110 determination should take into account information on factors
111 that are relevant to the availability of reasonably accessible
112 adequate housing. Adequate housing means housing that is
113 available for occupancy and that is not substandard.
114 (b) The regional planning agency report must contain
115 recommendations that are consistent with the standards required
116 by the applicable state permitting agencies or the water

117 management district.
118 (c) ~~(b)~~ At the request of the regional planning agency,
119 other appropriate agencies shall review the proposed development
120 and shall prepare reports and recommendations on issues that are
121 clearly within the jurisdiction of those agencies. Such agency
122 reports shall become part of the regional planning agency
123 report; however, the regional planning agency may attach
124 dissenting views. When water management district and Department
125 of Environmental Protection permits have been issued pursuant to
126 chapter 373 or chapter 403, the regional planning council may
127 comment on the regional implications of the permits but may not
128 offer conflicting recommendations.
129 (d) ~~(c)~~ The regional planning agency shall afford the
130 developer or any substantially affected party reasonable
131 opportunity to present evidence to the regional planning agency
132 head relating to the proposed regional agency report and
133 recommendations.
134 (e) ~~(d)~~ If ~~When~~ the location of a proposed development
135 involves land within the boundaries of multiple regional
136 planning councils, the state land planning agency shall
137 designate a lead regional planning council. The lead regional
138 planning council shall prepare the regional report.
139 (19) SUBSTANTIAL DEVIATIONS.—
140 (e)1. Except for a development order rendered pursuant to
141 subsection (22) or subsection (25), a proposed change to a
142 development order which ~~that~~ individually or cumulatively with
143 any previous change is less than any numerical criterion
144 contained in subparagraphs (b)1.-10. and does not exceed any
145 other criterion, or which ~~that~~ involves an extension of the

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146 buildout date of a development, or any phase thereof, of less
147 than 5 years is not subject to the public hearing requirements
148 of subparagraph (f)3., and is not subject to a determination
149 pursuant to subparagraph (f)5. Notice of the proposed change
150 shall be made to the regional planning council and the state
151 land planning agency. Such notice must ~~shall~~ include a
152 description of previous individual changes made to the
153 development, including changes previously approved by the local
154 government, and must ~~shall~~ include appropriate amendments to the
155 development order.
156 2. The following changes, individually or cumulatively with
157 any previous changes, are not substantial deviations:
158 a. Changes in the name of the project, developer, owner, or
159 monitoring official.
160 b. Changes to a setback which ~~that~~ do not affect noise
161 buffers, environmental protection or mitigation areas, or
162 archaeological or historical resources.
163 c. Changes to minimum lot sizes.
164 d. Changes in the configuration of internal roads which
165 ~~that~~ do not affect external access points.
166 e. Changes to the building design or orientation which ~~that~~
167 stay approximately within the approved area designated for such
168 building and parking lot, and which do not affect historical
169 buildings designated as significant by the Division of
170 Historical Resources of the Department of State.
171 f. Changes to increase the acreage in the development, if
172 ~~provided that~~ no development is proposed on the acreage to be
173 added.
174 g. Changes to eliminate an approved land use, if ~~provided~~

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175 ~~that~~ there are no additional regional impacts.
176 h. Changes required to conform to permits approved by any
177 federal, state, or regional permitting agency, if ~~provided that~~
178 these changes do not create additional regional impacts.
179 i. Any renovation or redevelopment of development within a
180 previously approved development of regional impact which does
181 not change land use or increase density or intensity of use.
182 j. Changes that modify boundaries and configuration of
183 areas described in subparagraph (b)11. due to science-based
184 refinement of such areas by survey, by habitat evaluation, by
185 other recognized assessment methodology, or by an environmental
186 assessment. In order for changes to qualify under this sub-
187 subparagraph, the survey, habitat evaluation, or assessment must
188 occur before ~~prior to~~ the time that a conservation easement
189 protecting such lands is recorded and must not result in any net
190 decrease in the total acreage of the lands specifically set
191 aside for permanent preservation in the final development order.
192 k. Changes that do not increase the number of external peak
193 hour trips and do not reduce open space and conserved areas
194 within the project except as otherwise permitted by sub-
195 subparagraph j.
196 l.~~k.~~ Any other change that ~~which~~ the state land planning
197 agency, in consultation with the regional planning council,
198 agrees in writing is similar in nature, impact, or character to
199 the changes enumerated in sub-subparagraphs a.-k. ~~a. j.~~ and that
200 ~~which~~ does not create the likelihood of any additional regional
201 impact.
202
203 This subsection does not require the filing of a notice of

204 proposed change but requires ~~shall require~~ an application to the
205 local government to amend the development order in accordance
206 with the local government's procedures for amendment of a
207 development order. In accordance with the local government's
208 procedures, including requirements for notice to the applicant
209 and the public, the local government shall either deny the
210 application for amendment or adopt an amendment to the
211 development order which approves the application with or without
212 conditions. Following adoption, the local government shall
213 render to the state land planning agency the amendment to the
214 development order. The state land planning agency may appeal,
215 pursuant to s. 380.07(3), the amendment to the development order
216 if the amendment involves sub-subparagraph g., sub-subparagraph
217 h., sub-subparagraph j., ~~or~~ sub-subparagraph k., or sub-
218 subparagraph l. and if the agency ~~it~~ believes that the change
219 creates a reasonable likelihood of new or additional regional
220 impacts.
221 3. Except for the change authorized by sub-subparagraph
222 2.f., any addition of land not previously reviewed or any change
223 not specified in paragraph (b) or paragraph (c) shall be
224 presumed to create a substantial deviation. This presumption may
225 be rebutted by clear and convincing evidence.
226 4. Any submittal of a proposed change to a previously
227 approved development must ~~shall~~ include a description of
228 individual changes previously made to the development, including
229 changes previously approved by the local government. The local
230 government shall consider the previous and current proposed
231 changes in deciding whether such changes cumulatively constitute
232 a substantial deviation requiring further development-of-

233 regional-impact review.
234 5. The following changes to an approved development of
235 regional impact shall be presumed to create a substantial
236 deviation. Such presumption may be rebutted by clear and
237 convincing evidence.
238 a. A change proposed for 15 percent or more of the acreage
239 to a land use not previously approved in the development order.
240 Changes of less than 15 percent shall be presumed not to create
241 a substantial deviation.
242 b. Notwithstanding any provision of paragraph (b) to the
243 contrary, a proposed change consisting of simultaneous increases
244 and decreases of at least two of the uses within an authorized
245 multiuse development of regional impact which was originally
246 approved with three or more uses specified in s. 380.0651(3)(c),
247 (d), and (e) and residential use.
248 6. If a local government agrees to a proposed change, a
249 change in the transportation proportionate share calculation and
250 mitigation plan in an adopted development order as a result of
251 recalculation of the proportionate share contribution meeting
252 the requirements of s. 163.3180(5)(h) in effect as of the date
253 of such change shall be presumed not to create a substantial
254 deviation. For purposes of this subsection, the proposed change
255 in the proportionate share calculation or mitigation plan may
256 ~~shall~~ not be considered an additional regional transportation
257 impact.
258 (24) STATUTORY EXEMPTIONS.—
259 (x) Any proposed development that is located in a local
260 government jurisdiction that does not qualify for an exemption
261 based on the population and density criteria in s.

262 380.06(29)(a), that is approved as a comprehensive plan
263 amendment adopted pursuant to s. 163.3184(4), that qualifies for
264 an incentive program pursuant to chapter 288, and for which the
265 developer, the local government, and the Department of Economic
266 Opportunity agree in writing that the development-of-regional-
267 impact review process does not apply is exempt from this
268 section. This exemption does not apply to areas within the
269 boundary of any area of critical state concern designated
270 pursuant to s. 380.05, within the boundary of the Wekiva Study
271 Area as described in s. 369.316, or within 2 miles of the
272 boundary of the Everglades Protection Area as defined in s.
273 373.4592(2).
274
275 If a use is exempt from review as a development of regional
276 impact under paragraphs (a)-(u), but will be part of a larger
277 project that is subject to review as a development of regional
278 impact, the impact of the exempt use must be included in the
279 review of the larger project, unless such exempt use involves a
280 development of regional impact that includes a landowner,
281 tenant, or user that has entered into a funding agreement with
282 the Department of Economic Opportunity under the Innovation
283 Incentive Program and the agreement contemplates a state award
284 of at least $50 million.
285 Section 3. Subsection (1) of section 380.115, Florida
286 Statutes, is amended to read:
287 380.115 Vested rights and duties; effect of size reduction,
288 changes in guidelines and standards.—
289 (1) A change in a development-of-regional-impact guideline
290 and standard does not abridge or modify any vested or other

291 right or any duty or obligation pursuant to any development
292 order or agreement that is applicable to a development of
293 regional impact. A development that has received a development-
294 of-regional-impact development order pursuant to s. 380.06, but
295 is no longer required to undergo development-of-regional-impact
296 review by operation of a change in the guidelines and standards
297 or has reduced its size below the thresholds in s. 380.0651, or
298 a development that is exempt pursuant to s. 380.06(24) or (29)
299 ~~380.06(29)~~ shall be governed by the following procedures:
300 (a) The development shall continue to be governed by the
301 development-of-regional-impact development order and may be
302 completed in reliance upon and pursuant to the development order
303 unless the developer or landowner has followed the procedures
304 for rescission in paragraph (b). Any proposed changes to those
305 developments which continue to be governed by a development
306 order shall be approved pursuant to s. 380.06(19) as it existed
307 before ~~prior to~~ a change in the development-of-regional-impact
308 guidelines and standards, except that all percentage criteria
309 shall be doubled and all other criteria shall be increased by 10
310 percent. The development-of-regional-impact development order
311 may be enforced by the local government as provided by ss.
312 380.06(17) and 380.11.
313 (b) If requested by the developer or landowner, the
314 development-of-regional-impact development order shall be
315 rescinded by the local government having jurisdiction upon a
316 showing that all required mitigation related to the amount of
317 development that existed on the date of rescission has been
318 completed or will be completed under an existing permit or
319 equivalent authorization issued by a governmental agency as

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320 defined in s. 380.031(6), provided such permit or authorization
321 is subject to enforcement through administrative or judicial
322 remedies.
323 Section 4. Section 163.3165, Florida Statutes, is created
324 to read:
325 163.3165 Agricultural lands surrounded by other land uses.—
326 (1) Notwithstanding any provision of ss. 163.3162 and
327 163.3164 to the contrary, the owner of a parcel of land that
328 qualifies under this section may apply for an amendment to the
329 local government comprehensive plan pursuant to s. 163.3184. The
330 amendment is presumed not to be urban sprawl as defined in
331 s.163.3164 if it proposes land uses and intensities of use which
332 are consistent with the existing uses and intensities of use of,
333 or consistent with the uses and intensities of use authorized
334 for, the industrial, commercial, or residential areas that
335 surround the parcel. If the parcel of land that is the subject
336 of an application for an amendment under this section is abutted
337 by land having only one land use designation, the same land use
338 designation shall be presumed by the county to be appropriate
339 for the parcel and the county shall grant the parcel the same
340 land use designation as the surrounding parcel that abuts the
341 parcel.
342 (2) In order to qualify as an agricultural enclave under
343 this section, the parcel of land must be a parcel that:
344 (a) Is owned by a single person or entity;
345 (b) Has been in continuous use for bona fide agricultural
346 purposes, as defined by s. 193.461, for a period of 5 years
347 before the date of any comprehensive plan amendment application;
348 (c) Is either:

