

CS/SB 1352 by **CA, Ring**; (Similar to CS/CS/H 0247) Paper Reduction

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CS/SB 632 by **TR, Soto**; (Similar to H 0265) Florida Wildflower and Florida Salutes Veterans Specialty License Plates

CS/SB 582 by **CM, Galvano**; (Similar to CS/H 0357) Manufacturing Development

CS/CS/SB 274 by **RC, TR, Dean (CO-INTRODUCERS) Evers, Latvala**; (Similar to CS/CS/H 0487) Freemasonry License Plates

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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 159 - 203
and insert:
disapproval from the executive director. In lieu of delivery of
the notice of proposed property taxes by first-class mail, the
property appraiser may prepare and make available for viewing
and printing on his or her office website the notice of proposed
property taxes for each taxpayer to be listed on the current
year's assessment roll, but only if, following a recommendation
by the property appraiser, the county governing board of his or
her jurisdiction approves the measure by ordinance. If approved



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13 by ordinance of the county governing board, the notice shall be
14 a separate web page, web link, attachment, or document and shall
15 contain all the substantive elements outlined in this section.
16 The property appraiser may use a format for web display of all
17 substantive elements as outlined in this section other than that
18 provided by the department for purposes of this section, but
19 only if his or her office obtains prior written permission from
20 the executive director of the department. The format may contain
21 substantive elements deemed important by the property appraiser,
22 in addition to those outlined in this section. The property
23 appraiser may continue to use the approved format until the law
24 that specifies the form is amended or repealed or until the
25 officer receives written disapproval from the executive
26 director. The property appraiser shall provide legal notice in a
27 periodical meeting the requirements of s. 50.011 that the notice
28 of proposed property taxes and non-ad valorem assessments is
29 available on the property appraiser website. The legal notice
30 shall contain the property appraiser's website address. The
31 property appraiser may also provide notification by e-mail to
32 property owners or other interested parties who have registered
33 a request with the property appraiser for e-mail notification
34 when the notice of proposed property taxes and non-ad valorem
35 assessments is available on the website.

36
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete lines 20 - 24

40 and insert:

41 mail; providing notice format details; requiring



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42 publication of legal notice that the notice of
43 proposed taxes and assessments is available through
44 the property appraiser's website; authorizing the
45 property appraiser to provide e-mail notification when
46 the proposed taxes and assessments are available on
47 the appraiser's website; providing an effective date.

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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1352

INTRODUCER: Community Affairs Committee and Senator Ring

SUBJECT: Paper Reduction

DATE: March 27, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/1 amendment
2.	Anderson	Yeatman	CA	Fav/CS
3.	Carey	Martin	ATD	Pre-meeting
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 1352 addresses the stated goal of the State of Florida to decrease the paperwork burden associated with the conduct of state business. This bill furthers that goal by permitting the use of an electronic medium to collect and disseminate information as required by law in selected settings.

There is no fiscal impact to state revenues or expenditures. There may be a fiscal impact to local governments as supervisors of elections will be required to maintain email addresses for electronic ballots, and to property appraisers who will be required to provide notice of proposed property taxes and non-ad valorem assessments on a website.

The bill:

- Requires the statewide voter registration application to elicit the voter registration applicant's e-mail address and an indication of whether the applicant wishes to receive sample ballots by e-mail.
- Authorizes the supervisor of elections to provide electronic sample ballots to electors if certain requirements are met.

- Requires the clerk of a board of county commissioners to electronically transmit to the Department of State enacted ordinances, amendments, and emergency ordinances, and requires the Department to electronically confirm by e-mail the receipt and the effective date of such filings with the clerk.
- Permits the clerk of a value adjustment board to electronically notify the taxpayer and property appraiser of the board's decision in certain hearings if electronic means is selected by the taxpayer.
- Authorizes the property appraiser to notify taxpayers by postcard or electronically that proposed property tax rates and non-ad valorem assessments are available on the property appraiser's website.
- Requires the property appraiser to prepare and make available certain tax information on his or her office's website.

This bill substantially amends the following sections of the Florida Statutes: 97.052, 101.20, 125.66, 194.034, and 200.069.

II. Present Situation:

The Florida Legislature has on various occasions expressed that the reduction of the use of paper, where feasible, is the policy of the state.¹ This bill furthers the goal of lowering the use of paper by permitting the use of an electronic medium to collect and disseminate information as required by law in selected settings.

Voter Registration and Sample Ballots

Current law requires the Department of State to prescribe by rule a uniform statewide voter registration application.² The application must elicit certain information from the voter applicant, such as the applicant's name, date of birth, and address of legal residence.³ The application does not request a voter's e-mail address.

Current law also requires the supervisor of elections to publish a sample ballot in a newspaper of general circulation in the county, prior to the day of the election. If the county has an addressograph or similar system, the supervisor may mail a sample ballot to each registered elector in lieu of publication. The sample ballot must be mailed at least seven days prior to any election.⁴

¹ See sections 23.20-23.22, F.S. "The state must minimize the paperwork burden by evaluating its need for information, determining whether it already has access to the necessary information, and coordinating data collection initiatives at their source." Section 23.20(4), F.S. See also section 120.74(1)(e), F.S. "[E]ach agency shall perform a formal review of its rules every 2 years. In the review, each agency must [s]eek to improve efficiency, reduce paperwork, or decrease costs to government and the private sector."

² Section 97.052(1), F.S.

³ Section 97.052(2), F.S.

⁴ Section 101.20(2), F.S.

Transmittal of Enacted Ordinances

Current law provides requirements for counties to adhere to when exercising the ordinance-making powers conferred by the State Constitution.⁵ It establishes the following regular enactment procedure:

The board of county commissioners at any regular or special meeting may enact or amend any ordinance ... if notice of intent to consider such ordinance is given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. A copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.⁶

Certified copies of ordinances or amendments thereto must be filed with the Department of State by the clerk of the board of county commissioners within 10 days after enactment by the board. The ordinances or amendments take effect upon filing with the Department of State, unless the ordinance prescribes a later effective date.⁷

Value Adjustment Boards

Value adjustment boards are constituted in each county to conduct administrative hearings relating to assessments, complaints relating to homestead exemptions, appeals from tax exemptions denied, and appeals concerning ad valorem deferrals and classifications.⁸ The value adjustment board must render a written decision within 20 calendar days after the last day the board is in session. The clerk must then provide notice of the board's decision by first-class mail.⁹

Property Appraisers

Current law requires each property appraiser to provide notice of proposed property taxes and non-ad valorem assessments by first-class mail to each taxpayer listed on the current year's assessments. Elements that must be included on such notice are prescribed by statute.¹⁰

⁵ Section 125.66(1), F.S.

⁶ Section 125.66(2)(a), F.S.

⁷ Section 125.66(2)(b), F.S.

⁸ Section 194.032(1)(a), F.S.

⁹ Section 194.034(2), F.S.

¹⁰ Section 200.069, F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 97.052, F.S., to require the statewide voter registration application to include a field for an applicant's e-mail address and an indication of whether the applicant wishes to receive sample ballots by e-mail.

Section 2 amends s. 101.20(2), F.S., to permit a supervisor of elections to provide electronic sample ballots to electors who have provided e-mail addresses and opted into the electronic ballot delivery system. It allows a supervisor of elections to mail or e-mail sample ballots to registered electors in lieu of publishing such ballots in a newspaper of general circulation in the county.

Section 3 amends s. 125.66(2)(b), F.S., to require a clerk of a board of county commissioners to electronically transmit to the Department of State enacted ordinances, amendments, and emergency ordinances. It requires the Department of State to electronically confirm by e-mail the receipt and the effective date of such filings with the clerk of the board of county commissioners.

Section 4 amends s. 194.034(2), F.S., to permit the clerk of a value adjustment board to electronically notify the taxpayer and property appraiser of the value adjustment board's decision in a hearing held pursuant to s. 194.034, F.S., if electronic means is selected by the taxpayer on the originally filed petition.

Section 5 amends s. 200.069, F.S., to authorize a property appraiser to notify taxpayers by postcard that the notice of proposed property taxes and non-ad valorem assessments is available for viewing and download at the appraiser's website. The bill provides approved language for such postcards. It also authorizes a property appraiser to provide notification by e-mail to property owners or other interested parties who have registered an e-mail address with the appraiser.

The property appraiser must prepare and make available on his or her office's website a notice of proposed property taxes and non-ad valorem assessments for each taxpayer listed on the year's assessment roll as a separate web page, link, attachment, or document. Such online notice from the appraiser must meet specified criteria, including, but not limited to, specifying all substantive elements required for such notice. The property appraiser may display the required substantive elements in a format different from that prescribed by the Department of Revenue only upon receiving prior written permission from the executive director of the Department. The format may contain additional substantive elements deemed important by the appraiser, in addition to the elements provided for by law.

Section 6 provides an effective date of October 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Sec. 18, of the Constitution of the State of Florida excuses local governments from complying with state mandates that impose negative fiscal consequences.

Subsection (a) provides, “No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds” unless certain requirements are met. However, several exemptions and exceptions exist.

Subsection (d) of Art. VII, Sec. 18, exempts those laws that have an insignificant fiscal impact from the requirements of the mandates provision. Whether a particular bill results in a significant impact must be determined on an aggregate, statewide basis. Laws determined to have an “insignificant fiscal impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times \$0.10 (\$1.9 million for FY 2012-2013¹¹), are exempt.¹²

This bill could cause counties to incur additional expenses associated with the requirement that the property appraiser post certain tax information on his or her office’s website. The overall collective financial impact would appear unlikely to exceed \$1.9 million per year in the aggregate. Accordingly, it would appear as if the bill is exempt from paragraph (a).

