APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

Daniel Webster, Chair

Meeting Packet
Tuesday, April 13, 2004
9:15 a.m. – 11:15 a.m.
117 Knott Building

(Please bring this packet to the committee meeting. Duplicate materials will not be available.)

E X P A N D E D A G E N D A

COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND ECONOMIC DEVE

Senator Webster, CHAIR

DATE: Tuesday, April 13, 2004
TIME: 9:15 a.m. -- 11:15 a.m.
PLACE: Room 117, Knott Building

(MEMBERS: Senators Diaz de la Portilla, Garcia, Sebesta and Siplin)

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 0314 Campbell et al (Identical H 0011)	Motor Vehicle Title Certificates; requires HSMV to maintain certain records for 10 years. Amends 319.23. TR 03/03/04 FAVORABLE GO 03/30/04 FAVORABLE ATD 04/13/04 AP	
2	SB 0502 Wise et al (Identical H 0263)	Family First License Plate; creates Family First license plate; provides for distribution of annual use fees received from sale of such plates. Amends 320.08056,.08058. TR 03/09/04 FAVORABLE FT 03/18/04 FAVORABLE ATD 04/13/04 AP RC	
3	SB 0548 Bennett (Similar H 0455)	Sportsmen's License Plate; creates Sportsmen's National Land Trust license plate; provides for distribution of annual use fees received from sales of such plates. Amends 320.08056,.08058. TR 03/09/04 FAVORABLE NR 03/16/04 FAVORABLE FT 03/25/04 FAVORABLE ATD 04/13/04 AP	
4	CS/CS/SB 0708 Finance and Taxation / Atwater et al (Similar H 0547, Compare H 1305)	Local Government Accountability; revises duties of Legislative Auditing Committee; clarifies that local governments are authorized to provide health insurance; revises definition of "governmental entity" to include counties & district school boards; revises provisions governing notice of bids & disposition of bonds; revises provisions governing issuance of bonds by municipality; revises reporting requirements of newly created special districts, etc. Amends FS. CP 01/05/04 FAVORABLE GO 02/04/04 FAVORABLE WITH AMEND 1 ED 02/18/04 CS FT 03/11/04 CS/CS ATD 04/13/04 AP	

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COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND ECONOMIC DEVE

DATE: Tuesday, April 13, 2004 TIME: 9:15 a.m. -- 11:15 a.m.

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1198 Clary et al (Similar H 0257)	Florida Educational License Plate; increases annual use fee for said license plate. Amends 320.08056 TR 03/03/04 FAVORABLE FT 03/11/04 FAVORABLE ATD 04/13/04 AP	
6	CS/CS/SB 1214 Comprehensive Planning / Constantine et al (Similar H 0849)	Wekiva Parkway & Protection Act; provides legal description of Wekiva Study Area; provides guiding principles for Wekiva Parkway Design Features & Construction; provides that title of all lands acquired for Wekiva Parkway shall vest in State of Florida; requires DOT to purchase certain lands subject to legislative appropriation; provides for coordination of land use & water supply with Wekiva Study Area; creates Wekiva River Basin Commission, etc. Creates 369.314-.324; amends 163.3184. NR 03/16/04 CS CP 03/29/04 CS/CS ATD 04/13/04 AP RC	
7	CS/CS/CS/SB 1316 Governmental Oversight and Productivity / Bennett et al (Linked CS/S 2190, Compare CS/S 0112)	Alternative Energy; creates Florida Alternative Energy Technology Center, Inc.; provides for organization, purpose, & duties of center; provides for transfer of state energy program from DCA to DEP. CU 02/17/04 CS AG 03/10/04 WITHDRAWN NR 03/16/04 Temporarily postponed NR 03/22/04 CS/CS GO 03/30/04 CS/CS/CS ATD 04/13/04 AP	
8	CS/SB 1414 Regulated Industries / Diaz de la Portilla (Similar H 0443, Compare H 1809, CS/CS/1ST ENG/S 1526)	Mobile & Manufactured Homes; deletes requirement that manufacturer's certificate of origin be recorded with clerk of court in order for HSMV to retire title to mobile home; requires that mobile & manufactured homes sold in this state be constructed to meet certain standards; requires each county or municipality to be responsible for onsite inspection of mobile home installation within its jurisdiction, etc. Amends Ch. 320, 319.261, 215.559. TR 02/04/04 FAVORABLE RI 02/18/04 Not considered RI 03/04/04 Meeting canceled RI 03/11/04 CS CP 03/23/04 FAVORABLE ATD 04/13/04 AP	

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COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND ECONOMIC DEVE

DATE: Tuesday, April 13, 2004 TIME: 9:15 a.m. -- 11:15 a.m.