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349 1. Surrounded on at least 90 percent of its perimeter by
350 property that the local government has designated as land that
351 may be developed for industrial, commercial, or residential
352 purposes; or
353 2. Surrounded within a 1-mile radius by existing or
354 authorized residential development that will result in a density
355 at build out of at least 1,000 residents per square mile; and
356 (d) Does not exceed 640 acres.
357 Section 5. (1) Except as provided in subsection (4), and in
358 recognition of 2012 real estate market conditions, any building
359 permit, and any permit issued by the Department of Environmental
360 Protection or by a water management district pursuant to part IV
361 of chapter 373, Florida Statutes, which has an expiration date
362 from January 1, 2012, through January 1, 2014, is extended and
363 renewed for a period of 2 years after its previously scheduled
364 date of expiration. This extension includes any local
365 government-issued development order or building permit,
366 including certificates of levels of service. This section does
367 not prohibit conversion from the construction phase to the
368 operation phase upon completion of construction. This extension
369 is in addition to any existing permit extension. Extensions
370 granted pursuant to this section; section 14 of chapter 2009-96,
371 Laws of Florida, as reauthorized by section 47 of chapter 2010-
372 147, Laws of Florida; section 46 of chapter 2010-147, Laws of
373 Florida; section 74 of chapter 2011-139, Laws of Florida; or
374 section 79 of chapter 2011-139, Laws of Florida, may not exceed
375 4 years in total. Further, specific development order extensions
376 granted pursuant to s. 380.06(19)(c)2., Florida Statutes, may
377 not be further extended by this section.

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378 (2) The commencement and completion dates for any required
379 mitigation associated with a phased construction project are
380 extended so that mitigation takes place in the same timeframe
381 relative to the phase as originally permitted.
382 (3) The holder of a valid permit or other authorization
383 that is eligible for the 2-year extension must notify the
384 authorizing agency in writing by December 31, 2012, identifying
385 the specific authorization for which the holder intends to use
386 the extension and the anticipated timeframe for acting on the
387 authorization.
388 (4) The extension provided for in subsection (1) does not
389 apply to:
390 (a) A permit or other authorization under any programmatic
391 or regional general permit issued by the Army Corps of
392 Engineers.
393 (b) A permit or other authorization held by an owner or
394 operator determined to be in significant noncompliance with the
395 conditions of the permit or authorization as established through
396 the issuance of a warning letter or notice of violation, the
397 initiation of formal enforcement, or other equivalent action by
398 the authorizing agency.
399 (c) A permit or other authorization that, if granted an
400 extension, would delay or prevent compliance with a court order.
401 (5) Permits extended under this section shall continue to
402 be governed by the rules in effect at the time the permit was
403 issued, except if it is demonstrated that the rules in effect at
404 the time the permit was issued would create an immediate threat
405 to public safety or health. This provision applies to any
406 modification of the plans, terms, and conditions of the permit

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

407 which lessens the environmental impact, except that any such
408 modification does not extend the time limit beyond 2 additional
409 years.
410 (6) This section does not impair the authority of a county
411 or municipality to require the owner of a property that has
412 notified the county or municipality of the owner's intent to
413 receive the extension of time granted pursuant to this section
414 to maintain and secure the property in a safe and sanitary
415 condition in compliance with applicable laws and ordinances.
416 Section 6. This act shall take effect July 1, 2012.

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

S1180
GENERAL BILL/CS by CA, Bennett; (Compare CS/CS/CS/CS/2ND ENG/H 0503, CS/CS/H 0979)
Growth Management. EFFECTIVE DATE: 07/01/2012.
03/08/12 S Read 2nd time -SJ 999 ; Substituted CS/CS/HB 979 -SJ 999 ; Laid on Table, companion bill(s) passed, see CS/CS/HB 979 (Ch. 2012-75), CS/CS/CS/CS/HB 503 (Ch. 2012-205) -SJ 999

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/SB 854

INTRODUCER: Transportation Committee; and Senator Evers

SUBJECT: Teenage Drivers

DATE: February 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	**Fav/CS**
2.	Smith	Meyer	BTA	**Pre-meeting**
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

This bill creates section 322.097, F.S., the Teen Electronic Event Notification Service (TEENS). TEENS is an optional program that provides parents and guardians with an e-mail or text message notification each time a conviction of a traffic violation or at-fault vehicle crash is added to their teen's driving record. TEENS also provides notifications every time the teen receives notice of pending or actual license suspension, revocation, disqualification, withdrawal or cancellation. The bill gives the Department of Highway Safety and Motor Vehicles (DHSMV) the authority to prescribe the forms for applications to join TEENS and requires the charging of a one-time $5 fee to cover the administrative costs of the notifications. Any excess funds generated will be used to promote safe driving by teenagers.

II. Present Situation:

Vehicle crashes are the leading cause of death for teens in Florida and throughout the United States.[1] During the first year of driving, teens face their greatest accident risk.[2] For example, one

[1] Florida Department of Highway Safety and Motor Vehicles, *Teach Your Teen to Drive with Care*, available at http://www.flhsmv.gov/teens/parent_home.html (last accessed December 22, 2011).

out of every five licensed 16 year-olds will be in a vehicle crash.[3] In 2007, 306 Florida teens between the ages of 15-19 died in motor vehicle crashes.[4] These accidents may result from teen drivers' inexperience and inability to understand the risks of driving or a lack of judgment resulting from incomplete brain development, as human brains develop well into the 20s.[5] To combat these risks, Florida has implemented laws and rules to mitigate teen driving accidents.

Florida Rules for Teenage Drivers:

After reaching the age of 15, submitting a parental consent form and passing a Traffic Law and Substance Abuse Course as well as written, vision and hearing tests, teens may apply for a Learner's License.[6] Learner's Licenses allow a person under the age of 18 to drive only while accompanied by a licensed driver of 21 years or older in the front passenger seat.[7] For the first three months after obtaining the Learner's License, a teen may only drive during daylight hours.[8] Following the three months, a teen may drive from the daylight hours until 10 p.m.[9]

After holding a Learner's License for at least one year without any traffic convictions, a teen may earn an Intermediate License.[10] The Intermediate License allows teens to drive to or from work or with a licensed driver of at least 21 years of age in the front passenger seat without time restrictions.[11] At all other times, teens with Intermediate licenses must only drive during certain hours based on the teen's age: From 16 to 17 years of age, the permissible driving hours with an Intermediate License are from 6 a.m. until 11 p.m.[12] From 17 to 18, the Intermediate Licensee's permissible driving hours are from 5 a.m. until 1 a.m.[13] When teens reach the age of 18, these restrictions are removed and the state grants a full privilege license.[14]

In addition to the hourly limitations, a number of other acts may result in the restriction or revocation of a teen's driving privileges. First, if a teen is convicted of a traffic violation while only having a Learner's License, the teen cannot apply for an Intermediate License for one year from the conviction date or until turning 18 years old.[15] Second, if the teen receives six points on his/her driving record within a 12 month period, that teen's driving will be limited to "business purposes only" for 12 months or until the teen turns 18 years old.[16] For each additional point above the six, the restriction is extended 90 days.[17] Third, if a driver under 21 years of age has a blood alcohol level of .02 or more, the driver's license will be administratively suspended for six

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[2] *Id*.
[3] *Id*.
[4] *Id*.
[5] *Id*.
[6] Florida Department of Highway Safety and Motor Vehicles, *Graduated Driving Laws*, available at http://www.flhsmv.gov/teens/parent_gdl.html (last accessed Feb. 20, 2012).
[7] *Id*.
[8] *Id*.
[9] *Id*.
[10] *Id*.
[11] *Id*.
[12] *Id*.
[13] *Id*.
[14] *Id*.
[15] *Id*.
[16] *Id*.
[17] *Id*.

months.[18] A second offense results in a one-year suspension.[19] Refusal to submit to testing creates a suspension of twelve months and a second offense results in an 18-month administrative suspension.[20] Fourth, a teen's license may be suspended for truancy from school until the student provides proof of attendance for 30 consecutive days.[21] Lastly, a conviction of tobacco possession for a teen under 18 years old will result in the revocation of his or her license from six months to one year.[22]

Courts may impose additional or harsher sanctions for infractions under chs. 318 and 322, F.S.[23] For example, a court may require a minor and his or her parents and guardians to participate in a registered youthful monitoring service as one of the sanctions for a violation of the Florida Uniform Traffic Control Law.[24]

Youthful Driver Monitoring Services

Section 318.1435, F.S., enables private vendors that provide teen driver monitoring services to register with the DHSMV. The vendors must provide a description of their services and contact information for the manager in charge of the service to the DHSMV when registering. A number of vendors that provide and perform various monitoring and safety functions make up these "youthful driver monitoring services." The services range from supplying car magnets and window stickers with toll-free numbers for reporting inappropriate driving practices to GPS-enabled phone or other dedicated GPS tracker devices that inform parents or guardians of real-time location, speed and direction of their teen drivers on an online map.[25] Parents or guardians must enter into contracts with the private entities providing these services and the service provider must deliver timely reports of inappropriate driving practices by the minor.[26]

Florida Driver's License Check

The DHSMV's website currently grants parents the ability to check both the current driver status and a review of the driver history for a child under the age of 18 at no cost.[27]

New York State DMV's TEENS Program

The New York Department of Motor Vehicles recently launched a Teen Electronic Event Notification Service[28] (NY TEENS); a comparable program to what this bill creates. NY TEENS is an optional program for parents or guardians to receive notifications whenever a driver under

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[18] *Id*.
[19] *Id*.
[20] *Id*.
[21] *Id*.
[22] *Id*.
[23] Specifically, s. 318.143, Fla. Stat., details the sanctions for traffic infractions by minors.
[24] § 318.143 (f), Fla. Stat. (2011).
[25] For a list and description of vendors and services, *see* Florida Department of Highway Safety and Motor Vehicles, *Florida Youth Driver Monitoring Service Registration Pursuant to Section 318.1435, Florida Statutes*, available at http://www3.hsmv.state.fl.us/ddl/drivingschools/youthservices.cfm (last accessed Feb. 20, 2011).
[26] *Id*.
[27] Florida Department of Highway Safety and Motor Vehicles, *Analysis for Senate Bill 854 - Teenage Drivers*, (December 22, 2011.) (on file with Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations); *see* Florida Department of Highway Safety and Motor Vehicles, *Driver License Check*, available at https://www6.hsmv.state.fl.us/DLCheck/main.jsp (last accessed Feb. 20, 2012).
[28] New York State Department of Motor Vehicles, *TEENS (Teen Electronic Notification Service) Program FAQs*, available at http://www.nydmv.state.ny.us/youngerdriver/teensfaqs.htm (last accessed Feb. 20, 2011).

the age of 18 receives a ticket, conviction, suspension, revocation, or is involved in an accident that meets the report threshold requirements—Only accidents that involve a death, personal injury or property damage to any one person in excess of $1,000 and that are reported by the police or motorists will appear on a driver's file and invoke NY TEENS notification.[29] This service is voluntary and parents and guardians receive the notification through a mailed letter or via email.[30] The notifications are strictly informational and do not impact DMV actions.[31] To participate in NY TEENS, the teen needs to have a New York driver's permit or license and the parent or guardian must have a New York license or non-driver ID.[32] The program was designed to inform parents or guardians of any risky habits their teens may develop and to encourage parents and guardians to take more active roles in the development of their teens' safe driving behaviors.[33] No fee is charged for this service in New York.[34]

III. Effect of Proposed Changes:

Section 1 creates s. 322.097, F.S., and establishes a Teen Electronic Event Notification Service (TEENS). TEENS is an optional program administered by the DHSMV that notifies parents or guardians whenever the driving record of their 15, 16 or 17 year old changes as a result of a conviction of a traffic violation or involvement in an at-fault vehicle crash. It also provides notifications when their teen receives notice of pending or actual suspension, revocation, disqualification, withdrawal or cancellation of the licensee's privilege to drive or hold a driver's license.[35]

The bill delegates the authority to prescribe the forms for these applications to DHSMV. The bill further directs DHSMV to make notifications either electronically to the parent's or guardian's e-mail address or through a telephone text messaging system, as requested by the parent or guardian. The parent or guardian may discontinue these notifications upon request, or they will automatically discontinue when the licensee attains 18 years of age.