The mandates provision does not apply to the changes being made to ss. 97.052 and 101.20, F.S., because subsection 18(d) of Article VII, Fla. Const., explicitly exempts election laws from the mandates provision.

B. Public Records/Open Meetings Issues:

Current law provides a public record exemption for certain information held by an agency for purposes of voter registration.¹³ SB 1260 is the public records bill linked to SB 1352 expanding the current public records exemption for voter registration information to include e-mail addresses of a voter registration applicant or voter.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Preclearance Requirement

The Department of State provided the following comments regarding preclearance:

Under section 5 of the Voting Rights Act, new statewide legislation that implements a voting change, including but not

¹¹ Based on the Demographic Estimating Conference’s final population estimate for April 1, 2012, which was adopted on November 7, 2012. The Executive Summary can be found at:

<http://edr.state.fl.us/Content/conferences/population/demographicsummary.pdf> (Last visited on March 15, 2013).

¹² See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Fiscal Impact*, (September 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited on March 15, 2013).

¹³ Section 97.0585, F.S.

limited to, a change in the manner of voting, change in registration, balloting, and the counting of votes, change in candidacy requirements and qualifications, change in the composition of the electorate that may vote for a candidate, or change affecting the creation or abolition of an elective office, is subject to preclearance by the U.S. Department of Justice or the federal District Court for the District of Columbia. The preclearance review is to determine if the change has a discriminatory purpose or effect that denies or abridges the right to vote on account of race, color or membership in a language minority group in a covered jurisdiction. Florida has five covered jurisdictions subject to preclearance: Collier, Hardee, Hendry, Hillsborough, and Monroe counties. Until precleared by federal authorities, the legislation is unenforceable in these five counties.¹⁴

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State does not anticipate any fiscal impact associated with modifying the uniform statewide voter application.

There may be a fiscal impact on supervisors of elections associated with maintaining the e-mail address of voters and voter registration applicants, and with monitoring which registered voters wish to receive sample ballots electronically. Additionally, there may be costs to supervisors of elections related to establishing a system to send sample ballots electronically. However, it is anticipated that some, if not most, of these costs may be offset by savings resulting from the electronic provision of sample ballots.

There may be a fiscal impact on property appraisers associated with the requirement that a property appraiser prepare and make available on his or her office's website notice of proposed property taxes and non-ad valorem assessments for each taxpayer listed on the year's assessment roll.

¹⁴ Department of State, *Analysis on Senate Bill 1352* (March 4, 2013) (on file with the staff of the Senate Community Affairs Committee).

VI. Technical Deficiencies:

According to the Department of Revenue's analysis of SB 1352, "It is not clear how the property appraisers will prove compliance with ss. 200.065 and 200.069, F.S., when electronic notification is used."¹⁵

Also, s. 200.065, F.S., refers to the mailing of the TRIM Notice with regard to the TRIM timeline and the deadline for filing VAB petitions. This section would have to be updated to refer to the posting of the notices online.¹⁶

VII. Related Issues:

According to the Department of Revenue's analysis of SB 1352, "Section 4 of this bill would require amendments to the VAB petition form, DR-486, and Rule 12D-9.015, F.A.C."¹⁷

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 March 20, 2013:

The committee substitute removes the portions of the bill dealing with bail bondsman, and changes the effective date to October 1, 2013.

- B. **Amendments:**

None.

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

¹⁵ Department of Revenue, *Analysis on Senate Bill 1352* (March 12, 2013) (on file with the staff of the Senate Community Affairs Committee).

¹⁶ *Id.*

¹⁷ *Id.*

By the Committee on Community Affairs; and Senator Ring

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1 A bill to be entitled
 2 An act relating to paper reduction; amending s.
 3 97.052, F.S.; providing that the uniform statewide
 4 voter registration application be designed to elicit
 5 the e-mail address of an applicant and whether the
 6 applicant desires to receive sample ballots by e-mail;
 7 amending s. 101.20, F.S.; authorizing a supervisor of
 8 elections to send a sample ballot to a registered
 9 elector by e-mail under certain circumstances;
 10 amending s. 125.66, F.S.; requiring the clerk of a
 11 board of county commissioners to electronically
 12 transmit enacted ordinances, amendments, and emergency
 13 ordinances to the Department of State; amending s.
 14 194.034, F.S.; permitting a value adjustment board to
 15 electronically provide the taxpayer and property
 16 appraiser with notice of the decision of the board;
 17 amending s. 200.069, F.S.; authorizing the property
 18 appraiser to notify taxpayers of proposed property
 19 taxes by postcard or e-mail in lieu of first-class
 20 mail; providing notice language; authorizing the
 21 property appraiser to prepare and make available on
 22 the appraiser's website the notice of proposed
 23 property taxes; providing additional notice
 24 requirements; providing an effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Paragraphs (e) through (t) of subsection (2) of
 29 section 97.052, Florida Statutes, are redesignated as paragraphs

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30 (f) through (u), respectively, and a new paragraph (e) is added
 31 to that section, to read:

32 97.052 Uniform statewide voter registration application.—

33 (2) The uniform statewide voter registration application
 34 must be designed to elicit the following information from the
 35 applicant:

36 (e) E-mail address and whether the applicant wishes to
 37 receive sample ballots by e-mail.

38
 39 The registration application must be in plain language and
 40 designed so that convicted felons whose civil rights have been
 41 restored and persons who have been adjudicated mentally
 42 incapacitated and have had their voting rights restored are not
 43 required to reveal their prior conviction or adjudication.

44 Section 2. Subsection (2) of section 101.20, Florida
 45 Statutes, is amended to read:

46 101.20 Publication of ballot form; sample ballots.—

47 (2) Upon completion of the list of qualified candidates, a
 48 sample ballot shall be published by the supervisor of elections
 49 in a newspaper of general circulation in the county, before
 50 prior to the day of election. In lieu of publication, a
 51 supervisor may send a sample ballot to each registered elector
 52 by e-mail at least 7 days before any election if an e-mail
 53 address has been provided and the elector has opted to receive a
 54 sample ballot by electronic delivery. If an e-mail address has
 55 not been provided, or if the elector has not opted for
 56 electronic delivery ~~If the county has an addressograph or~~
 57 ~~equivalent system for mailing to registered electors,~~ a sample
 58 ballot may be mailed to each registered elector or to each

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59 household in which there is a registered elector, in lieu of
60 publication, at least 7 days ~~before~~ ~~prior to~~ any election.

61 Section 3. Paragraph (b) of subsection (2) and subsection
62 (3) of section 125.66, Florida Statutes, are amended to read:

63 125.66 Ordinances; enactment procedure; emergency
64 ordinances; rezoning or change of land use ordinances or
65 resolutions.-

66 (2)

67 (b) Certified copies of ordinances or amendments thereto
68 enacted under this regular enactment procedure shall be filed
69 with the Department of State by the clerk of the board of county
70 commissioners within 10 days after enactment by said board and
71 shall take effect upon filing with the Department of State.
72 However, any ordinance may prescribe a later effective date. In
73 lieu of delivery of the certified copies of the enacted
74 ordinances or amendments by first-class mail, the clerk of the
75 board of county commissioners shall transmit the enacted
76 ordinances or amendments to the department by e-mail. The
77 department shall confirm by e-mail the receipt and effective
78 date of the ordinances or amendments with the clerk of the board
79 of county commissioners.

80 (3) The emergency enactment procedure shall be as follows:
81 The board of county commissioners at any regular or special
82 meeting may enact or amend any ordinance with a waiver of the
83 notice requirements of subsection (2) by a four-fifths vote of
84 the membership of such board, declaring that an emergency exists
85 and that the immediate enactment of said ordinance is necessary.
86 However, no emergency ordinance or resolution shall be enacted
87 which establishes or amends the actual zoning map designation of

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88 a parcel or parcels of land or changes the actual list of
89 permitted, conditional, or prohibited uses within a zoning
90 category. Emergency enactment procedures for land use plans
91 adopted pursuant to part II of chapter 163 shall be pursuant to
92 that part. Certified copies of ordinances or amendments thereto
93 enacted under this emergency enactment procedure by a county
94 shall be filed with the Department of State by the clerk of the
95 board of county commissioners as soon after enactment by said
96 board as is practicable. An emergency ordinance enacted under
97 this procedure shall be transmitted by the clerk of the board of
98 county commissioners by e-mail to the Department of State. It
99 shall be deemed to be filed and shall take effect when a copy
100 has been accepted and confirmed by the department by e-mail
101 deemed to be filed and shall take effect when a copy has been
102 accepted by the postal authorities of the Government of the
103 United States for special delivery by certified mail to the
104 Department of State.

105 Section 4. Subsection (2) of section 194.034, Florida
106 Statutes, is amended to read:

107 194.034 Hearing procedures; rules.-

108 (2) In each case, except if the complaint is withdrawn by
109 the petitioner or if the complaint is acknowledged as correct by
110 the property appraiser, the value adjustment board shall render
111 a written decision. All such decisions shall be issued within 20
112 calendar days after the last day the board is in session under
113 s. 194.032. The decision of the board must contain findings of
114 fact and conclusions of law and must include reasons for
115 upholding or overturning the determination of the property
116 appraiser. If a special magistrate has been appointed, the

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117 recommendations of the special magistrate shall be considered by
 118 the board. The clerk, upon issuance of a decision, shall, on a
 119 form provided by the Department of Revenue, notify each taxpayer
 120 and the property appraiser of the decision of the board. This
 121 notification shall be by first-class mail or by electronic means
 122 if selected by the taxpayer on the originally filed petition
 123 ~~each taxpayer and the property appraiser of the decision of the~~
 124 ~~board.~~ If requested by the Department of Revenue, the clerk
 125 shall provide to the department a copy of the decision or
 126 information relating to the tax impact of the findings and
 127 results of the board as described in s. 194.037 in the manner
 128 and form requested.