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	CS/SB 1456 Governmental Oversight and Productivity / Sebesta (Similar H 1027, Compare H 0005)	Transportation Dept.; authorizes secretary of dept. to appoint additional assistant secretary & deputy assistant secretaries or directors; authorizes secretary to reorganize offices within dept. in consultation with Executive Office of Governor; authorizes Emerald Coast Bridge Authority to revise repayment schedule of any previous advances for funds from Toll Facilities Revolving Trust Fund within dept., etc. Amends Ch. 338, 20.23, 110.205, 334.30, 348.0004. TR 03/23/04 FAVORABLE WITH AMEND 1 GO 03/30/04 CS ATD 04/13/04 AP	
10	CS/SB 1494 Commerce, Economic Opportunities, and Consumer Services / Commerce, Economic Opportunities, and Consumer Services et al (Similar H 0583, Compare H 0617, CS/S 1708)	Tax Refund Programs/Businesses; requires Tourism, Trade, & Economic Development Office to pay claims for tax refunds in order approved; requires Enterprise Florida, Inc., to report name & tax refund amount paid to each business under program; provides that new applicants may not be certified for said program for qualified defense contractors or qualified target industry businesses after June 30, 2009, etc. Amends 288.095,.1045, .106. CM 03/09/04 CS HP 03/23/04 FAVORABLE FT 03/31/04 WITHDRAWN ATD 04/13/04 AP	
11	CS/CS/SB 1622 Health, Aging, and Long-Term Care / Military and Veterans' Affairs, Base Protection, and Spaceports et al (Similar H 1339, 1ST ENG/H 1725, Compare H 0119, S 0412, S 2080)	Military Families; revises certain requirements re scholarships for children of deceased veterans; provides for licensure by endorsement of certain nurses licensed in another state that is member of Nurse Licensure Compact; revises eligibility requirements for military dependents applying for John M. McKay Scholarship; provides for alternate assessments for grade 10 FCAT for certain military dependents, etc. Amends FS. MS 02/16/04 FAVORABLE CM 03/10/04 WITHDRAWN HC 03/10/04 WITHDRAWN CP 03/10/04 WITHDRAWN ATD 03/10/04 WITHDRAWN AP 03/10/04 WITHDRAWN ED 03/10/04 CS HC 03/23/04 CS/CS ATD 04/13/04 AP	

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TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	SB 1704 Haridopolos et al (Similar H 0605)	Discover Fla.'s Oceans License Plate; creates Discover Florida's Oceans license plate; provides for distribution of annual use fees received from sale of such plates. Amends 320.08056,.08058. TR 03/09/04 FAVORABLE NR 03/16/04 FAVORABLE FT 03/25/04 FAVORABLE ATD 04/13/04 AP	
13	SB 1872 Webster (Identical H 0551)	Family Values License Plate; creates Family Values license plate; provides for annual use fee; provides for distribution of such fees received from sale of plates. Amends 320.08056,.08058. TR 03/09/04 FAVORABLE CF 03/24/04 FAVORABLE FT 04/01/04 FAVORABLE ATD 04/13/04 AP RC	
14	CS/SB 2020 Transportation / Clary (Similar H 0445, Compare S 1686, S 1852)	Specialty License Plates; creates Save Our Seas license plate; creates Aquaculture license plate; provides for distribution of annual use fees received from sale of such plates. Amends 320.08056,.08058. TR 03/09/04 CS AG 03/17/04 FAVORABLE WITH AMEND 1 NR 03/25/04 WITHDRAWN FT 04/01/04 FAVORABLE ATD 04/13/04 AP RC	
15	CS/SB 2042 Children and Families / Lynn et al (Compare H 0897)	Suicide Prevention; creates Statewide Office for Suicide Prevention in Drug Control Office; creates Suicide Prevention Coordinating Council within Drug Control Office; creates interagency workgroup for state agencies within coordinating council in order to coordinate state agency plans for suicide prevention; authorizes coordinating council to seek & accept grants or funds from any source to support its operation, etc. Creates 397.3335,.3336. HC 03/03/04 FAVORABLE CF 03/17/04 CS GO 03/30/04 FAVORABLE ATD 04/13/04 AP	