DHSMV will charge a one-time $5 fee to cover the administrative costs associated with the notifications and any amounts received that are greater than the cost to administer the program will be used by the DHSMV to promote safe driving by teenagers.

The bill gives DHSMV rulemaking authority to administer the program.

Section 2 establishes an effective date of October 1, 2012

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[29] *Id*.
[30] *Id*.
[31] *Id*.
[32] *Id*.
[33] New York State Department of Motor Vehicles, *TEENS Program*, available at http://www.nydmv.state.ny.us/youngerdriver/teensProgram.htm (last accessed Feb. 20, 2011).
[33] *Id*.
[34] *Id*.
[35] This service only provides notice of a change in the teen's driving record. To obtain details about any incident, it is necessary to acquire a driving record.

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:

Parents and guardians who voluntarily join TEENS must pay a one-time $5 administrative fee to the DHSMV. Parents and guardians can be notified by electronic mail or by telephone text messaging of any traffic citation convictions, for any notifications of or actual suspension, revocation, disqualification, withdrawal or cancellation of the licensee's privilege to drive or hold a driver's license, and any at-fault vehicle crashes that are added to their minor's driving record.

C. Government Sector Impact:

According to the DHSMV, the Information Systems Administration of the DHSMV (ISA) will require approximately 300 non-recurring hours, in order to implement the provisions of this bill.[36] These hours can be incorporated into ISA's normal workload.[37] Additionally, there will be 1500 contracted service hours required at a rate of $100/hour and $10,000 in fees at the Shared Resource Center for additional services, network modifications and configuration changes.[38] Also, the DHSMV's high-level estimate for sending bulk emails and text messages is a recurring cost of $2500/month.[39] Based on these numbers, DHSMV estimates total first year expenditures at $190,000 and recurring expenditures of $30,000 following the first year.[40]

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[36] Florida Department of Highway Safety and Motor Vehicles, *Analysis for Senate Bill 854---Teenage Drivers*, (December 22, 2011) (on file with Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations).
[37] *Id*.
[38] *Id*.
[39] *Id*.
[40] *Id*.

It is indeterminable how many people will sign up for this service. On January 4, 2012 there were a total of 326,669 driver's licenses held by teens aged 15 through 17.[41] If a parent or guardian of 50 percent of these teens sign up for the service, the DHSMV estimates revenue of $816,672 in the first year and $272,224/year in the following years.[42] The estimated revenue is higher in the first year because the service is new and parents or guardians of 15, 16 and 17 year old teens are likely to sign up, whereas the following years approximately 1/3 of this teen population will become 18 and no longer eligible for the program. Concurrently, approximately 1/3 of this population will become 15 years of age and will be eligible for TEENS in subsequent years. Using the estimated 50 percent sign-up rate and multiplying that number by 1/3 of the eligible teen population turning 15 years old, the revenue is estimated at $272,224/year in the years following the first year.[43]

	Year 1 FY 2012-2013	Year 2 FY 2013-2014	Year 3 FY 2014-2015
REVENUE:			
Highway Safety Operating TF:	$816,672	$272,224	$272,224
Total Revenue	$816,672	$272.224	$272,224
EXPENDITURES:			
Highway Safety Operating TF:			
Expenses	$ 30,000	$ 30,000	$ 30,000
Contracted Services	150,000	0	0
Shared Resources Center	10,000	0	0
Total	$ 190,000	$ 30,000	$ 30,000

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.)

Committee Substitute by Transportation on January 19, 2012:
The substitute more accurately depicts when DHSMV will provide notice by striking the provision providing notification after issuance of a traffic citation and adding notifications for pending suspension, revocation, disqualification, withdrawal or

[41] *Id.*
[42] *Id.*
[43] *Id.*

cancellation of the licensee's privilege to drive or hold a driver's license. The vehicle crash notice provision is clarified to require the licensee to be at fault to invoke the notification service. It further clarifies that the fee charged to a parent or guardian is a one-time $5 fee to join TEENS. Lastly, the amendment grants rulemaking authority to the DHSMV to administer this section.

B. Amendments:

None.

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

By the Committee on Transportation; and Senator Evers

596-02041-12 2012854c1

A bill to be entitled

An act relating to teenage drivers; creating s. 322.097, F.S.; providing for the Department of Highway Safety and Motor Vehicles to electronically notify a parent or guardian when certain events are added to the driving record of a minor licensed to drive; providing for discontinuance of the notifications; providing for forms; providing for a fee; providing for the adoption of rules; providing an effective date.

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

Section 1. Section 322.097, Florida Statutes, is created to read:

322.097 Teen electronic event notification service.—

(1) Upon application and receipt of the appropriate fee, as described in subsection (4), from a parent or guardian of a person who has not attained 18 years of age and who holds a valid driver license or learner's driver license, the department shall notify the parent or guardian each time any of the following events is added to the person's driving record:

(a) Conviction of any traffic violation.

(b) A notice of pending suspension, revocation, disqualification, withdrawal, or cancellation of the licensee's privilege to drive or driver license.

(c) Suspension, revocation, disqualification, withdrawal, or cancellation of the licensee's privilege to drive or driver license.

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596-02041-12 2012854c1

(d) An at-fault vehicle crash.

(2) Forms for applications under subsection (1) shall be as prescribed by the department.

(3) Notifications under subsection (1) shall be made electronically to the parent's or guardian's e-mail address or telephone text messaging system, as requested by the parent or guardian. The notifications shall be discontinued upon request by the parent or guardian receiving the notifications or when the licensee attains 18 years of age.

(4) The department shall charge a one-time fee of $5 to cover the administrative costs of the notifications. Any amounts received which are greater than the cost to administer the program shall be used by the department to promote safe driving by teenagers.

(5) The department may adopt rules as necessary to administer this section.

Section 2. This act shall take effect October 1, 2012.

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S0854
GENERAL BILL/CS by TR, Evers; (Similar H 0571)
Teenage Drivers. EFFECTIVE DATE: 10/01/2012.

01/25/12 S Now in Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations
02/23/12 S On Committee agenda-- Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, 02/28/12, 2:15 pm, 110 Senate Office Building --Temporarily Postponed
03/09/12 S Died in Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: SB 812

INTRODUCER: Senator Norman

SUBJECT: Motor Vehicles

DATE: February 17, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	**Favorable**
2.	Abrams	Buford	TR	**Favorable**
3.	Smith	Meyer, R.	BTA	**Favorable**
4.			BC	
5.				
6.				

I. Summary:

The bill authorizes Florida residents who are active military members currently serving in or assigned to another country to obtain one standard registration and license plate without charge. An eligible military member may opt to obtain a specialty license plate, without charge, with the exception of the fee that applies specifically to the chosen specialty license plate.

The bill provides an effective date of July 1, 2012.

The bill creates section 320.08465 of the Florida Statutes.

II. Present Situation:

The Department of Highway Safety and Motor Vehicles (DHSMV) administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a 10-year period and are replaced upon renewal at the end of the 10-year period.[1] The license plate fee for both an original issuance and replacement is $28.00.[2] An advance replacement fee of $2.80 is applied to the annual vehicle registration and is credited towards the next replacement. Section 320.08, F.S., requires the payment of an annual license tax that varies by motor vehicle type and weight; for a standard passenger vehicle weighing between 2,500 and 3,500 pounds, the annual tax is $30.50.

[1] Section 320.06, F.S.

[2] An initial issuance requires a fee of $225, pursuant to s. 320.072, F.S.

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public:

- Standard Plates: The standard license plate currently comes in three configurations, which include the county name designation, the state motto designation, and the state slogan designation.
- Specialty License Plates: Specialty license plates are used to generate revenue for colleges, universities and other civic organizations. The recipient must pay applicable taxes pursuant to ss. 320.08, F.S., and 320.06(1)(b), F.S., and an additional charitable contribution ranging from $15 to $25 as provided in section 320.08056(a) – (zzz), F.S., in order to receive a specialty license plate.
- Personalized Prestige License Plates: Personalized license plates are available to motorists who wish to personalize a license plate. Personalized license plates allow motorists to define the alpha numeric design (up to 7 characters) on a standard plate that must be approved by the DHSMV. The cost for a personalized prestige license plate (in addition to the applicable tax in section 320.08, F.S.) is $15 ($10 use fee and $5 processing fee), pursuant to s. 320.0805, F.S.
- Special Use License Plates: Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. This category of plates primarily includes special military license plates, as well as plates for the handicapped. Examples include the Purple Heart, National Guard, U.S. Armed Forces, Ex-POW, Pearl Harbor, Operation Iraqi Freedom, and Operation Enduring Freedom plates,[3] Disabled Veteran plates,[4] and Paralyzed Veterans of America plates.[5]

III. Effect of Proposed Changes:

Section 1 creates s. 320.08465, F.S., to enable Florida residents who are active military members currently serving in or assigned to another country to be issued one standard registration and license plate without charge. An eligible military member may opt to obtain a specialty license plate, without charge, with the exception of the applicable specialty license plate fee as provided in s. 320.08056(a)-(zzz), F.S.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[3] Section 320.089, F.S. Some of these plates require payment of the annual license tax in s. 320.08, F.S., while others are exempt from the tax.
[4] Section 320.084, F.S. The statute provides that an eligible person may receive one free Disabled Veteran license plate, although other taxes apply.
[5] Section 320.0845, F.S. This plate requires payment of the annual license tax in s. 320.08, F.S.

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:

Active military members who are currently stationed in or assigned to a foreign country can provide proof of eligibility and be issued a license plate at no cost.