129 Section 5. Section 200.069, Florida Statutes, is amended to
 130 read:

131 200.069 Notice of proposed property taxes and non-ad
 132 valorem assessments.—Pursuant to s. 200.065(2)(b), the property
 133 appraiser, in the name of the taxing authorities and local
 134 governing boards levying non-ad valorem assessments within his
 135 or her jurisdiction and at the expense of the county, shall
 136 prepare and deliver by first-class mail to each taxpayer to be
 137 listed on the current year's assessment roll a notice of
 138 proposed property taxes, which notice shall contain the elements
 139 and use the format provided in the following form.

140 Notwithstanding the provisions of s. 195.022, no county officer
 141 shall use a form other than that provided herein. The Department
 142 of Revenue may adjust the spacing and placement on the form of
 143 the elements listed in this section as it considers necessary
 144 based on changes in conditions necessitated by various taxing
 145 authorities. If the elements are in the order listed, the

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146 placement of the listed columns may be varied at the discretion
 147 and expense of the property appraiser, and the property
 148 appraiser may use printing technology and devices to complete
 149 the form, the spacing, and the placement of the information in
 150 the columns. A county officer may use a form other than that
 151 provided by the department for purposes of this part, but only
 152 if his or her office pays the related expenses and he or she
 153 obtains prior written permission from the executive director of
 154 the department; however, a county officer may not use a form the
 155 substantive content of which is at variance with the form
 156 prescribed by the department. The county officer may continue to
 157 use such an approved form until the law that specifies the form
 158 is amended or repealed or until the officer receives written
 159 disapproval from the executive director. In lieu of delivery of
 160 the notice of proposed property taxes by first-class mail, the
 161 property appraiser may prepare and mail a postcard to each
 162 taxpayer listed on the current year's assessment roll, which
 163 shall contain at a minimum the following statement:

ATTENTION PROPERTY OWNER

165 This postcard is your official notification pursuant
 166 to sections 192.0105 and 200.069, Florida Statutes,
 167 that your notice of proposed property taxes and non-ad
 168 valorem assessments is available for viewing and
 169 download on my website at ... (website address).... If
 170 you are unable to access my website, you are entitled
 171 to have a copy of your notice mailed to you for free
 172 by contacting my office at ... (telephone number)....
 173 Please note: your final tax bill may contain non-ad
 174 valorem assessments that may not be reflected on your

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175 notice, such as assessments for roads, fire, garbage,
 176 lighting, drainage, water, sewer, or other
 177 governmental services and facilities that may be
 178 levied by your county, city, or special district.
 179
 180 The property appraiser may also provide notification by e-mail
 181 to property owners or other interested parties who have
 182 registered an e-mail address with the property appraiser that
 183 the notice of proposed property taxes and non-ad valorem
 184 assessments is available for viewing and download on the
 185 property appraiser office's website. The property appraiser
 186 shall prepare and make available for viewing, printing, and
 187 downloading on the property appraiser office's website a notice
 188 of proposed property taxes and non-ad valorem assessments for
 189 each taxpayer to be listed on the current year's assessment
 190 roll, which shall be a separate web page, weblink, attachment,
 191 or document, and shall contain all the substantive elements as
 192 outlined in this section. The property appraiser may use a
 193 format for web display of all substantive elements as outlined
 194 in this section other than that provided by the department for
 195 purposes of this part, but only if the property appraiser's
 196 office obtains prior written permission from the executive
 197 director of the department. The format may contain substantive
 198 elements deemed important by the property appraiser, in addition
 199 to the elements outlined in this section. The property appraiser
 200 may continue to use the approved format until the law that
 201 specifies the form is amended or repealed or until the officer
 202 receives written disapproval from the executive director of the
 203 department.

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204 (1) The first page of the notice shall read:
 205
 206 NOTICE OF PROPOSED PROPERTY TAXES
 207 DO NOT PAY--THIS IS NOT A BILL
 208
 209 The taxing authorities which levy property taxes against
 210 your property will soon hold PUBLIC HEARINGS to adopt budgets
 211 and tax rates for the next year.
 212 The purpose of these PUBLIC HEARINGS is to receive opinions
 213 from the general public and to answer questions on the proposed
 214 tax change and budget PRIOR TO TAKING FINAL ACTION.
 215 Each taxing authority may AMEND OR ALTER its proposals at
 216 the hearing.
 217 (2) (a) The notice shall include a brief legal description
 218 of the property, the name and mailing address of the owner of
 219 record, and the tax information applicable to the specific
 220 parcel in question. The information shall be in columnar form.
 221 There shall be seven column headings which shall read: "Taxing
 222 Authority," "Your Property Taxes Last Year," "Last Year's
 223 Adjusted Tax Rate (Millage)," "Your Taxes This Year IF NO Budget
 224 Change Is Adopted," "Tax Rate This Year IF PROPOSED Budget Is
 225 Adopted (Millage)," "Your Taxes This Year IF PROPOSED Budget
 226 Change Is Adopted," and "A Public Hearing on the Proposed Taxes
 227 and Budget Will Be Held:."
 228 (b) As used in this section, the term "last year's adjusted
 229 tax rate" means the rolled-back rate calculated pursuant to s.
 230 200.065(1).
 231 (3) There shall be under each column heading an entry for
 232 the county; the school district levy required pursuant to s.

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233 1011.60(6); other operating school levies; the municipality or
 234 municipal service taxing unit or units in which the parcel lies,
 235 if any; the water management district levying pursuant to s.
 236 373.503; the independent special districts in which the parcel
 237 lies, if any; and for all voted levies for debt service
 238 applicable to the parcel, if any.

239 (4) For each entry listed in subsection (3), there shall
 240 appear on the notice the following:

241 (a) In the first column, a brief, commonly used name for
 242 the taxing authority or its governing body. The entry in the
 243 first column for the levy required pursuant to s. 1011.60(6)
 244 shall be "By State Law." The entry for other operating school
 245 district levies shall be "By Local Board." Both school levy
 246 entries shall be indented and preceded by the notation "Public
 247 Schools:". For each voted levy for debt service, the entry shall
 248 be "Voter Approved Debt Payments."

249 (b) In the second column, the gross amount of ad valorem
 250 taxes levied against the parcel in the previous year. If the
 251 parcel did not exist in the previous year, the second column
 252 shall be blank.

253 (c) In the third column, last year's adjusted tax rate or,
 254 in the case of voted levies for debt service, the tax rate
 255 previously authorized by referendum.

256 (d) In the fourth column, the gross amount of ad valorem
 257 taxes which will apply to the parcel in the current year if each
 258 taxing authority levies last year's adjusted tax rate or, in the
 259 case of voted levies for debt service, the amount previously
 260 authorized by referendum.

261 (e) In the fifth column, the tax rate that each taxing

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262 authority must levy against the parcel to fund the proposed
 263 budget or, in the case of voted levies for debt service, the tax
 264 rate previously authorized by referendum.

265 (f) In the sixth column, the gross amount of ad valorem
 266 taxes that must be levied in the current year if the proposed
 267 budget is adopted.

268 (g) In the seventh column, the date, the time, and a brief
 269 description of the location of the public hearing required
 270 pursuant to s. 200.065(2)(c).

271 (5) Following the entries for each taxing authority, a
 272 final entry shall show: in the first column, the words "Total
 273 Property Taxes:" and in the second, fourth, and sixth columns,
 274 the sum of the entries for each of the individual taxing
 275 authorities. The second, fourth, and sixth columns shall,
 276 immediately below said entries, be labeled Column 1, Column 2,
 277 and Column 3, respectively. Below these labels shall appear, in
 278 boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

279 (6) (a) The second page of the notice shall state the
 280 parcel's market value and for each taxing authority that levies
 281 an ad valorem tax against the parcel:

282 1. The assessed value, value of exemptions, and taxable
 283 value for the previous year and the current year.

284 2. Each assessment reduction and exemption applicable to
 285 the property, including the value of the assessment reduction or
 286 exemption and tax levies to which they apply.

287 (b) The reverse side of the second page shall contain
 288 definitions and explanations for the values included on the
 289 front side.

290 (7) The following statement shall appear after the values

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291 listed on the front of the second page:
 292

293 If you feel that the market value of your property is inaccurate
 294 or does not reflect fair market value, or if you are entitled to
 295 an exemption or classification that is not reflected above,
 296 contact your county property appraiser at ...(phone number)...
 297 or ...(location)....

298 If the property appraiser's office is unable to resolve the
 299 matter as to market value, classification, or an exemption, you
 300 may file a petition for adjustment with the Value Adjustment
 301 Board. Petition forms are available from the county property
 302 appraiser and must be filed ON OR BEFORE ...(date)....

303 (8) The reverse side of the first page of the form shall
 304 read:

305 EXPLANATION

306 *COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

307 This column shows the taxes that applied last year to your
 308 property. These amounts were based on budgets adopted last year
 309 and your property's previous taxable value.

310 *COLUMN 2—"YOUR TAXES IF NO BUDGET CHANGE IS ADOPTED"

311 This column shows what your taxes will be this year IF EACH
 312 TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These
 313 amounts are based on last year's budgets and your current
 314 assessment.