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	CS/SB 2340 Governmental Oversight and Productivity / Bennett	Florida Administrative Weekly; requires forms incorporated by reference to display specified information; requires electronic publication of Florida Administrative Weekly on Internet website managed by Department of State in collaboration with State Technology Office; provides for free public access to such website; provides for training courses for agencies currently publishing materials Florida Administrative Weekly, etc. Amends 120.55,.551. GO 03/10/04 CS ATD 04/13/04 AP	
17	SB 2410 Webster (Similar H 1111)	Parents Make A Difference Lic. Plate; creates Parents Make A Difference license plate; provides for annual use fee; provides for distribution of such fees received from sale of plates. Amends 320.08056,.08058. TR 03/16/04 FAVORABLE CF 03/24/04 FAVORABLE FT 04/01/04 FAVORABLE ATD 04/13/04 AP	
18	SB 2486 Cowin et al	Specialty License Plates; creates Support Soccer license plate; provides for annual use fee; provides for distribution of such fees received from sale of plates. Amends 320.08056,.08058. TR 03/16/04 FAVORABLE FT 03/25/04 FAVORABLE ATD 04/13/04 AP	

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 314

SPONSOR: Senator Campbell

SUBJECT: Motor vehicle title certificates

DATE: April 13, 2004 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Meyer	TR	Favorable
2.	Wilson	Wilson	GO	Favorable
3.	Weaver	Kelly	ATD	
4.			AP	
5.				
6.				

I. Summary:

Currently, the Department of Highway Safety and Motor Vehicles (DHSMV) is required to retain supporting documentation presented by an applicant when applying for a motor vehicle title. The current statute does not specify the length of time the documentation must be retained by DHSMV.

This bill requires the DHSMV to retain, for a period of not less than 10 years, all titles, manufacturers' statements of origin, applications, and supporting documents submitted with the application, including, but not limited to, odometer statements, vehicle identification number verifications, bills of sale, indicia of ownership, dealer reassignments, photographs, and any personal identification, affidavits, or documents required by or submitted to the DHSMV.

This bill substantially amends s. 319.23 of the Florida Statutes.

II. Present Situation:

Generally, ch. 319, F.S., requires an individual to apply for a registration and title whenever a new motor vehicle is purchased, a motor vehicle is brought into the state, or at any time the ownership of a motor vehicle changes. In order to title and register a motor vehicle, an applicant is required to provide proof of ownership and proof of required insurance coverage written or countersigned by a Florida agent. An applicant is also required to purchase or transfer a license plate, record a lien if the vehicle is financed and complete and sign the appropriate title application document. The documentation is used by consumers in researching vehicle history and by law enforcement and the insurance industry in investigating auto theft and title fraud.

Currently, s. 319.23(5), F.S., provides that the DHSMV must retain evidence of title presented by the applicant upon which the certificate of title is issued. The current statute does not specify the length of time the documentation must be retained by DHSMV. In recent years, the method of retaining documents has varied. Listed below is a chronological history of the DHSMV's title document retention practice:

- Prior to February 1999 - records were microfilmed and retrieved from the microfilm unit within the DHSMV.
- February 1999 to April, 2001 – Florida title transfers, original used transactions and miscellaneous transaction title records were imaged and retrieved through the Cylex imaging system.
- April 2001 to September, 2001 – Florida title transfers and original used transaction title records were retrieved through the Cylex imaging system. Miscellaneous title transactions were retrieved from the facility maintained by PRIDE.
- September 2001 to present – Documents are not imaged, but may be retrieved from warehouse storage maintained by the DHSMV in Tallahassee if the title issue date is nine months old or less. If the title issue date is more than nine months old the documents are stored in a warehouse maintained by Capital Circle Commerce Park, LLC and may be retrieved from that facility.

III. Effect of Proposed Changes:

This bill amends s. 319.23, F.S. to require the DHSMV to retain all titles, manufacturers' statements of origin, applications, and supporting documents submitted with the application, including, but not limited to, odometer statements, vehicle identification number verifications, bills of sale, indicia of ownership, dealer reassignments, photographs, and any personal identification, affidavits, or documents required by or submitted to the DHSMV for a period of not less than 10 years. Current law does not specify how long title documents must be maintained. The retention of records is particularly important with respect to investigating auto theft and title fraud.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DHSMV has been retaining title documents and storing them in warehouses since September 2001. For fiscal year 2002-2003, the cost to retain title documents was $137,391. The projected cost of retaining documents for Fiscal Years 2003-2004 and 2004-2005 is $204,578 and $167,383 respectively. DHSMV has a recurring appropriation of $150,000 for securing leased warehouse space.