C. Government Sector Impact:

On November 30, 2011, the total deployed military service members claiming Florida residency was 7,649.[6] However, the amount of revenue the DHSMV will forego as a result of the bill is indeterminate because the number of Florida registrants who will apply for registrations or plates is unknown.

VI. Technical Deficiencies:

The bill does not specify what constitutes proof of eligibility and what must be submitted by active military members who are currently stationed in or assigned to a foreign country.

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.

[6] Defense Manpower Data Center, Unit*/Home Residence for Service Members Currently Deployed (December 28, 2011) (on file with Senate Transportation Committee).

By Senator Norman

12-00699-12 2012812__

A bill to be entitled

An act relating to motor vehicles; creating s. 320.08465, F.S.; waiving the standard registration and license plate fees and charges for one motor vehicle for any member of the United States Armed Forces who is stationed outside the state; requiring that the applicant pay the applicable fee for any additional motor vehicle registration or license plate or personalized prestige or specialty plate; providing an effective date.

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

Section 1. Section 320.08465, Florida Statutes, is created to read:

320.08465 Waiver of motor vehicle registration and license plate fees for certain active members of the United States Armed Forces.—

(1) Any resident of this state who is an active member of a branch of the United States Armed Forces and is stationed in or assigned to another nation under military orders shall, upon application and proof of eligibility, be issued one standard registration and license plate for a motor vehicle in this state without charge, while stationed in or assigned to such foreign nation. An application for any additional motor vehicle registration or license plate or a personalized prestige or specialty plate must be accompanied by the appropriate fees as provided in this chapter.

(2) An eligible applicant may apply for a specialty license

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12-00699-12 2012812__

plate as provided in s. 320.08056 upon payment of the fee required in that section. All other fees shall be waived as provided in subsection (1).

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

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

S0812
GENERAL BILL by Norman;
Motor Vehicles. EFFECTIVE DATE: 07/01/2012.
02/28/12 S Favorable by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; YEAS 15 NAYS 0
02/29/12 S Now in Budget -SJ 721
03/09/12 S Died in Budget

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: SB 1242

INTRODUCER: Senator Hays

SUBJECT: Broadband Internet Service

DATE: February 6, 2012 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Carter	CU	**Favorable**
2.	Juliachs	Hrdlicka	CM	**Favorable**
3.	Martin	Meyer	BTA	**Pre-meeting**
4.			BC	
5.				
6.				

I. Summary:

The bill designates the Department of Economic Opportunity (DEO) to replace the Department of Management Services (DMS) as the agency responsible for implementing the state's broadband program, and designating DEO as the single state entity to receive and manage all federal State Broadband Initiative funds. The bill also:

- Requires DEO to establish a public-private partnership that will collaboratively perform the work of implementing the broadband program.
- Requires that DEO's strategic plan to increase use of broadband Internet service in Florida be developed with the use of consumer research into residential and business technology utilization data.
- Requires that broadband mapping be developed at the census block level of detail.

The bill substantially amends s. 364.0135, F.S.

II. Present Situation:

In 2008, Congress passed the Broadband Data Improvement Act (BDIA)[1] to improve the quality of federal and state data concerning the availability and quality of broadband services for the purpose of promoting the deployment of affordable broadband services to all parts of the nation. In early 2009, Congress directed the Federal Communications Commission (FCC) to develop a National Broadband Plan to ensure every American has access to broadband capability. Congress also required that this plan include a detailed strategy for achieving affordability and maximizing

[1] Broadband Data Improvement Act, Pub. L. No. 110-385.

the use of broadband to advance "consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes."[2] The plan developed by the FCC can be found at http://www.broadband.gov/plan/.

The American Recovery and Reinvestment Act of 2009 (ARRA)[3] provided $7.2 billion in funding for the purpose of developing and expanding broadband services to rural and underserved communities with a focus on schools, libraries, health care, educational institutions, non-profit community organizations, and the construction of broadband infrastructure. Two federal agencies are handling the distribution of broadband grants/awards through an application process.

The U.S. Department of Agriculture Rural Utilities Service (RUS) was authorized to make loans and grants totaling $2.5 billion for broadband infrastructure projects in rural areas through its Broadband Initiatives Program (BIP).[4] Likewise, the U.S. Department of Commerce National Telecommunications Information Administration (NTIA) was authorized to provide grants totaling $4.7 billion to fund comprehensive broadband infrastructure projects, public computer centers, and sustainable broadband adoption projects through its Broadband Technology Opportunities Program (BTOP).[5]

In 2009, the Legislature enacted s. 364.0135, F.S., for the promotion of broadband. Currently, the statute authorizes the Florida Department of Management Services (DMS) to work collaboratively with Enterprise Florida, Inc. (EFI), state agencies, local governments, private businesses, and community organizations to:

- Monitor the development of broadband Internet service and develop data and maps that provide a baseline assessment of the availability and speed of broadband service throughout Florida;
- Create a strategic plan to increase use of broadband Internet service in Florida;
- Build and facilitate local technology planning teams representing, among others, libraries, schools, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture; and
- Encourage the use of broadband Internet service, especially in rural, unserved, and underserved areas of the state through grant programs.

DMS was also authorized to apply for and accept federal funds, gifts, and donations from individuals, foundations, and private organizations for these purposes. [6]

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[2] Information available at: http://www.broadband.gov/plan/executive-summary/ (last visited February 3, 2012).
[3] The American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5.
[4] Information available at: http://www.broadbandusa.gov/BIPportal/index.htm (last visited February 3, 2012).
[5] Information available at: http://www2.ntia.doc.gov/ (last visited February 3, 2012).
[6] In 2011, the Legislature amended s. 364.0135, F.S., to modify the intent of the program to one that promotes a sustainable adoption of broadband internet service. Sustainable adoption was defined to mean the ability for communication service providers to offer broadband services in all areas of the state by encouraging adoption and utilization levels that allow for these services to be offered in the free market absent the need for governmental subsidy. As such, the statute was also

That same year NTIA launched the State Broadband Initiative (SBI) to implement the purposes of the ARRA and the Broadband Data Improvement Act. According to the NTIA's website,[7] 12 separate entities within Florida have been awarded a combined total of $183.7 million for broadband infrastructure, sustainable adoption, and public computer center projects.[8] A table listing statewide federal award disbursements is provided below:

Grantee	Total Award	Type
City of Tallahassee	$1,212,020	Sustainable Adoption
Communication Service for the Deaf, Inc.	$14,9888,657	Sustainable Adoption
Florida A&M University	$1,477,722	Public Computer Centers
Florida Department of Management Services	**$8,877,028**	**Broadband Data & Development[9]**
Florida Rural Broadband Alliance	$23,693,665	Infrastructure
Level 3 EON, LLC	$2,066,250	Infrastructure
North Florida Broadband Authority	$30,142,676	Infrastructure
One Community	$18,701,771	Sustainable Adoption
One Economy Corporation	$28,519,482	Sustainable Adoption
School Board of Miami-Dade	$3,473,498	Sustainable Adoption
Tampa Housing Authority	$2,131,322	Sustainable Adoption
University Corporation for Advanced Internet Development	$62,540,162	Infrastructure

As noted above, among those awards, DMS was awarded a total of $8,877,028[10] for the following purposes:

- Provide technical assistance to Florida anchor institutions for the E-rate program for increasing school and library telecommunications funding to procure services and technology from the private sector;
- Develop regional planning teams, in partnership with the Florida Regional Planning Councils, to assist in local and regional broadband planning;

amended to require that DMS monitor the adoption of broadband Internet service as opposed to simply conduct a needs assessment statewide. *See* ch. 2011-36, L.O.F; *See also* Analysis for CS/CS/HB 1231 by House State Affairs Committee (April 14, 2011).

[7] Information available at: http://www2.ntia.doc.gov/SBDD (last visited February 3, 2012).

[8] Information available at: http://www2.ntia.doc.gov/florida (last visited February 3, 2012).

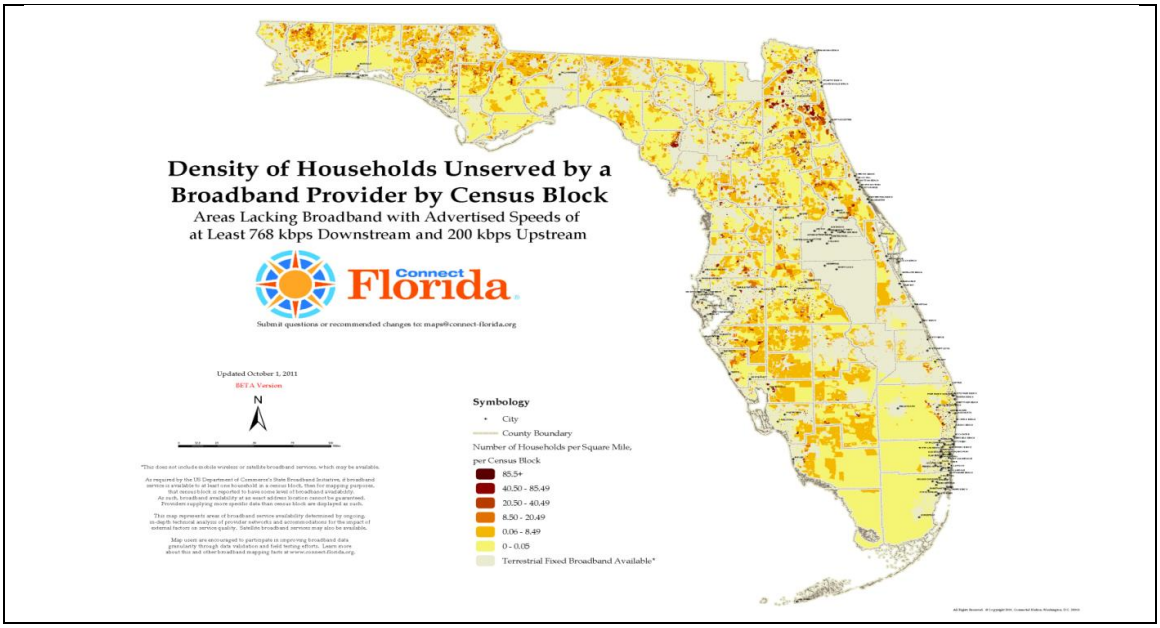
[9] Note that this amount is derived from the SBI fund. To date, NTIA has awarded a total of $293 million to 56 grantees, one each from the 50 states, 5 territories, and the District of Columbia, or their designees from this fund. All other awards reflected in this chart derive from either the BTOP or BIP funds, which are administered respectively by the U.S. Department of Agriculture's Rural Utilities Services and U.S. Department of Commerce.

[10] Information available at: http://www2.ntia.doc.gov/grantee/florida-department-of-management-services (last visited February 3, 2012). According to DMS, it also developed and applied for a broadband adoption grant under the BTOP on two occasions using a "community development" model proposed by Connected Nation, *infra* note 11, though both applications, along with applications from other states proposing similar programs, were denied.

- Provide further funding opportunity development and assistance to anchor institutions to secure additional funding to expand broadband usage throughout the state from the private sector;
- Provide for broadband data inventory, analysis and mapping; and
- Provide technology assessments to libraries for the purpose of increasing funding to purchase broadband from the private sector.