315 *COLUMN 3—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED"

316 This column shows what your taxes will be this year under the
 317 BUDGET ACTUALLY PROPOSED by each local taxing authority. The
 318 proposal is NOT final and may be amended at the public hearings
 319

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320 shown on the front side of this notice. The difference between
 321 columns 2 and 3 is the tax change proposed by each local taxing
 322 authority and is NOT the result of higher assessments.
 323

324 *Note: Amounts shown on this form do NOT reflect early payment
 325 discounts you may have received or may be eligible to receive.
 326 (Discounts are a maximum of 4 percent of the amounts shown on
 327 this form.)

328 (9) The bottom portion of the notice shall further read in
 329 bold, conspicuous print:
 330

331 "Your final tax bill may contain non-ad valorem assessments
 332 which may not be reflected on this notice such as assessments
 333 for roads, fire, garbage, lighting, drainage, water, sewer, or
 334 other governmental services and facilities which may be levied
 335 by your county, city, or any special district."

336 (10) (a) If requested by the local governing board levying
 337 non-ad valorem assessments and agreed to by the property
 338 appraiser, the notice specified in this section may contain a
 339 notice of proposed or adopted non-ad valorem assessments. If so
 340 agreed, the notice shall be titled:

341 NOTICE OF PROPOSED PROPERTY TAXES
 342 AND PROPOSED OR ADOPTED
 343 NON-AD VALOREM ASSESSMENTS
 344 DO NOT PAY—THIS IS NOT A BILL
 345

346 There must be a clear partition between the notice of proposed
 347 property taxes and the notice of proposed or adopted non-ad

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349 valorem assessments. The partition must be a bold, horizontal
350 line approximately 1/8-inch thick. By rule, the department shall
351 provide a format for the form of the notice of proposed or
352 adopted non-ad valorem assessments which meets the following
353 minimum requirements:

354 1. There must be subheading for columns listing the levying
355 local governing board, with corresponding assessment rates
356 expressed in dollars and cents per unit of assessment, and the
357 associated assessment amount.

358 2. The purpose of each assessment must also be listed in
359 the column listing the levying local governing board if the
360 purpose is not clearly indicated by the name of the board.

361 3. Each non-ad valorem assessment for each levying local
362 governing board must be listed separately.

363 4. If a county has too many municipal service benefit units
364 or assessments to be listed separately, it shall combine them by
365 function.

366 5. A brief statement outlining the responsibility of the
367 tax collector and each levying local governing board as to any
368 non-ad valorem assessment must be provided on the form,
369 accompanied by directions as to which office to contact for
370 particular questions or problems.

371 (b) If the notice includes all adopted non-ad valorem
372 assessments, the provisions contained in subsection (9) shall
373 not be placed on the notice.

374 Section 6. This act shall take effect October 1, 2013.

II. Present Situation:

Florida Wildflowers

The Florida Wildflower specialty license plate was created by the 2000 Legislature¹. Persons wishing to purchase the specialty plate must pay a \$15 annual use fee in addition to the other fees required when registering a vehicle. Revenues from the license plate fee are distributed to the Florida Wildflower Foundation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code.

The proceeds from the annual license plate fee must be used by the Florida Wildflower Foundation, Inc., to establish native Florida wildflower research programs, wildflower educational programs, and wildflower grant programs for municipal, county, and community-based groups in the state.

The Florida Wildflower Foundation, Inc., is required to develop operating procedures, research contracts, education and marketing programs, and wildflower planting grants for Florida native wildflowers, plants, and grasses. A maximum of 15 percent of the proceeds from the sale of these specialty plates may be used for administrative and marketing costs.

If the Florida Wildflower Foundation, Inc., ceases to be an active nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, the proceeds from the annual license plate fee must be deposited into the General Inspection Trust Fund within the Department of Agriculture and Consumer Services, and any funds held by the Florida Wildflower Foundation, Inc., must be promptly transferred to the General Inspection Trust Fund.

In Fiscal Year 2011-2012, there were 15,497 Florida Wildflower specialty plates issued generating \$232,455.

Florida Salutes Veterans

The Florida Salutes Veterans specialty license plate was created by the 1989 Legislature. Persons wishing to purchase the specialty plate must pay a \$15 annual use fee in addition to the other fees required when registering a vehicle. Revenues from the license plate fee are deposited in the State Homes for Veterans Trust Fund to be used solely for the purposes of constructing, operating, and maintaining domiciliary and nursing homes for veterans, and promotion and marketing of the specialty plate.

Current law authorizes the distribution of 10 percent of the proceeds collected from the Florida Salutes Veterans specialty license plate sales to a direct-support organization created under s. 292.055, F.S., for a period not to exceed 48 months after the date the direct-support organization is incorporated. All remaining fees are deposited in the State Homes for Veterans Trust Fund administered by the Department of Veterans' Affairs.

¹ <http://www.wildflowertag.com/funds.htm> (last visited on 3/18/2000)

In Fiscal Year 2011-2012, there were 19,699 vehicles registered using the Florida Salutes Veterans plate, with a total net revenue of \$295,485 accruing from use of the plate.²

The Florida Veterans Foundation, Inc.

In 2008, the Legislature established the Florida Veterans Foundation (foundation) as a direct support organization to the Florida Department of Veterans' Affairs. As a direct support organization, the foundation is incorporated as a non-profit corporation under ch. 617, F.S., to provide assistance, funding and support for the Florida Department of Veterans' Affairs in carrying out its mission of veterans' advocacy.

According to the audited financial statements for the year ending June 30, 2012, the foundation received \$35,748 in Fiscal Year 2010-2011, and \$33,957 in Fiscal Year 2011-2012 from the Florida Salutes Veterans specialty license plate annual use fee.³ In accordance with the provisions of s. 320.08058(4)(b)(1), F.S., the distribution to the foundation expired June 30, 2012.

III. Effect of Proposed Changes:

Section 1 amends s. 320.08053, F.S., to provide for an increase in the annual use fee from \$15 to \$25 for the Florida Wildflower specialty license plate.

Section 2 amends s. 320.08058(27), F.S., to increase from fifteen to twenty percent the percentage of annual proceeds from the sale of the Florida Wildflower license plate that the Florida Wildflower Foundation, Inc., may use for administrative and marketing costs.

This section also amends s. 320.08058(4)(b)(1), F.S., to increase the percentage of annual proceeds from sale of the Florida Salutes Veterans license plate which may be distributed to the Florida Veterans Foundation, Inc., from ten to twenty percent, and to allow for continued distribution of revenues to the foundation by eliminating the expiration date. As a result, the percentage of the revenue for the Florida Salutes Veterans license plate that is distributed to the State Homes for Veterans Trust Fund is reduced by ten percent.

The bill has an effective date of July 1, 2013.

Other Potential Implications:

The department recommends that the effective date be changed to October 1, 2013 to allow programming and administrative time to implement its provisions.

²The Department of Highway Safety and Motor Vehicles Bill Analysis on file with the Appropriations Subcommittee on Transportation, Tourism and Economic Development.
(last visited 3/19/2013)

³<http://www.floridaveteransfoundation.org/org/>
(last visited on 4/10/2013)

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Persons who purchase the Florida Wildflower specialty license plate will pay an additional \$10 for a total of \$25 for the annual use fee. In Fiscal Year 2011-2012, there were 15,497 Florida Wildflower specialty license plates issued generating \$232,455. Based on this information, increasing the annual use fee to \$25 would generate an additional \$154,970.

The Florida Veterans Foundation, Inc., will continue to receive annual distributions from the proceeds of the sale of the Florida Salutes Veterans specialty license plate, and the annual allowable distribution to the foundation is increased from ten to twenty percent. As a result, the percentage of the revenue for the Florida Salutes Veterans license plate that is distributed to the State Homes for Veterans Trust Fund is reduced by ten percent. In Fiscal Year 2011-2012, there were 19,699 Florida Salutes Veterans specialty license plates issued generating \$295,485. Assuming the sales of this plate remain constant, directing 20 percent of the annual use fees to the direct support organization would provide an estimated \$59,097 in new revenues.

C. Government Sector Impact:

The Florida Veteran's Foundation, Inc., has not received any proceeds from the sale of the license plates since June 30, 2012. Reinstating the 10 percent transfer to the foundation will decrease revenues to the State Homes for Veterans Trust Fund by an estimated \$30,000 based on prior year distributions.

In addition, assuming the sales of this plate remain constant, directing 20 percent of the annual use fees to the direct support organization, would decrease the receipts in the State Homes for Veterans Trust Fund by an estimated \$59,077 in total.

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 Committee on March 21, 2013:

The CS adds provisions increasing the percentage of annual use fees accruing from sales of the Florida Salutes Veterans license plate that are distributed to the Florida Veterans' Foundation, Inc., from ten to twenty percent, and allowing for continued distribution of the fees to the foundation by eliminating the expiration date.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Soto

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A bill to be entitled

An act relating to specialty license plates; amending s. 320.08056, F.S.; revising the annual use fee for the Florida Wildflower license plate; amending s. 320.08058, F.S.; revising provisions for distribution and use of fees collected from the sale of certain specialty license plates; providing an effective date.

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

Section 1. Paragraph (aa) of subsection (4) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(aa) Florida Wildflower license plate, \$25 ~~\$15~~.

Section 2. Paragraph (b) of subsection (4) and subsection (27) of section 320.08058, Florida Statutes, is amended to read:
320.08058 Specialty license plates.—

(4) FLORIDA SALUTES VETERANS LICENSE PLATES.—

(b) The Florida Salutes Veterans license plate annual use fee shall be distributed as follows:

1. Twenty ~~Ten~~ percent shall be distributed to a direct-support organization created under s. 292.055 ~~for a period not to exceed 48 months after the date the direct support organization is incorporated.~~

2. Any remaining fees must be deposited in the State Homes for Veterans Trust Fund, which is created in the State Treasury. All such moneys are to be administered by the Department of

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Veterans' Affairs and must be used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans and for continuing promotion and marketing of the license plate, subject to the requirements of chapter 216.