With some of the funds provided through ARRA, DMS partnered with a national organization called Connected Nation[11] to map landline and wireless broadband services using information from service providers and other sources. This mapping project is intended to better identify the location of Florida's unserved and underserved areas.[12]

Provided below is a map that highlights the density of households unserved by a broadband provider by census block. To assist with interpreting the data, the burgundy marks on the map represent the *greatest* density of households that are unserved by broadband while the light yellow markings reflect the *lowest* density of households that are unserved by a broadband provider. In other words, the light yellow markings reflect the greatest density of households that are served by a broadband provider.



Department of Economic Opportunity

In 2011, the Legislature created DEO "to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and

[11] Connected Nation is a nonprofit corporation whose Board of Directors is represented by CTIA-The Wireless Association, the Telecommunications Industry Association, the American Farm Bureau Federation, The Children's Partnership, and Intel. Its work is directed by the board and a National Advisory Council comprised of a number of telecommunications companies and industry organizations, technology companies, and nonprofit organizations. The full list of members can be found at http://connectednation.org/who_we_are/national_advisors/ (last visited February 3, 2012)

[12] The efforts of this project can be found at http://www.connect-florida.org/ (last visited February 3, 2012).

implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians."[13] As such, DEO is charged with the following duties:

- Facilitating the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain businesses in this state; recruit business from around the world; and facilitate other job-creating efforts;
- Recruiting new businesses to this state and promoting the expansion of existing businesses by expediting permitting and location decisions, worker placement and training, as well as incentive awards;
- Promoting viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities;
- Ensuring that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies; and
- Managing the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; rural community development; commercialization of products, services, or ideas developed in public universities or other public institutions; and the development and promotion of professional and amateur sporting events.[14]

III. Effect of Proposed Changes:

Section 1 amends s. 364.0135, F.S., to designate DEO as the agency responsible for receiving and managing federal funds from the U.S. Department of Commerce for state broadband initiatives

This bill also requires DEO to establish a public-private partnership that will work collaboratively with, and receive staffing support and other resources from EFI, state agencies, local governments, private businesses, not-for-profit organizations, and community organizations. Further, DEO is charged with the task of creating a strategic plan, developed through the use of consumer research and residential and business technology utilization data, for the purpose of increasing the use of broadband Internet service in the state.

Finally, this bill specifies broadband mapping be conducted at the census block level of detail. Current law provides that these areas be identified at the census tract level. The effect of this change will require mapping at a higher level of detail.

Section 2 provides that this bill will take effect July 1, 2012.

[13] *See* ch. 2011-142, L.O.F.
[14] Section, 20.60(4), F.S.

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:[15]

According to DMS, there could be losses in the amount of $630,889 to contractors who provide broadband inventory and mapping services if the transfer of grant awards is not approved.

C. Government Sector Impact:[16]

According to DMS, local governments could incur a potential loss in the amount of $502,000 through broadband planning with regional planning councils, loss of increased E-Rate funds for schools and libraries, and loss of federal foundation funds without grants if the transfer of grant awards is not approved.

Additionally, transfer of these awards to a new entity would require approval by the SBI to continue the grants.[17] As per DMS, SBI has approved two transfers, and the process required significant work and lead time for the existing grantee, new grantee, and the SBI office. DMS also indicates that, to achieve approval of such a transfer, the grant award must be transferred in its entirety to the new entity, and the new entity must continue the same work as set forth in the original award. According to DMS, this means that the programs and budgets must remain the same and the staff must remain whole or substantially intact.

---

[15] *See* Analysis for SB 1242 by Department of Management Services (January 6, 2012) (on file with the Senate Committee on Commerce and Tourism).
[16] *Id*.
[17] *See* U.S. Department of Commerce Grants Manual, Chapter 16, W., *Transfer of Award*, available at http://www.osec.doc.gov/oam/grants_management/policy/doc_grants_manual/default.htm (last visited February 3, 2012).

However, Connected Nation provided information that in two states where it has been involved in such a transfer, Alaska and Kansas, the transfer was accomplished by a simple, one-page letter from the governor to The Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, United States Department of Commerce.[18]

According to DEO, the bill does not provide for the transfer of positions and funds from the Department of Management Services; however, DEO will need such resources to administer the state broadband program in accordance with federal grant requirements. [19]

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.

[18] Copies of letters are on file with Senate Committee on Commerce and Tourism (February 3, 2012).
[19] *See* Analysis for SB 1242 by Department of Economic Opportunity (January 17, 2012) (on file with the Senate Committee on Commerce and Tourism).

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete everything after the enacting clause
4 and insert:
5 Section 1. Section 364.0135, Florida Statutes, is amended
6 to read:
7 364.0135 Promotion of broadband adoption.—
8 (1) The Legislature finds that the sustainable adoption of
9 broadband Internet service is critical to the economic, ~~and~~
10 business, and community development of the state and is
11 beneficial for libraries, schools, colleges and universities,

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12 health care providers, and community organizations. The term
13 “sustainable adoption” means the ability for communications
14 service providers to offer broadband services in all areas of
15 the state by encouraging adoption and utilization levels that
16 allow for these services to be offered in the free market absent
17 the need for governmental subsidy.
18 (2) The Department of Economic Opportunity shall be the
19 state’s single designated entity to receive and manage all
20 federal Department of Commerce State Broadband Initiative funds
21 and shall establish a public-private partnership that will
22 ~~Management Services is authorized to~~ work collaboratively with,
23 and ~~to~~ receive staffing support and other resources from,
24 Enterprise Florida, Inc., state agencies, local governments,
25 private businesses, nonprofit corporations, and community
26 organizations to:
27 (a) Monitor the adoption of broadband Internet service in
28 collaboration with communications service providers, including,
29 but not limited to, wireless and wireline Internet service
30 providers, to develop geographical information system maps ~~at~~
31 ~~the census tract level~~ that will, at a minimum:
32 1. Identify geographic gaps in broadband services,
33 including areas unserved by any broadband provider and areas
34 served by a single broadband provider at the census block level
35 of detail;
36 2. Identify the download and upload transmission speeds
37 made available to businesses and individuals in the state, at
38 the census block ~~tract~~ level of detail, using data rate
39 benchmarks for broadband service used by the Federal
40 Communications Commission to reflect different speed tiers; and

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41 3. Provide a baseline assessment of statewide broadband
42 deployment in terms of percentage of households with broadband
43 availability.
44 (b) Create a strategic plan, developed with the use of
45 consumer research into residential and business technology
46 utilization data, which ~~that~~ has goals and strategies for
47 increasing the use of broadband Internet service in the state.
48 (c) Build and facilitate local technology planning teams or
49 partnerships with members representing cross-sections of the
50 community, which may include, but are not limited to,
51 representatives from the following organizations and industries:
52 libraries, K-12 education, colleges and universities, local
53 health care providers, private businesses, community
54 organizations, economic development organizations, local
55 governments, tourism, parks and recreation, and agriculture.
56 (d) Encourage the use of broadband Internet service,
57 especially in the rural, unserved, and underserved communities
58 of the state through grant programs having effective strategies
59 to facilitate the statewide deployment of broadband Internet
60 service. For any grants ~~to be~~ awarded, priority must be given to
61 projects that:
62 1. Provide access to broadband education, awareness,
63 training, access, equipment, and support to libraries, schools,
64 colleges and universities, health care providers, and community
65 support organizations.
66 2. Encourage the sustainable adoption of broadband in
67 primarily unserved areas by removing barriers to entry.
68 3. Work toward encouraging investments in establishing
69 affordable and sustainable broadband Internet service in

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70 unserved areas of the state.
71 4. Facilitate the development of applications, programs,
72 and services, including, but not limited to, telework,
73 telemedicine, and e-learning to increase the usage of, and
74 demand for, broadband Internet service in the state.
75 (3) The department may apply for and accept federal funds
76 for purposes of this section, as well as gifts and donations
77 from individuals, foundations, and private organizations.
78 (4) The department may enter into contracts necessary or
79 useful to carry out the purposes of this section.
80 (5) The department may establish any committee or workgroup
81 to administer and carry out the purposes of this section.
82 (6) The department may adopt rules necessary to carry out
83 the purposes of this section. Any rule, contract, grant, or
84 other activity undertaken by the department shall ensure that
85 all entities are in compliance with any applicable federal or
86 state laws, rules, and regulations, including, but not limited
87 to, those applicable to private entities providing
88 communications services for hire and the requirements of s.
89 350.81.
90 Section 2. All powers, duties, functions, records, offices,
91 property, pending issues, existing contracts, administrative
92 authority, administrative rules, and unexpended balance of
93 appropriations, allocations, and other funds relating to the
94 Broadband Initiative Program in the Department of Management
95 Services are transferred by a type two transfer, as defined in
96 s. 20.06(2), Florida Statutes, to the Department of Economic
97 Opportunity.
98 Section 3. (1) The Department of Management Services, in

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99 consultation with the Department of Economic Opportunity, shall
100 develop and submit to the United States Department of Commerce a
101 request to transfer the federal broadband grant from the
102 Department of Management Services to the Department of Economic
103 Opportunity. Upon receipt from the United States Department of
104 Commerce of its approval or denial of the request for a transfer
105 of the broadband grant, the Department of Management Services
106 shall, in writing, immediately notify the Governor, the
107 President of the Senate, and the Speaker of the House of
108 Representatives of that decision.
109 (2) If the request for a transfer of the federal broadband
110 grant is approved pursuant to subsection (1), the Department of
111 Management Services shall submit a budget amendment for approval
112 by the Legislative Budget Commission pursuant to s.
113 216.292(4)(d), Florida Statutes, to transfer from the department
114 to the Department of Economic Opportunity the funds necessary to
115 implement this act.
116 (3) This section shall take effect upon this act becoming a
117 law.
118 Section 4. Except as otherwise expressly provided in this
119 act and except for this section, which shall take effect upon
120 this act becoming a law, this act shall take effect upon
121 approval of the budget amendment required under section 3.
122
123 ========== T I T L E A M E N D M E N T ==========
124 And the title is amended as follows:
125 Delete everything before the enacting clause
126 and insert:
127 A bill to be entitled

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128 An act relating to broadband Internet service;
129 amending s. 364.0135, F.S.; revising provisions that
130 promote adoption of broadband Internet service;
131 providing for the Department of Economic Opportunity
132 to receive and manage certain federal funds; directing
133 the department to establish a public-private
134 partnership to perform certain functions; authorizing
135 the department to accept certain funds, enter into
136 contracts, and establish committees and workgroups for
137 certain purposes; authorizing the department to adopt
138 rules; removing authority of the Department of
139 Management Services to perform certain functions;
140 providing for a type two transfer of the Broadband
141 Initiative Program from the Department of Management
142 Services to the Department of Economic Opportunity;
143 requiring the Department of Management Services to
144 submit to the United States Department of Commerce a
145 request to transfer its federal broadband grant to the
146 Department of Economic Opportunity; requiring the
147 Department of Management Services to notify the
148 Governor and Legislature of the decision of the United
149 States Department of Commerce; requiring the
150 Department of Management Services, if the request is
151 approved, to submit a budget amendment for approval by
152 the Legislative Budget Commission to transfer from the
153 department to the Department of Economic Opportunity
154 the funds necessary to implement this act; providing a
155 contingent effective date.