(27) FLORIDA WILDFLOWER LICENSE PLATES.—

(a) The department shall develop a Florida Wildflower license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "State Wildflower" and "coreopsis" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Wildflower Foundation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. The proceeds must be used to establish native Florida wildflower research programs, wildflower educational programs, and wildflower grant programs to municipal, county, and community-based groups in this state.

1. The Florida Wildflower Foundation, Inc., shall develop procedures of operation, research contracts, education and marketing programs, and wildflower planting grants for Florida native wildflowers, plants, and grasses.

2. A maximum of 20 ~~15~~ percent of the proceeds from the sale of such plates may be used for administrative and marketing costs.

3. If the Florida Wildflower Foundation, Inc., ceases to be an active nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, the proceeds from the annual use fee shall be deposited into the General Inspection Trust Fund created within the Department of Agriculture and Consumer Services. Any funds held by the Florida Wildflower Foundation,

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59 Inc., must be promptly transferred to the General Inspection
60 Trust Fund. The Department of Agriculture and Consumer Services
61 shall use and administer the proceeds from the use fee in the
62 manner specified in this paragraph.

63 Section 3. This act shall take effect October 1, 2013.

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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 582

INTRODUCER: Commerce and Tourism Committee and Senator Galvano

SUBJECT: Manufacturing Development

DATE: April 10, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siples	Hrdlicka	CM	Fav/CS
2.	Toman	Yeatman	CA	Favorable
3.	Pingree	Martin	ATD	Pre-meeting
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 582 creates the “Manufacturing Competitiveness Act,” and authorizes local governments to adopt a local manufacturing development program to grant master development approval for the development, expansion, or modification of manufacturing facilities located within its jurisdiction. The bill provides that a local government may enact an ordinance to establish a local manufacturing development program. If a manufacturer chooses to develop or expand in the jurisdiction of that local government, the required applications for specified state permits must be reviewed by specified “participating agencies” in a coordinated and simultaneous manner, within prescribed timeframes. The bill provides that each participating agency must take final agency action on the application within 60 days after the application is filed, unless the deadline is waived by the manufacturer or a federally delegated permitting program mandates a different deadline. If an application is not approved or denied within 60 days, it is deemed approved.

The bill has an indeterminate fiscal impact to the departments of Economic Opportunity, Environmental Protection, Transportation, the Fish and Wildlife Conservation Commission and the state’s five water management districts. See Section V. The Department of Economic Opportunity (DEO) is tasked with developing a model ordinance for use by local governments by December 1, 2013.

If the local government enacts an ordinance establishing a local manufacturing development program, it must be submitted to the DEO within 20 days of enactment. The ordinance must remain in effect for at least 24 months. If the ordinance is repealed, any application for a master development plan received by the local government is “vested” and entitled to participate in the coordinated approval process.

The bill directs the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission and the state’s five water management districts (“participating agencies”) to establish a manufacturing development coordinated approval process. The approval process must provide for coordinated and simultaneous review of applications for permits by the participating agencies, under their respective authorities. A manufacturer may convene a meeting with one or more of the participating agencies to facilitate the process. The bill provides that each participating agency must take final agency action on the application within 60 days after the application is filed, unless the deadline is waived by the manufacturer or a federally delegated permitting program mandates a different deadline. If an application is not approved or denied within 60 days, it is deemed approved.

If a participating agency plans to deny an application, it must notify the manufacturer in writing and convene an informal meeting to facilitate a resolution, unless waived by the manufacturer. Throughout the process, the manufacturer may initiate an administrative hearing under ch. 120, F.S.

This bill creates sections 163.325, 163.3251, 163.3252, 163.3253, and 288.111, Florida Statutes.

II. Present Situation:

Manufacturing Industry in Florida

Florida’s manufacturing industry includes companies in traditional manufacturing industries, such as plastics, food processing and printing, as well as those that are engaged in innovative technologies, like electronics, medical devices, and aviation/aerospace. The state is home to nearly 18,000 manufacturers accounting for approximately 5 percent of Florida’s gross domestic product.¹ The manufacturing industry employs more than 311,000 individuals in Florida.²

Enterprise Florida, Inc. (EFI), has identified manufacturing as a targeted industry, along with corporate headquarters, research and development, clean technologies, life sciences, information technology, aviation/aerospace, homeland security/defense, financial/professional services, and emerging technologies. Of the 122 economic development incentive contracts project commitments by EFI for Fiscal Year 2011-2012, manufacturing ranked highest in terms of the number of project commitments by industry (38), and expected capital investment (over \$425

¹ Enterprise Florida, Inc., *The Florida Economy* (Jan. 2013), available at http://www.eflorida.com/IntelligenceCenter/download/ER/SI_Florida_Economy_Glance.pdf (last visited Apr. 4, 2013).

² *Id.*

million). These manufacturing projects contracted to create 2,474 jobs paying an average annual wage of \$37,352.³

Permits

Currently, the responsibility for issuance of permits for the development, expansion, or modification of manufacturing facilities resides in several state agencies, as well as local governments.

State Permits

The Department of Transportation (DOT), Fish and Wildlife Conservation Commission (FWCC), Department of Environmental Protection (DEP), and water management districts⁴ may each have responsibilities in the permitting process.

The DOT is responsible for regulating work activities that impact state roads, such as access permits,⁵ utility permits,⁶ and drainage permits,⁷ among other things. The FWCC is responsible for protecting threatened or endangered species.⁸ The DEP works in conjunction with the water management districts to regulate and issue permits for such programs as stormwater management, surface water management, and consumptive use of water.⁹ The DEP also issues permits for items relating to air quality, among other things.

Current State Expedited Permitting Programs

Section 403.973, F.S., directs the DEP to create and implement regional permit action teams for the purpose of expediting the review of permit applications and local comprehensive plan amendments for certain projects.¹⁰ Section 380.0657, F.S., directs the DEP and the water management districts to adopt programs to expedite the processing of wetland resource and environmental resource permits for economic development projects that have been identified as a target industry business.¹¹

³ Enterprise Florida, Inc., *2012 Annual Incentives Report* (2012), available at http://www.eflorida.com/IntelligenceCenter/download/ER/BRR_Incentives_Report.pdf (last visited on Apr. 4, 2013).

⁴ There are five water management districts: Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, South Florida Water Management District, and Southwest Florida Water Management District.

⁵ Sections 335.18 – 335.199, F.S.

⁶ Section 337.401, F.S.

⁷ Section 334.044(15), F.S.

⁸ Section 379.2291, F.S.

⁹ DEP, Water Management Districts, available at <http://www.dep.state.fl.us/secretary/watman/default.htm> (last visited Apr 4, 2013).

¹⁰ Those projects that may apply for expedited permitting under this provision include businesses creating at least 50 jobs (or at least 25 jobs if the project is located in an enterprise zone or in a county with limited population), projects located in a designated brownfield area, projects that are a part of the state-of-the-art biomedical research institution and campus, and certain projects relating to the production of biofuels. Certain other projects may be considered for expedited permitting at the request of the local government.

¹¹ Section 288.106, F.S.

The DOT has implemented a One Stop Permitting process for the permits it administers. The DOT staff indicates that most applications are processed within 30 days of receipt of the completed application.¹²

Local Permits

Local governmental agencies are responsible for issuing building permits within their respective jurisdictions. Chapter 163, F.S., requires local governments to adopt comprehensive plans and land development regulations to regulate the development and growth in their jurisdictions. However, no uniform, statutory process exists for local governments to approve master development plans for manufacturing facilities.

III. Effect of Proposed Changes:

Section 1 creates s. 163.325, F.S., providing that the act may be cited as the “Manufacturing Competitiveness Act (the act).”

Section 2 creates s. 163.3251, F.S., providing definitions for the following terms used in the act: “department,” “local government development approval,” “local manufacturing development program,” “manufacturer,” “participating agency,” and “state development approval.” A “participating agency” means the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, and water management districts.

Section 3 creates s. 163.3252, F.S., providing the process a local government may use to implement a local manufacturing development program. Specifically, a local government is authorized to adopt an ordinance to establish a local manufacturing development program through which it can grant master development approval to manufacturers for the development or expansion of sites at specified locations within the local government’s geographic boundaries.

The establishment of a local manufacturing development program is voluntary; however, if a local government elects to establish one, it must submit a copy of the ordinance to the DEO within 20 days of enacting the ordinance.

The DEO must develop a model ordinance¹³ by December 1, 2013, which must include:

- Application procedures for a manufacturer to apply for a master development plan and procedures for the local government to review and approve a master development plan;
- Identification of those areas within the local government’s jurisdiction which are subject to the program;
- Minimum elements for a master development plan, including but not limited to:
 - A site map;
 - A list proposing the site’s land uses;

¹² Department of Transportation, *Legislative Bill Review HB 357* (Feb. 11, 2013) (on file with the Senate Commerce and Tourism Committee).

¹³ A local government is not required to adopt the model ordinance.

- Maximum square footage, floor area ratio, and building heights for future development on the site;
- Development conditions;
- A list of development impacts which the local government will require to be addressed, if applicable, in a master development plan, including but not limited to, drainage, wastewater, vehicular and pedestrian entrance and exit from the site, and offsite transportation impacts;
- A provision vesting any existing development rights authorized by the local government prior to approval of a master development plan, if requested by the manufacturer;
- If required, a provision stating that the expiration date of the master development plan may not be earlier than 10 years after the plan's adoption;
- A provision limiting the circumstances that require an amendment to an approved master development plan, such as the enactment of a state or local law that addresses a direct and immediate threat to public safety or a revision to the master development plan initiated by the manufacturer;
- A provision limiting the scope of review for an amendment to a master development plan to a review of the proposed amendment and no other provisions of the plan;
- A provision stating that during the term of a master development plan, a local government may not require additional local development approvals other than a building permit to ensure compliance with the state building code and any other applicable state-mandated life and safety code,
- A provision requiring the manufacturer, prior to commencement of work, to submit a certification signed by an appropriate professional attesting that the construction or site development work complies with the master development plan; and
- A provision establishing the form the local government will use to certify that a manufacturer is eligible to participate in the local manufacturing development program adopted by that jurisdiction.

Any local ordinance established must be consistent with the DEO's model ordinance and must establish procedures for the review and approval of a master development plan, the development of the site in a manner consistent with the master development plan without requiring additional local approvals other than building permits, and the certification that a manufacturer is eligible to participate in the local manufacturing development program.

If the local government has enacted an ordinance prior to the effective date of the act, it is deemed to have established a local manufacturing development program, as long as it meets the minimum standards, as outlined above. A copy of such an ordinance must be submitted to the department on or before September 1, 2013.

If a local government establishes a local development program ordinance, the ordinance must remain in effect for at least 24 months. If the ordinance is repealed, any application for a master development plan submitted prior to the effective date of the repeal is vested and remains subject to the local manufacturing development plan in effect at the time the application is submitted.

Section 4 creates s. 163.3253, F.S., which outlines the manufacturing development coordinated approval process (process). Participating agencies must coordinate the manufacturing development approval process for manufacturers that are developing or expanding in a jurisdiction that has a local manufacturing development process. The participating agencies must

coordinate, collaborate, and simultaneously review applications for the following state development approvals: wetland or environmental permits, surface water management permits, stormwater permits, consumptive water use permits, wastewater permits, air emission permits, permits relating to listed species, highway or roadway access permits, and any other state development approval within the scope of a participating agency's authority.

At the time the manufacturer files its application for state development approval with a participating agency, it must also file proof that its development or expansion is located in the jurisdiction of a local government that has a local development-manufacturing program. If the local government repeals its local manufacturing development program, a manufacturer that has submitted its application for a state or local government development application prior to the date of repeal, remains eligible to participate in the process. During the process, if a manufacturer requests a meeting with one or more of the participating agencies, such participating agency must convene and attend such meeting.

If a participating agency determines that the application is incomplete, it must notify the applicant in writing. Unless the manufacturer waives the deadline in writing, a request for additional information from a participating agency must be provided to the manufacturer within 20 days after the application is filed with the agency. If a participating agency fails to request additional information within the 20-day period, it cannot later deny the application based on the manufacturer's failure to provide such information. Once the manufacturer has responded to the request for additional information, the participating agency has 10 days to make a second request for additional information, but such request is limited to obtaining clarification of the manufacturer's response.

Unless the manufacturer waives the deadline in writing, each participating agency must take final agency action on a state development approval within 60 days after a complete application is filed.¹⁴ If a participating agency intends to deny an application, it must notify the manufacturer and timely convene an informal meeting to facilitate a resolution, unless waived by the manufacturer in writing. An application will be deemed approved if the approving agency failed to act within the specified time frames unless the time limit is waived by the manufacturer in writing:

- Within the 60-day period;
- Within the time allowed by a federally-delegated permit program; or
- Within 45 days of a recommended order issued under ss.120.569 and 120.57, F.S.¹⁵

If a manufacturer seeks to claim approval by default, it must notify the clerk of the participating agency in writing. No action may be taken by the manufacturer until such notification is received by the clerk.

¹⁴ The 60-day period is tolled if a proceeding is initiated under ch. 120, F.S.

¹⁵ Section 120.569, F.S., requires the agency to issue a final order within 90 days of the recommended order. Section 120.57, F.S., requires a final order to be issued within 30 days of the recommended order.

The timeframes described above do not apply to permit applications for federally-delegated or approved permitting programs to the extent they are prohibited by, or inconsistent with, such program requirements.

If the manufacturer initiates a proceeding under ch. 120, F.S., it may, at any time, demand an expeditious resolution by noticing the administrative law judge (ALJ) and all other parties to the proceeding. The ALJ must set the matter for hearing within 30 days of receipt of the notice.

Section 5 creates s. 288.111, F.S., to provide that the DEO will develop materials identifying local governments that have established local manufacturing development programs. Enterprise Florida, Inc., must provide these materials to prospective, new, expanding, and relocating manufacturing businesses seeking to conduct business in Florida. Other state agencies are also authorized to distribute such materials.

Section 6 provides that this act takes effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Manufacturers may benefit from the coordinated approval process for state permit applications in those communities that implement a local manufacturing development program.

C. Government Sector Impact:

The Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, and the five water management districts (“participating agencies”) may incur costs associated with implementing the manufacturing development coordinated approval process created in the bill. The participating agencies must coordinate and simultaneously review applications for

permits within specified timeframes. Costs incurred by participating agencies will be based on how many local governments enact ordinances that establish a local manufacturing development program and how many manufacturers apply for various state permits. The costs are indeterminate at this time.

The DEO may incur costs associated with developing:

- A model ordinance to guide local governments that intend to establish a local manufacturing development program; and
- Materials identifying those local governments that establish a local manufacturing development program as provided in the bill.¹⁶

The DEO is required to update the local manufacturing development program information at least annually. The bill requires Enterprise Florida, Inc., and allows other state agencies, to distribute the materials to prospective, new, expanding, and relocating manufacturing businesses seeking to conduct business in Florida. The costs associated with these requirements of the bill are indeterminate at this time.

To the extent that local governments adopt a local manufacturing development program, the streamlined process may reduce administrative costs for those communities.¹⁷

VI. Technical Deficiencies:

The bill requires that participating agencies simultaneously review applications for various state development approvals, but does not address how such a simultaneous review among participating agencies would function, or what repercussions would exist for participating agencies who fail to simultaneously review applications.

The bill may need to be clarified to indicate that the initial review period does not begin until the appropriate application fee is received.

VII. Related Issues:

According to the DEO, use of the term “vested” in the bill may need clarification. The department’s analysis of SB 582 noted in part:

“Vested” generally means a land use can be developed notwithstanding changes to statutes or regulations. It is unclear whether “vested” in this bill means the applicant is authorized to develop the program described in the application even if the local government and the reviewing agencies have not reviewed and approved the application. Another interpretation is that the application is entitled to be reviewed under the local manufacturing development

¹⁶Florida Department of Economic Opportunity, *Agency Analysis of SB 582* (Feb. 18, 2013) available at <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=499&yr=2013>.

¹⁷ *Id.*

program ordinance in effect when the application was submitted.¹⁸

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 April 1, 2013:

The committee substitute does the following:

- Places provisions of the bill under ch. 163, F.S., rather than ch. 288, F.S.
- Adds a definition for the term “department.”
- Deletes the definition for the term “local government.”
- Removes the Department of Economic Opportunity from the coordinated manufacturing development approval process.
- Deletes the grant of rule-making authority to the Department of Economic Opportunity.
- Requires Enterprise Florida, Inc., to distribute materials that identify local governments that have established a local manufacturing development program, as provided in the bill, to prospective, new, expanding, and relocating manufacturers seeking to conduct business in Florida.

- 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 *Id.*

By the Committee on Commerce and Tourism; and Senator Galvano

577-03301-13

2013582c1

1 A bill to be entitled
 2 An act relating to manufacturing development; creating
 3 s. 163.325, F.S.; providing a short title;
 4 establishing the Manufacturing Competitiveness Act;
 5 creating s. 163.3251, F.S.; providing definitions;
 6 creating s. 163.3252, F.S.; authorizing local
 7 governments to establish a local manufacturing
 8 development program that provides for master
 9 development approval for certain sites; providing
 10 specific time periods for action by local governments;
 11 requiring the Department of Economic Opportunity to
 12 develop a model ordinance containing specified
 13 information and provisions; requiring a local
 14 manufacturing development program ordinance to include
 15 certain information; providing certain restrictions on
 16 the termination of a local manufacturing development
 17 program; creating s. 163.3253, F.S.; requiring
 18 participating agencies to establish a manufacturing
 19 development coordinated approval process for certain
 20 manufacturers; requiring participating agencies to
 21 coordinate and review applications for certain state
 22 development approvals; requiring participating
 23 agencies to convene and attend a meeting when
 24 requested by a certain manufacturer; providing for
 25 requests for additional information and specifying
 26 time periods; requiring participating agencies to take
 27 final action on applications within a certain time
 28 period; requiring participating agencies to facilitate
 29 the resolution of certain applications; providing for

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2013582c1

30 approval by default; providing for applicability with
 31 respect to permit applications governed by federally
 32 delegated or approved permitting programs; creating s.
 33 288.111, F.S.; requiring the department to develop
 34 materials that identify local manufacturing
 35 development programs; requiring Enterprise Florida,
 36 Inc., and authorizing other state agencies, to
 37 distribute such material; providing an effective date.
 38
 39 Be It Enacted by the Legislature of the State of Florida:
 40
 41 Section 1. Section 163.325, Florida Statutes, is created to
 42 read:
 43 163.325 Short title.—Sections 163.325-163.3253 may be cited
 44 as the “Manufacturing Competitiveness Act.”
 45 Section 2. Section 163.3251, Florida Statutes, is created
 46 to read:
 47 163.3251 Definitions.—As used in ss. 163.3251-163.3253, the
 48 term:
 49 (1) “Department” means the Department of Economic
 50 Opportunity.
 51 (2) “Local government development approval” means a local
 52 land development permit, order, or other approval issued by a
 53 local government, or a modification of such permit, order, or
 54 approval, which is required for a manufacturer to physically
 55 locate or expand and includes, but is not limited to, the review
 56 and approval of a master development plan required under s.
 57 163.3252(2)(c).
 58 (3) “Local manufacturing development program” means a

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59 program enacted by a local government for approval of master
60 development plans under s. 163.3252.