By Senator Hays

20-01220-12 20121242__

A bill to be entitled

An act relating to broadband Internet service; amending s. 364.0135, F.S.; adding to the legislative findings that the sustainable adoption of broadband Internet service is critical to community development; designating the Department of Economic Opportunity rather than the Department of Management Services as the agency to receive and manage all federal broadband initiative funds for the state; requiring the Department of Economic Opportunity to establish a public-private partnership to work with certain private and governmental organizations to oversee broadband development; revising the oversight criteria; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 364.0135, Florida Statutes, are amended to read:

364.0135 Promotion of broadband adoption.—

(1) The Legislature finds that the sustainable adoption of broadband Internet service is critical to the economic, ~~and~~ business, and community development of the state and is beneficial for libraries, schools, colleges and universities, health care providers, and community organizations. The term "sustainable adoption" means the ability for communications service providers to offer broadband services in all areas of the state by encouraging adoption and utilization levels that allow for these services to be offered in the free market absent

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

20-01220-12 20121242__

the need for governmental subsidy.

(2) The Department of Economic Opportunity is the agency designated to receive and manage all federal funds from the United States Department of Commerce for state broadband initiatives and shall establish a public-private partnership that will ~~Management Services is authorized to~~ work collaboratively with, and ~~to~~ receive staffing support and other resources from, Enterprise Florida, Inc., state agencies, local governments, private businesses, not-for-profit organizations, and community organizations in order to:

(a) Monitor the adoption of broadband Internet service in collaboration with communications service providers, including, but not limited to, wireless and wireline Internet service providers, to develop geographical information system maps at the census block ~~tract~~ level which ~~that~~ will, at a minimum:

1. Identify geographic gaps in broadband services, including areas unserved by any broadband provider and areas served by a single broadband provider at the census block level of detail;

2. Identify the download and upload transmission speeds made available to businesses and individuals in the state, at the census block ~~tract~~ level of detail, using data rate benchmarks for broadband service used by the Federal Communications Commission to reflect different speed tiers; and

3. Provide a baseline assessment of statewide broadband deployment in terms of percentage of households for which ~~with~~ broadband access is available ~~availability~~.

(b) Create a strategic plan, developed through the use of consumer research into residential and business technology

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

59 utilization data, which ~~that~~ has goals and strategies for
60 increasing the use of broadband Internet service in the state.
61 (c) Build and facilitate local technology planning teams or
62 partnerships with members representing cross-sections of the
63 community, which may include, but are not limited to,
64 representatives from the following organizations and industries:
65 libraries, K-12 education, colleges and universities, local
66 health care providers, private businesses, community
67 organizations, economic development organizations, local
68 governments, tourism, parks and recreation, and agriculture.
69 (d) Encourage the use of broadband Internet service,
70 especially in the rural, unserved, and underserved communities
71 of the state through grant programs having effective strategies
72 to facilitate the statewide deployment of broadband Internet
73 service. For any grants to be awarded, priority must be given to
74 projects that:
75 1. Provide access to broadband education, awareness,
76 training, access, equipment, and support to libraries, schools,
77 colleges and universities, health care providers, and community
78 support organizations.
79 2. Encourage the sustainable adoption of broadband in
80 primarily unserved areas by removing barriers to entry.
81 3. Work toward encouraging investments in establishing
82 affordable and sustainable broadband Internet service in
83 unserved areas of the state.
84 4. Facilitate the development of applications, programs,
85 and services, including, but not limited to, telework,
86 telemedicine, and e-learning to increase the usage of, and
87 demand for, broadband Internet service in the state.

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

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

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

S1242
GENERAL BILL by Hays; (CO-INTRODUCERS) Lynn; Sachs; (Compare CS/H 0945)
Broadband Internet Service. EFFECTIVE DATE: 07/01/2012.
03/09/12 S Read 2nd time -SJ 1188 ; Substituted CS/HB 945 -SJ 1188 ; Laid on Table, companion bill(s) passed, see CS/HB 945 (Ch. 2012-131) -SJ 1188

CourtSmart Tag Report

Room: EL 110 **Case:** **Type:**
Caption: Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations **Judge:**

Started: 2/28/2012 2:17:48 PM
Ends: 2/28/2012 3:31:23 PM **Length: 01:13:36**

2:17:52 PM	Meeting call to order
2:19:14 PM	TAB 2 CS/SB 1398 by Senator Gardiner
2:20:50 PM	AM# 887066 by Senator Gardiner
2:21:20 PM	AM # 602092 by Senator Dean presented by Senator Gardiner
2:21:51 PM	Amendment adopted
2:21:56 PM	AM # 468330 presented by Senator Gardiner
2:22:36 PM	Amendment adopted
2:22:41 PM	AM # 876790 presented by Senator Gardiner
2:22:55 PM	Amendment adopted
2:23:36 PM	CS/SB 1398 Senator Smith move for a CS
2:24:37 PM	CS/SB 1398 passes
2:24:59 PM	TAB #9 SB 1298 by Senator Detert
2:26:34 PM	AM # 583820 presented by Senator Detert
2:26:56 PM	Amendment adopted
2:27:18 PM	Senator Bennett move for CS
2:27:46 PM	CS/SB 1298 passes
2:28:23 PM	TAB #10 SB 1206 by Senator Detert
2:29:35 PM	CS/CS/SB 1206 by Senator Detert passes
2:30:08 PM	TAB #5 SB 1768 Senator Negron
2:31:29 PM	Mr. Brian Pitts spoken on SB 1768
2:32:26 PM	SB 1768 passes
2:33:09 PM	TAB # 6 SB 1068 by Senator Joyner presented by Erron Sturpting
2:34:41 PM	SB 1068 passes
2:35:20 PM	TAB #7 CS/SB 868 by Senator Hays presented by Paul Ramuels
2:36:20 PM	Mr. Ramuel speaking on Amendment # 142302
2:36:36 PM	AM #142302 adopted
2:37:45 PM	Senator Dean move for CS on CS/SB 868
2:38:01 PM	CS/SB 868 passes
2:38:23 PM	TAB # 8 CS/SB 1238 by Senator Hays presented by Mr. Ramusel
2:38:52 PM	AM # 810934 adopted
2:39:10 PM	Senator Bennett move for CS on CS/SB 1238
2:39:40 PM	CS/SB 1238 passes
2:40:37 PM	TAB # 19 SB 1242 by Senator Hays presented by Mr. Ramsuel
2:41:01 PM	Mr. Ramsuel speaks on AM # 889700
2:42:14 PM	AM #889700 adopted
2:42:31 PM	Ms. Gayle M. Perry speaks
2:45:58 PM	Mr. Brian Pitts speaks
2:47:52 PM	Q&A on SB 1242
2:49:25 PM	Senator Dean move for CS
2:49:34 PM	SB 1242 passes
2:50:09 PM	TAB 4 CS/CS/SB 222 by Senator Siplin
2:52:43 PM	CS/CS/SB 222 passes
2:53:40 PM	TAB # 1 SB 1464 by Senator Gaetz
2:54:07 PM	AM# 7135112 adopt
2:54:25 PM	Senator Gaetz move for CS
2:54:36 PM	CS/SB 1464 passes
2:54:54 PM	TAB # 3 CS/SB 1416 by Senator Bogdanoff
2:55:46 PM	AM # 832296 adopted
2:56:46 PM	AM # 729844 adopted
2:57:58 PM	AM # 450510 adopted
2:58:23 PM	AM # 519408 adopted
2:59:00 PM	AM # 127874 W/D

2:59:27 PM	Mr . Brian Pitts speaks on CS/SB 1416
3:01:23 PM	Back on CS/SB 1416
3:01:55 PM	Q & A on CS/SB 1416
3:03:38 PM	Senator Bogdanoff move for CS
3:04:52 PM	CS/SB 1416 passes
3:06:00 PM	Senator Bodanoff asked to be shown voting on SB's 1398, 1298 and 1206
3:06:39 PM	TAB 13 CS/SB 1388 by Senator Bogdanoff
3:07:03 PM	CS/SB 1388 passes
3:07:36 PM	TAB #11 CS/CS/SB 842 by Senator Bennett
3:08:21 PM	AM # 279540 W/D
3:08:55 PM	AM # 940000 by Senator Bennett adopted
3:09:34 PM	AM # 448486 by Senator Bennett adopted
3:09:57 PM	AM # 404122 by Senator Bennett adopted
3:10:44 PM	Back on CS/CS/SB 842
3:11:18 PM	Senator Bennett move for CS
3:11:56 PM	CS/
3:11:58 PM	TAB #12 1494 by Senator Evers
3:12:34 PM	SB 1494 passes
3:13:16 PM	TAB # 14 CS/CS/SB 824 by Senator Dean
3:14:37 PM	CS/CS/SB 824 passes
3:15:21 PM	Tab # 15 292 by Senator Bennett
3:17:14 PM	CS/CS/SB 292 passes
3:17:51 PM	TAB #18 SB 812 by Senator Norman
3:18:30 PM	Mr. Brian Pitts speaks on SB 812
3:19:22 PM	SB 812 passes
3:20:05 PM	Senator Norman asked to be reported voting yea on 222, 1461, and
3:20:39 PM	TAB #16 CS/SB 1180 by Senator Bennett
3:21:30 PM	AM# 103136 adopted
3:24:47 PM	AM # 932440 adopted
3:25:50 PM	Back on the CS/SB 1180
3:26:12 PM	Mr. Eric Poole speaking on CS/SB 1180
3:28:30 PM	Debate on CS/SB 1180
3:29:35 PM	Senator Bennett move for a CS
3:29:49 PM	CS/SB 1180 passes
3:30:48 PM	The
3:31:01 PM	The Chairman gave closing
3:31:13 PM	Senator Dean move to rise

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Budget, *Chair*
Rules, *Vice Chair*
Agriculture
Banking and Insurance
Budget - Subcommittee on Finance and Tax
Budget - Subcommittee on Transportation, Tourism, and Economic Development Appropriations
Education Pre-K - 12
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:
Legislative Budget Commission, *Chair*

SENATOR JD ALEXANDER
17th District

February 28, 2012

Senator Lizbeth Benacquisto, Chair
Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations
326 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Benacquisto,

I respectfully request permission to be absent from the Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, today, February 28, 2012. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

JD Alexander
Senator, District 17

Xc: Reynold Meyer

REPLY TO:
☐ 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (863) 679-4847
☐ 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: *www.flsenate.gov*

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: LIMITED LIABILITY ASSOCIATIONS

Bill Number: SB 222 *(if applicable)*

Name: TIMOTHY RILEY

Amendment Barcode: *(if applicable)*

Job Title: ATTORNEY

Address: 119 S. MONROE, SUITE 300
Street

TALLAHASSEE, FL 32311
City *State* *Zip*

Phone:

E-mail:

Speaking: [X] For [ ] Against [ ] Information

Representing: FLORIDA FARM BUREAU

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

Lobbyist registered with Legislature: [X] 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)

2/28/12
Meeting Date

Topic: Public Notice

Bill Number: SB 292 (if applicable)

Name: Dean Ridings

Amendment Barcode: _____ (if applicable)

Job Title: President

Address: 336 E. College Ave
Street

Tallahassee FL 32301
City State Zip

Phone: 850-521-1162

E-mail: _____

Speaking: [X] For [ ] Against [ ] Information

Representing: Florida Press 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.