61 (4) "Manufacturer" means a business that is classified in
62 Sectors 31-33 of the National American Industry Classification
63 System (NAICS) and is located, or intends to locate, within the
64 geographic boundaries of an area designated by a local
65 government as provided under s. 163.3252.

66 (5) "Participating agency" means:

67 (a) The Department of Environmental Protection.

68 (b) The Department of Transportation.

69 (c) The Fish and Wildlife Conservation Commission, when
70 acting pursuant to statutory authority granted by the
71 Legislature.

72 (d) Water management districts.

73 (6) "State development approval" means a state or regional
74 permit or other approval issued by a participating agency, or a
75 modification of such permit or approval, which must be obtained
76 before the development or expansion of a manufacturer's site,
77 and includes, but is not limited to, those specified in s.
78 163.3253(1).

79 Section 3. Section 163.3252, Florida Statutes, is created
80 to read:

81 163.3252 Local manufacturing development program; master
82 development approval for manufacturers.—A local government may
83 adopt an ordinance establishing a local manufacturing
84 development program through which the local government may grant
85 master development approval for the development or expansion of
86 sites that are, or are proposed to be, operated by manufacturers
87 at specified locations within the local government's geographic

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88 boundaries.

89 (1) (a) A local government that elects to establish a local
90 manufacturing development program shall submit a copy of the
91 ordinance establishing the program to the department within 20
92 days after the ordinance is enacted.

93 (b) A local government ordinance adopted before the
94 effective date of this act establishes a local manufacturing
95 development program if it satisfies the minimum criteria
96 established in subsection (3) and if the local government
97 submits a copy of the ordinance to the department on or before
98 September 1, 2013.

99 (2) By December 1, 2013, the department shall develop a
100 model ordinance to guide local governments that intend to
101 establish a local manufacturing development program. The model
102 ordinance, which need not be adopted by a local government, must
103 include:

104 (a) Procedures for a manufacturer to apply for a master
105 development plan and procedures for a local government to review
106 and approve a master development plan.

107 (b) Identification of those areas within the local
108 government's jurisdiction which are subject to the program.

109 (c) Minimum elements for a master development plan,
110 including, but not limited to:

111 1. A site map.

112 2. A list proposing the site's land uses.

113 3. Maximum square footage, floor area ratio, and building
114 heights for future development on the site, specifying with
115 particularity those features and facilities for which the local
116 government will require the establishment of maximum dimensions.

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117 4. Development conditions.
 118 (d) A list of the development impacts, if applicable to the
 119 proposed site, which the local government will require to be
 120 addressed in a master development plan, including, but not
 121 limited to:
 122 1. Drainage.
 123 2. Wastewater.
 124 3. Potable water.
 125 4. Solid waste.
 126 5. Onsite and offsite natural resources.
 127 6. Preservation of historic and archeological resources.
 128 7. Offsite infrastructure.
 129 8. Public services.
 130 9. Compatibility with adjacent offsite land uses.
 131 10. Vehicular and pedestrian entrance to and exit from the
 132 site.
 133 11. Offsite transportation impacts.
 134 (e) A provision vesting any existing development rights
 135 authorized by the local government before the approval of a
 136 master development plan, if requested by the manufacturer.
 137 (f) Whether an expiration date is required for a master
 138 development plan and, if required, a provision stating that the
 139 expiration date may not be earlier than 10 years after the
 140 plan's adoption.
 141 (g) A provision limiting the circumstances that require an
 142 amendment to an approved master development plan to the
 143 following:
 144 1. Enactment of state law or local ordinance addressing an
 145 immediate and direct threat to the public safety that requires

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146 an amendment to the master development order.
 147 2. Any revision to the master development plan initiated by
 148 the manufacturer.
 149 (h) A provision stating that the scope of review for any
 150 amendment to a master development plan is limited to the
 151 amendment and does not subject any other provision of the
 152 approved master development plan to further review.
 153 (i) A provision stating that, during the term of a master
 154 development plan, the local government may not require
 155 additional local development approvals for those development
 156 impacts listed in paragraph (d) that are addressed in the master
 157 development plan, other than approval of a building permit to
 158 ensure compliance with the state building code and any other
 159 applicable state-mandated life and safety code.
 160 (j) A provision stating that, before commencing
 161 construction or site development work, the manufacturer must
 162 submit a certification, signed by a licensed architect,
 163 engineer, or landscape architect, attesting that such work
 164 complies with the master development plan.
 165 (k) A provision establishing the form that will be used by
 166 the local government to certify that a manufacturer is eligible
 167 to participate in the local manufacturing development program
 168 adopted by that jurisdiction.
 169 (3) A local manufacturing development program ordinance
 170 must, at a minimum, be consistent with subsection (2) and
 171 establish procedures for:
 172 (a) Reviewing an application from a manufacturer for
 173 approval of a master development plan.
 174 (b) Approving a master development plan, which may include

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175 conditions that address development impacts anticipated during
 176 the life of the development.

177 (c) Developing the site in a manner consistent with the
 178 master development plan without requiring additional local
 179 development approvals other than building permits.

180 (d) Certifying that a manufacturer is eligible to
 181 participate in the local manufacturing development program.

182 (4) (a) A local government that establishes a local
 183 manufacturing development program may not abolish the program
 184 until it has been in effect for at least 24 months.

185 (b) If a local government repeals its local manufacturing
 186 development program ordinance:

187 1. Any application for a master development plan which is
 188 submitted to the local government before the effective date of
 189 the repeal is vested and remains subject to the local
 190 manufacturing development program ordinance in effect when the
 191 application was submitted; and

192 2. The manufacturer that submitted the application is
 193 entitled to participate in the manufacturing development
 194 coordinated approval process established in s. 163.3253.

195 Section 4. Section 163.3253, Florida Statutes, is created
 196 to read:

197 163.3253 Coordinated manufacturing development approval
 198 process.—Participating agencies shall coordinate the
 199 manufacturing development approval process, as set forth in this
 200 section, for manufacturers that are developing or expanding in
 201 the jurisdiction of a local government that has a local
 202 manufacturing development program.

203 (1) Participating agencies shall collaborate and coordinate

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204 the simultaneous review of applications for the following state
 205 development approvals:

206 (a) Wetland or environmental resource permits.

207 (b) Surface water management permits.

208 (c) Stormwater permits.

209 (d) Consumptive water use permits.

210 (e) Wastewater permits.

211 (f) Air emission permits.

212 (g) Permits relating to listed species.

213 (h) Highway or roadway access permits.

214 (i) Any other state development approval within the scope
 215 of a participating agency's authority.

216 (2) (a) When filing its application for state development
 217 approval, a manufacturer shall file with each participating
 218 agency proof that its development or expansion is located in the
 219 jurisdiction of a local government that has a local
 220 manufacturing development program.

221 (b) If a local government repeals its local manufacturing
 222 development program ordinance, a manufacturer developing or
 223 expanding in that jurisdiction remains entitled to participate
 224 in the process if the manufacturer submitted its application for
 225 a local government development approval before the effective
 226 date of repeal.

227 (3) At any time during the process, if a manufacturer
 228 requests a meeting with one or more participating agencies to
 229 facilitate the process, such participating agency shall convene
 230 and attend such meeting.

231 (4) If a participating agency determines that an
 232 application is incomplete, the participating agency shall notify

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233 the applicant, in writing, of the additional information
 234 necessary to complete the application.

235 (a) Unless the deadline is waived in writing by the
 236 manufacturer, a participating agency shall provide a request for
 237 additional information to the manufacturer within 20 days after
 238 the date the application is filed with the participating agency.

239 (b) If the participating agency does not request additional
 240 information within the 20-day period, the participating agency
 241 may not subsequently deny the application based on the
 242 manufacturer's failure to provide additional information.

243 (c) Within 10 days after the manufacturer's response to the
 244 request for additional information, a participating agency may
 245 make a second request for additional information for the sole
 246 purpose of obtaining clarification of the manufacturer's
 247 response.

248 (5) (a) Unless the deadline is waived in writing by the
 249 manufacturer, each participating agency shall take final agency
 250 action on a state development approval within its authority
 251 within 60 days after a complete application is filed. The 60-day
 252 period is tolled by the initiation of a proceeding under ss.
 253 120.569 and 120.57.

254 (b) A participating agency shall notify the manufacturer if
 255 the agency intends to deny a manufacturer's application and,
 256 unless waived in writing by the manufacturer, the participating
 257 agency shall timely convene an informal meeting to facilitate a
 258 resolution.

259 (c) Unless waived in writing by the manufacturer, if a
 260 participating agency does not approve or deny an application
 261 within the 60-day period, within the time allowed by a federally

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262 delegated permitting program, or, if a proceeding is initiated
 263 under ss. 120.569 and 120.57, within 45 days after a recommended
 264 order is submitted to the agency and the parties, the state
 265 development approval within the authority of the participating
 266 agency is deemed approved. A manufacturer seeking to claim
 267 approval by default under this subsection shall notify, in
 268 writing, the clerk of the participating agency of that intent. A
 269 manufacturer may not take action based on the default approval
 270 until such notice is received by the agency clerk.