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)

2/28/12
Meeting Date

Topic: SB 292

Bill Number: 292 *(if applicable)*

Name: Casey Cook

Amendment Barcode: *(if applicable)*

Job Title: Legislative Advocate

Address: PO Box 1757
Street

Tall. FL 32302
City *State* *Zip*

Phone: 701-3701

E-mail: ccook@flcities.com

Speaking: [x] For [ ] Against [ ] Information

Representing: Florida League of Cities

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

Lobbyist registered with Legislature: [x] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: Legal Notices

Bill Number: 292 (if applicable)

Name:

Amendment Barcode: (if applicable)

Job Title: Asst Leg Director

Address: 100 Monroe St
Street

City State Zip

Phone: 922 4300

E-mail:

Speaking: [x] For [ ] Against [ ] Information

Representing: Florida Association of Counties

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

Lobbyist registered with Legislature: [x] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

28 Feb 12
Meeting Date

Topic: Legal NOTICE

Bill Number: 292 *(if applicable)*

Name: CHARLES Milsted

Amendment Barcode: _____ *(if applicable)*

Job Title: ASSOCIATE STATE DIRECTOR

Address: 200 West College AVENUE
Street

Tallahassee, FL 32301
City *State* *Zip*

Phone: 850-577-5190

E-mail: cmilsted@aarp.org

Speaking: [x] For [ ] Against [ ] Information

Representing: AARP

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

Lobbyist registered with Legislature: [x] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/2012
Meeting Date

Topic _____

Bill Number 812 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☑ Against ☑ Information

Representing JUSTICE-2-JESUS

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/2012
Meeting Date

Amendment below only

Topic: Growth Management

Bill Number: 842 *(if applicable)*

Name: Marsha Hosack

Amendment Barcode: 279540 *(if applicable)*

Job Title: Governmental Relations Manager

Address: 1660 Ringling Blvd.
Street

Sarasota, Fl. 34233
City *State* *Zip*

Phone: 941 650-6968

E-mail: mhosack@scgov.net

Speaking: ☐ For ☒ Against ☐ Information

Representing: Sarasota County Government

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: growth management / BEBR

Bill Number: 842 *(if applicable)*

Name: CHARLES PATTISON

Amendment Barcode: 940000 *(if applicable)*

Job Title: PRESIDENT

Address: 308 N. MONROE
Street

TALLAHASSEE
City *State* *Zip*

Phone: 222-6277

E-mail: cpattison@1000fof.org

Speaking: [x] For [ ] Against [ ] Information

Representing: 1000 FRIENDS OF FLORIDA

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

Lobbyist registered with Legislature: [x] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/2012
Meeting Date

Topic _____

Bill Number 842 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: [✓] For [ ] Against [✓] Information

Representing JUSTICE-2-JESUS

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

February 28, 2012
Meeting Date

Topic: Growth Management

Bill Number: CS/CS/SB 842 *(if applicable)*

Name: Darrick D. McGhee

Amendment Barcode: *(if applicable)*

Job Title: Director, Office of Legislative and Cabinet Affairs

Address: 107 East Madison Street
Street

Tallahassee — *City*
Florida — *State*
32399 — *Zip*

Phone: (850) 245-7370

E-mail: darrick.mcghee@deo.myflorida.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Department of Economic Opportunity

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: Growth Management

Bill Number: 842 *(if applicable)*

Name: Leticia M Adams

Amendment Barcode: _____ *(if applicable)*

Job Title: Director of Infrastructure & Governance Policy

Address: 136 South Bronough Street
Street

Tallahassee — *City*
FL — *State*
32301 — *Zip*

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.

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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)

2/28/12
Meeting Date

Topic: Regional planning councils

Bill Number: SB 842 *(if applicable)*

Name: CHARLES PATTISON

Amendment Barcode: 404122 *(if applicable)*

Job Title: PRESIDENT

Address: 308 N. MONROE
Street

TALLAHASSEE
City *State* *Zip*

Phone: 222-6277

E-mail: cpattison@1000fof.org

Speaking: [x] For [ ] Against [ ] Information

Representing: 1000 FRIENDS OF FLORIDA

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

Lobbyist registered with Legislature: [x] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-28-12
Meeting Date

Topic: Growth Mngt.

Bill Number: 842 *(if applicable)*

Name: Richard Gentry

Amendment Barcode: *(if applicable)*

Job Title:

Address: 2305 BRAEBURN CIR.
Street

TH, FL. 32309
City *State* *Zip*

Phone: 251-1837

E-mail:

Speaking: [X] For [ ] Against [ ] Information

Representing: AIF

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

Lobbyist registered with Legislature: [X] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: plan amendments

Bill Number: 842 *(if applicable)*

Name: CHARLES PATTISON

Amendment Barcode: 404122 *(if applicable)*

Job Title: PRESIDENT

Address: 308 N. MONROE
Street

TALLAHASSEE 32301
City *State* *Zip*

Phone: 222-6277

E-mail: cpattison@1000fof.org

Speaking: ☐ For ☑ Against ☐ Information

Representing: 1000 FRIENDS OF FLORIDA

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)

2/28
Meeting Date

Topic: WORKING DAYS

Bill Number: 842 *(if applicable)*

Name: CHARLES PATTISON

Amendment Barcode: 448486 *(if applicable)*

Job Title: PRESIDENT

Address: 350 N. MONROE
Street

TALLAHASSEE
City *State* *Zip*

Phone: 222-6277

E-mail: cpattison@1000fof.org

Speaking: [x] For [ ] Against [ ] Information

Representing: 1000 FRIENDS OF FLORIDA

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

Lobbyist registered with Legislature: [x] 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)

2 /28 /2012
Meeting Date

Topic _____

Bill Number 854 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☑ Information

Representing JUSTICE-2-JESUS

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)

2/28/12
Meeting Date

Topic: DRIs

Bill Number: 1180 (if applicable)

Name: Eric Poole

Amendment Barcode: (if applicable)

Job Title: Asst. Leg. Director

Address: 100 Monroe St
Street

Tall FL 32311
City State Zip

Phone: 922-4300

E-mail:

Speaking: ☐ For ☐ Against ☐ Information

Representing: Florida Association of Counties

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)

2/28/12
Meeting Date

Topic: Dev. of Regional Impact

Bill Number: CS SB 1180 *(if applicable)*

Name: Linda Shelley

Amendment Barcode: *(if applicable)*

Job Title:

Address: 101 N. Monroe St Suite 1090
Street

Tallahassee FL 32301
City *State* *Zip*

Phone:

E-mail:

Speaking: [X] For [ ] Against [ ] Information

Representing: Assoc. of Fl. Community Developers

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

Lobbyist registered with Legislature: [X] 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)

2/28/12
Meeting Date

Topic: Growth Management

Bill Number: 1180 *(if applicable)*

Name: Leticia M Adams

Amendment Barcode: _____ *(if applicable)*

Job Title: Director of Infrastructure & Governance Policy

Address: 136 South Bronough Street
Street

Tallahassee, FL 32301
City, State, Zip

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

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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)

2-28-12
Meeting Date

Topic: GROWTH Mngt

Bill Number: 1180 *(if applicable)*

Name: RICHARD GENTRY

Amendment Barcode: *(if applicable)*

Job Title:

Address: 2305 BRAEBURN CIR.
Street

TLH FL. 32309
City *State* *Zip*

Phone: 251-1837

E-mail:

Speaking: [X] For [ ] Against [ ] Information

Representing: AIF

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

Lobbyist registered with Legislature: [X] 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)

2/28/12
Meeting Date

Topic: AGRICULTURAL ENCLAVES

Bill Number: # 1180 *(if applicable)*

Name: JENNIFER GREEN

Amendment Barcode: 932440 *(if applicable)*

Job Title:

Address: P.O. BOX 390
Street

TLH FL 32302
City *State* *Zip*

Phone: 841-1726

E-mail:

Speaking: [x] For [ ] Against [ ] Information

Representing: ANDERSON - COLUMBIA, INC.

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

Lobbyist registered with Legislature: [x] 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)

February 28, 2012
Meeting Date

Topic: OGSR/Economic Development Agencies

Bill Number: CS/CS/SB 1206 *(if applicable)*

Name: Darrick D. McGhee

Amendment Barcode: *(if applicable)*

Job Title: Director, Office of Legislative and Cabinet Affairs

Address: 107 East Madison Street
Street

Tallahassee, Florida 32399
City, State, Zip

Phone: (850) 245-7370

E-mail: darrick.mcghee@deo.myflorida.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Department of Economic Opportunity

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)

2/28
Meeting Date

Topic: BROADBAND

Bill Number: 1242 *(if applicable)*

Name: SLATER BALISS

Amendment Barcode: *(if applicable)*

Job Title:

Address: 215 S. MONROE ST 602
Street

TLH, FL 32301
City, State, Zip

Phone: 850-222-8900

E-mail: sub@cardenas-partners.com

Speaking: [X] For [ ] Against [X] Information

Representing: CONNECTED NATION DEVELOPMENT COMPANY

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

Lobbyist registered with Legislature: [X] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/2012
Meeting Date

Topic: BROADBAND

Bill Number: 1242 (if applicable)

Name: GAIL MARIE PERRY

Amendment Barcode: (if applicable)

Job Title: CHAIR

Address: PO BOX 17666
Street

POMPANO BEACH FLA 33061
City State Zip

Phone: 954 865 4055

E-mail: workingfolk@yahoo.com

Speaking: [X] For [ ] Against [ ] Information

Representing: COUNCIL of FLORIDA COMMUNICATIONS WORKERS of AMERICA

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

Lobbyist registered with Legislature: [ ] Yes [X] 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)

2/28/2012
Meeting Date

Topic _____

Bill Number 1242 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☑ Against ☑ Information

Representing JUSTICE-2-JESUS

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2 /28 /2012
Meeting Date

Topic _____

Bill Number 1298 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: [✓] For [ ] Against [✓] Information

Representing JUSTICE-2-JESUS

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)

2/28/12
Meeting Date

Topic: RELATING TO MOTOR VEHICLE REGISTRATION FORMS

Bill Number: 1388 *(if applicable)*

Name: SUSAN GOLDSTEIN

Amendment Barcode: _____ *(if applicable)*

Job Title: _____

Address: _____
Street

_____
City *State* *Zip*

Phone: 954-830-6300

E-mail: _____

Speaking: [X] For [ ] Against [ ] Information

Representing: AUTISM SERVICES & SUPPORTS

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

Lobbyist registered with Legislature: [X] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/20/12
Meeting Date

Topic: RELATING TO MOTOR VEHICLE REGISTRATION FORMS

Bill Number: 1388 *(if applicable)*

Name: RJ MYERS

Amendment Barcode: _____ *(if applicable)*

Job Title: _____

Address: _____
Street

_____
City *State* *Zip*

Phone: 850-933-0883

E-mail: RJ@SGLOBBY.COM

Speaking: [X] For [ ] Against [ ] Information

Representing: SUPPORT OUR TROOPS

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

Lobbyist registered with Legislature: [X] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-28-12
Meeting Date

Topic: Regional Workforce Boards

Bill Number: 1398 *(if applicable)*

Name: Chris Hart

Amendment Barcode: *(if applicable)*

Job Title: CEO/President

Address: 1580 Waldo Palmer Dr.
Street

Tallahassee, FL 32308
City, State, Zip

Phone: 921-3645

E-mail: Chart@workforceflorida.com

Speaking: [x] For [ ] Against [ ] Information

Representing: Workforce Florida

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

Lobbyist registered with Legislature: [ ] Yes [x] 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)

February 28, 2012
Meeting Date

Topic: Regional Workforce Boards Accountability Bill

Bill Number: CS/1398 *(if applicable)*

Name: Cynthia Lorenzo

Amendment Barcode: *(if applicable)*

Job Title: Interim Executive Director

Address: 107 East Madison Street
Street

Tallahassee, Florida 32399
City, State, Zip

Phone: (850) 245-7153

E-mail: cynthia.lorenzo@deo.myflorida.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Department of Economic Opportunity

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: Regional Workforce Brds.

Bill Number: 1398 *(if applicable)*

Name: Leticia M. Adams

Amendment Barcode: *(if applicable)*

Job Title: Director of Governance Policy

Address: 136 S. Bronough St.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 850 5446866

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: [X] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28
Meeting Date

Topic: Workforce Boards

Bill Number: 1398 (if applicable)

Name: Eric Poole

Amendment Barcode: (if applicable)

Job Title: Asst Leg. Director

Address: 100 Monroe St.
Street

City State Zip

Phone: 9274300

E-mail:

Speaking: [x] For [ ] Against [ ] Information

Representing: Florida Association of Counties

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

Lobbyist registered with Legislature: [x] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: Unemployment Compensation

Bill Number: SB 1416 *(if applicable)*

Name: Tammy Perdue

Amendment Barcode: *(if applicable)*

Job Title: General Counsel

Address: 516 N. Adams St
Street

Tallahassee, FL 32301
City *State* *Zip*

Phone: (850) 224-7173

E-mail: TPERDUE@AIF.com

Speaking: [X] For [ ] Against [ ] Information

Representing: Associated Industries of Florida

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

Lobbyist registered with Legislature: [X] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: Unemployment compensation

Bill Number: 1416

Name: Karen Phillips

Amendment Barcode: 450510 / 129844 *(if applicable)* *(if applicable)*

Job Title: General Counsel

Address: 116 S Monroe St
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 850-681-6265

E-mail: kphillips@fuba.org

Speaking: [X] For [ ] Against [ ] Information

For both amendments and the bill

Representing: Florida United Businesses Association

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

Lobbyist registered with Legislature: [X] 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)

1-28-12
Meeting Date

Topic: UNEMPLOYMENT COMP

Bill Number: SB 1416 *(if applicable)*

Name: DAVID HART

Amendment Barcode: 729844 *(if applicable)*

Job Title: EXEC VP

Address: 136 S. BRONOUGH
Street

TALLAHASSEE, FL 32301
City *State* *Zip*

Phone: 850.521-1200

E-mail: dhart@flchamber.com

Speaking: [x] For [ ] Against [ ] Information

Representing: FL CHAMBER

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

Lobbyist registered with Legislature: [x] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

February 28, 2012
Meeting Date

Topic: Unemployment Compensation Bill

Bill Number: CS/SB 14[illegible] *(if applicable)*

Name: Cynthia Lorenzo

Amendment Barcode: _____ *(if applicable)*

Job Title: Interim Executive Director

Address: 107 East Madison Street
Street

Tallahassee, Florida 32399
City, State, Zip

Phone: (850) 245-7153

E-mail: cynthia.lorenzo@deo.myflorida.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Department of Economic Opportunity

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)

2/28/2012
Meeting Date

Topic _____

Bill Number 1416 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☑ Against ☑ Information

Representing JUSTICE-2-JESUS

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)

2/28/12
Meeting Date

Topic: Unemployment Comp

Bill Number: 1416 (if applicable)

Name: Pablo Diaz

Amendment Barcode: _____ (if applicable)

Job Title: Legislative Director

Address: _____
Street

_____
City State Zip

Phone: _____

E-mail: _____

Speaking: [x] For [ ] Against [ ] Information

Representing: _____

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

Lobbyist registered with Legislature: [x] 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)

2/28/2012
Meeting Date

Topic: Unemployment Compensation

Bill Number: 1416 *(if applicable)*

Name: Monesia Brown

Amendment Barcode: *(if applicable)*

Job Title: Atty / Lobbyist

Address: Metz Husband & Daughton
Street

City *State* *Zip*

Phone: 850.205.9000

E-mail:

Speaking: [X] For [ ] Against [ ] Information

Representing: Florida Restaurant & Lodging Assoc.

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

Lobbyist registered with Legislature: [X] 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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-28-12
Meeting Date

Topic: Unemployment Comp

Bill Number: 1416 *(if applicable)*

Name: Kurt Wenner

Amendment Barcode: 729844 *(if applicable)*

Job Title: V.P. of Tax Research

Address: 106 N. Bronough
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 222-5052

E-mail: kwenner@floridataxwatch.org

Speaking: [✓] For [ ] Against [ ] Information

Representing: Florida Tax Watch

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)

2/28/2013
Meeting Date

Topic: Unemployment Comp

Bill Number: 1416 (if applicable)

Name: Monesia Brown

Amendment Barcode: 127874 (if applicable)

Job Title: Atty / Lobbyist

Address: Mete Husband & Daughton
Street

City State Zip

Phone: 205-9000

E-mail:

Speaking: ☐ For ☒ Against ☐ Information

Representing: TransUnion

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)

2/28/12
Meeting Date

Topic: Unemployment Comp

Bill Number: _____ *(if applicable)*

Name: Pablo Diaz

Amendment Barcode: 729844 *(if applicable)*

Job Title: Legislative Director

Address: _____
Street

_____
City *State* *Zip*

Phone: _____

E-mail: _____

Speaking: [x] For [ ] Against [ ] Information

Representing: _____

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

Lobbyist registered with Legislature: [x] 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)

2/28/12
Meeting Date

Topic: Unemployment Comp

Bill Number: _____ *(if applicable)*

Name: Pablo Diaz

Amendment Barcode: 519408 *(if applicable)*

Job Title: Legislative Director

Address: _____
Street

_____
City *State* *Zip*

Phone: _____

E-mail: _____

Speaking: [x] For [ ] Against [ ] Information

Representing: National Federation of Independent Business

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

Lobbyist registered with Legislature: [x] 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)

2/28/2012
Meeting Date

Topic: Unemployment Compensation

Bill Number: 1416 *(if applicable)*

Name: Monesia Brown

Amendment Barcode: *(if applicable)*

Job Title: Atty / Lobbyist

Address: Metz Husband + Daughton
Street

City *State* *Zip*

Phone: 850 · 205 · 9000

E-mail:

Speaking: [X] For [ ] Against [ ] Information

Representing: ADP Total Source

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

Lobbyist registered with Legislature: [X] 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)

2/28/12
Meeting Date

Topic: U.C. TAX

Bill Number: SB 1416 (if applicable)

Name: RANDY MILLER

Amendment Barcode: (if applicable)

Job Title: EXECUTIVE V.P.

Address: 227 S ADAMS ST
Street

TALLAHASSEE, FL 32301
City State Zip

Phone: 222-4082

E-mail:

Speaking: [X] For [ ] Against [ ] Information

Representing: FLORIDA RETAIL FEDERATION

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

Lobbyist registered with Legislature: [X] 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)

2-28-12
Meeting Date

Topic: Unemployment Comp

Bill Number: 1416 *(if applicable)*

Name: Kurt Wenner

Amendment Barcode: *(if applicable)*

Job Title: V.P. of Tax Research

Address: 106 N. Bronough
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 222-5052

E-mail: kwenner@floridataxwatch.org

Speaking: [x] For [ ] Against [ ] Information

Representing: Florida Tax Watch

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

Lobbyist registered with Legislature: [ ] Yes [x] 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)

2/28/12
Meeting Date

Topic: Unemployment Compensation

Bill Number: SB 1416 *(if applicable)*

Name: CAROL BOWEN

Amendment Barcode: *(if applicable)*

Job Title: VP Gov't Affairs

Address: 3730 Coconut Creek Parkway
Street

Coconut Creek FL 33066
City *State* *Zip*

Phone: 954-984-0075

E-mail: cbowen@abceastflorida.com

Speaking: [X] For [ ] Against [ ] Information

Representing: Associated Builders and Contractors Florida

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

Lobbyist registered with Legislature: [X] 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)

2 /28 /2012
Meeting Date

Topic _____

Bill Number 1464 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: [✓] For [ ] Against [✓] Information

Representing JUSTICE-2-JESUS

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)

2/28/2012
Meeting Date

Topic _____

Bill Number 1494 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: [✓] For [ ] Against [✓] Information

Representing JUSTICE-2-JESUS

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)

2/28/2012
Meeting Date

Topic: Autonomous Vehicle

Bill Number: 1768 *(if applicable)*

Name: Justin Sayfie

Amendment Barcode: *(if applicable)*

Job Title: Attorney, Sayfie Law Firm

Address: 450 E. Las Olas Blvd #1500
Street

Ft Lauderdale FL 33301
City *State* *Zip*

Phone: 954-523-2427

E-mail: justin@sayfielawfirm.com

Speaking: ☐ For ☐ Against ☒ Information

Representing: Google

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)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/28/12
Meeting Date

Topic: Autonomous Driving Study

Bill Number: SB 1768 *(if applicable)*

Name: DIANE CARR

Amendment Barcode: *(if applicable)*

Job Title: W/HOPPING GREEN & SAMS

Address: 119 S MONROE Street
Street

Tall, FL 32303
City *State* *Zip*

Phone: 222.7500

E-mail: dcarr@hgslaw.com

Speaking: [x] For [ ] Against [ ] Information

Representing: ALLIANCE OF AUTOMOBILE MANUFACTURERS

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)

2 /28 /2012
Meeting Date

Topic _____

Bill Number 1768 *(if applicable)*

Name BRIAN PITTS

Amendment Barcode _____ *(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☑ Against ☑ Information

Representing JUSTICE-2-JESUS

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)

02/28/2012
Meeting Date

Topic: Autonomous Vehicle Technology

Bill Number: SB 1768 *(if applicable)*

Name: Mark Reichert

Amendment Barcode: _____ *(if applicable)*

Job Title: Assistant Executive Director

Address: 605 Suwannee Street, MS 09
Street

Tallahassee — Florida — 32399
City — *State* — *Zip*

Phone: 850-414-4103

E-mail: mark.reichert@dot.state.fl.us

Speaking: [✓] For [ ] Against [ ] Information

Representing: Florida Transportation Commission

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

Lobbyist registered with Legislature: [✓] Yes [ ] No

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S-001 (10/20/11)