271 (d) At any time after a proceeding is initiated under ss.
 272 120.569 and 120.57, the manufacturer may demand expeditious
 273 resolution by serving notice on an administrative law judge and
 274 all other parties to the proceeding. The administrative law
 275 judge shall set the matter for final hearing no more than 30
 276 days after receipt of such notice. After the final hearing is
 277 set, a continuance may not be granted without the written
 278 agreement of all parties.

279 (6) Subsections (4) and (5) do not apply to permit
 280 applications governed by federally delegated or approved
 281 permitting programs to the extent that subsections (4) and (5)
 282 impose timeframes or other requirements that are prohibited by
 283 or inconsistent with such federally delegated or approved
 284 permitting programs.

285 Section 5. Section 288.111, Florida Statutes, is created to
 286 read:

287 288.111 Information concerning local manufacturing
 288 development programs.—The department shall develop materials
 289 that identify each local government that establishes a local
 290 manufacturing development program under s. 163.3252. The

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2013582c1

291 materials, which the department may elect to develop and
292 maintain in electronic format or in any other format deemed by
293 the department to provide public access, must be updated at
294 least annually. Enterprise Florida, Inc., shall, and other state
295 agencies may, distribute the materials to prospective, new,
296 expanding, and relocating manufacturing businesses seeking to
297 conduct business in this state.

298 Section 6. This act shall take effect July 1, 2013.



416140

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (aaaa) is added to subsection (4) of
section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be
collected for the appropriate specialty license plates:

(aaaa) Freemasonry license plate, \$25.

Section 2. Subsection (79) is added to section 320.08058,



416140

13 Florida Statutes, to read:
14 320.08058 Specialty license plates.-
15 (79) FREEMASONRY LICENSE PLATES.-
16 (a) Notwithstanding section 45 of 2010-223, Laws of
17 Florida, and s. 320.08053(1), the department shall develop a
18 Freemasonry license plate as provided in s. 320.08053(2) and
19 (3), and this section. The word "Florida" must appear at the top
20 of the plate, and the words "In God We Trust" must appear at the
21 bottom of the plate.

22 (b) The license plate annual use fees shall be distributed
23 to the Masonic Home Endowment Fund, Inc., which may use a
24 maximum of 10 percent of the proceeds to promote and market the
25 plate. The remainder of the proceeds shall be used by the
26 Masonic Home Endowment Fund, Inc., to invest and reinvest and
27 use the interest for the operation of the Masonic Home of
28 Florida, a five-star facility dedicated to the care of Masons
29 and their families.

30 Section 3. This act shall take effect October 1, 2013.

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete everything before the enacting clause
35 and insert:

36 A bill to be entitled
37 An act relating to specialty license plates; amending
38 ss. 320.08056 and 320.08058, F.S.; creating a
39 Freemasonry license plate; establishing an annual use
40 fee for the plate; providing for the distribution of
41 annual use fees received from the sale of such plates;



416140

42

providing an effective date.

II. Present Situation:

Specialty License Plates

Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee, in addition to other registration fees, for the privilege using that plate. Specialty license plate annual use fees range from \$15 to \$25, and are distributed to an organization in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Annual use fees, and any interest earned from those fees, may be used by the authorized organization for public or private purposes; however, the annual fees may not be used for commercial or for-profit activities, or for general administrative expenses (except as specifically authorized or to pay the cost of the audit or report required to ensure the proceeds are used as authorized).

The sponsoring organization wishing to receive a specialty license plate is required to comply with the requirements of s. 320.08053, F.S., which include submitting the following information to the department at least 90 days prior to the convening of the next regular session of the Legislature:

- A description of the proposed specialty license, including a sample plate that conforms to specifications set by the department;
- Payment of a \$60,000 processing fee which defrays the department's cost of reviewing the application and developing the specialty license plate; and
- A marketing strategy outlining short-term and long-term marketing plans and a projected financial analysis outlining the anticipated and planned revenues from the sale of the license plate.

If the specialty license plate is approved by law, the sponsoring organization must pre-sell a minimum of 1,000 vouchers within 24 months before the department can begin manufacturing the specialty license plate. If the specialty license plate is not approved by the Legislature, or if the pre-sell requirements are not met, the department shall refund the application fee to the requesting organization.

Currently, there is a moratorium on the issuance of new specialty license plates. Section 45, ch. 2008-176, L.O.F., as amended by s. 21, ch. 2010-223, L.O.F., provides that "[e]xcept for a specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, F. S., prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, F.S., between July 1, 2008, and July 1, 2014."

A person wishing to purchase a specialty license plate must pay, in addition to the required license plate fee and license tax, a license plate annual use fee (from \$15 to \$25) and a processing fee of \$5.

Freemasonry license plate

Thirty nine states offer the Freemasonry license plate for a cost ranging from \$20 to \$40¹

The Masonic Home Endowment Fund, Inc., is a 501(c)(3), public charity organization. The Masonic Home Endowment Fund, Inc., was founded around 1987 in the Jacksonville, Florida area.² The Grand Lodge of Florida³ is just one company under the auspices of the Masonic Home Endowment Fund, Inc. The Grand Lodge of Florida is a retirement living facility for senior masons and their spouses/widows. The facility has two-levels of care; round the clock care and assisted living with geriatric physicians and specialists on the premises.

III. Effect of Proposed Changes:

Section 1 amends s. 302.08056, F.S., to authorize the department to develop and issue the Freemasonry specialty license plate with an annual use fee of \$25.

Section 2 amends s. 302.08058, F.S., to create the Freemasonry specialty license plate, and notwithstanding the provisions of s. 302.08053, F.S., requiring an application of \$60,000 to defray the department's cost of reviewing the application and developing the plate. The bill specifies that the department will retain all of the annual use fees from the sale of the Freemasonry specialty license until all startup costs for developing and issuing the plates are recovered. Thereafter, the \$25 use fee will be distributed to the Masonic Home Endowment Fund, Inc., which may use up to 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds must be used for the operation of the Masonic Home of Florida.

Section 3 provides an effective date of October 1, 2013.

Other Potential Implications:

The specialty plate does not qualify to be exempted from the requirements of the moratorium.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹ <http://www.daylightlodge.org/licenseplates.htm> (last visited on 3/17/2013)

² <http://www.lincc.us/PubApps/showVals.php?ein=592740213> (last visited on 3/18/2013)

³ <http://masonichomeofflorida.org/aboutus.html> (last visited on 3/18/2013)

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who purchase the Freemasonry specialty license plate will pay a \$25 annual use fee in addition to normal registration fees.

Proceeds from the sale of the Freemasonry specialty license plate will be distributed to the Masonic Home Endowment Fund, Inc.

C. Government Sector Impact:

The department's Information Systems Administration Office will require approximately 88 hours of work to develop, design, manufacture, and distribute the specialty license plate, and to implement the provisions of this bill. These costs will be absorbed by the department.

The sponsoring organization has not yet fulfilled all requirements of s. 320.08053, F.S., which includes a \$60,000 application fee which is used by the department to offset startup costs. However, the bill requires that the proceeds from the sale of the license plate be retained by the department until all startup costs have been recovered.

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 Rules Committee on April 9, 2013:

The CS/CS clarifies that the department shall retain all annual use fees from the sale of the Freemasonry specialty license plate until all startup costs for developing and issuing the plates have been recovered.

CS by Transportation Committee on March 21, 2013:

The CS added provisions authorizing the department, notwithstanding provisions of s. 320.08053, F.S., to develop and issue a Freemasonry specialty license plate. However, once all of the requirements are met, the department will distribute the \$25 use fees to Masonic Home Endowment Fund, Inc.

The CS also changed the effective date to October 1, 2013.

B. Amendments:

None.

By the Committees on Rules; and Transportation; and Senators
Dean, Evers, and Latvala

595-03971-13 2013274c2

1 A bill to be entitled
2 An act relating to specialty license plates; amending
3 ss. 320.08056 and 320.08058, F.S.; creating a
4 Freemasonry license plate; establishing an annual use
5 fee for the plate; providing for the distribution of
6 annual use fees received from the sale of such plates;
7 providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (aaaa) is added to subsection (4) of
12 section 320.08056, Florida Statutes, to read:

13 320.08056 Specialty license plates.-

14 (4) The following license plate annual use fees shall be
15 collected for the appropriate specialty license plates:

16 (aaaa) Freemasonry license plate, \$25.

17 Section 2. Subsection (79) is added to section 320.08058,
18 Florida Statutes, to read:

19 320.08058 Specialty license plates.-

20 (79) FREEMASONRY LICENSE PLATES.-

21 (a) Notwithstanding the provisions of s. 320.08053, the
22 department shall develop a Freemasonry license plate as provided
23 in this section. The word "Florida" must appear at the top of
24 the plate, and the words "In God We Trust" must appear at the
25 bottom of the plate.

26 (b) The department shall retain all annual use fees from
27 the sale of such plates until all startup costs for developing
28 and issuing the plates have been recovered. Thereafter, the
29 license plate annual use fees shall be distributed to the

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595-03971-13 2013274c2

30 Masonic Home Endowment Fund, Inc., which may use a maximum of 10
31 percent of the proceeds to promote and market the plate. The
32 remainder of the proceeds shall be used by the Masonic Home
33 Endowment Fund, Inc., to invest and reinvest and use the
34 interest for the operation of the Masonic Home of Florida, a
35 five-star facility dedicated to the care of Masons and their
36 families.

37 Section 3. This act shall take effect October 1, 2013.

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