VI. Technical Deficiencies:

None.

VII. Related Issues:

To comply with the provisions of this bill efficiently, the DHSMV evaluated the following three alternatives:

Currently, DHSMV maintains evidence of title documents by using existing staff and leased warehouse space to store documents up to 10 years from title issuance. The lease space is a contractual agreement with Capital Circle Commerce Park, LLC, to store all ten years of title documents in one location. Excluding existing staff, the estimated cost to maintain the records for ten years is $3,497,548.

The second and preferred approach would be to electronically image (or scan) title documents and store them in-house by the DHSMV through use of existing personnel. Recurring costs would consist of the purchase of additional disk storage annually, at an average cost of $300,000 per year to accommodate title document volume, plus $10,000 in maintenance costs. Total first year costs are estimated at $664,231, which include initial non-recurring start up costs of $400,231 to purchase two document scanners, programming, software and other expenses. Excluding existing staff, the estimated cost to maintain the records for ten years under this approach is $3,444,231.

The third approach would be to electronically image and store title documents via private contractor as performed in the past. The DHSMV has explored this option and determined it to be cost prohibitive. Excluding existing staff, the estimated cost to maintain the records for ten years under this approach is $16,800,000.

According to the DHSMV, there are risks associated with the physical storage of paper documents. Primarily, title documents are at risk of being damaged by fire or deterioration due to age. Security concerns due to accessibility of physically stored documents are also an issue. In the event of a catastrophe or other type loss, there is no backup or replacement method. These risks do not exist or are effectively mitigated with the electronic storage of title documents which also greatly simplifies document retrieval.

VIII. Amendments:

None.

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

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 502

SPONSOR: Senators Wise, Sebesta and Fasano

SUBJECT: Family First License Plate

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable
2.	Keating	Johansen	FT	Favorable
3.	Weaver	Kelly	ATD	
4.			AP	
5.			RC	
6.				

I. Summary:

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Family First specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate. Family First is required to retain all revenues from the sale of the license plate until its startup costs for developing and establishing the license plate have been recovered. After funding the development costs, Family First is authorized to spend the annual use fees as follows: up to 5 percent to cover administrative costs directly associated with operations; up to 20 percent for continuing promotion and marketing of the plate and concept; and all remaining funds shall be used to support programs, projects, seminars, events and family resources promoting principles for building marriages, guiding parents and raising children.

According to the DHSMV, Family First has completed all statutory requirements for eligibility to seek Legislative approval of its specialty license plate concept.

This bill substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 91 more 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 for the privilege. Annual use fees ranging from $15 to $25, paid in

addition to required license taxes and service fees, are distributed to an organization or 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.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed $60,000, to defray the Department of Highway Safety and Motor Vehicle's (DHSMV) cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded. To date, only three plates have ever been

discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those 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).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 93 specialty license plates to date. Sales of specialty license plates generated more than $24 million in annual use fee revenues in 2002, and more than $24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $225 million.

III. Effect of Proposed Changes:

The bill directs the DHSMV to issue a Family First specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate.

The annual use fees will be distributed to Family First to fund the following:

- To reimburse Family First for startup costs for developing and establishing the plate; thereafter
- Up to 5 percent of the funds may be expended for administrative costs directly associated with the operations of Family First;
- Up to 20 percent of the funds may be expended for promoting and marketing the license plate;
- The remaining funds may be used for programs, projects, seminars, events and family resources promoting principles for building marriages, guiding parents and raising children.

According to the DHSMV, Family First has completed all statutory requirements for eligibility to seek Legislative approval of its specialty license plate concept.

The bill shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Persons who apply for the Family First specialty license plate would have to pay $25 for the annual use fee, in addition to the taxes and fees required under s. 320.08, F.S., and a $2 processing fee. The $25 use fee shall be distributed to Family First and the $2 processing fee is deposited into the State Transportation Trust Fund of the Department of Transportation. The fiscal impact is indeterminate.

B. Private Sector Impact:

Persons who apply for the Family First license plate would have to pay $25 for the annual use fee, a $2 processing fee, and all applicable motor vehicle registration taxes and fees required under s. 320.08, F.S.

C. Government Sector Impact:

Current law provides an application fee, not to exceed $60,000, be paid to the DHSMV to defray the administrative costs of reviewing and developing the new specialty license plate. The DHSMV has indicated $60,000 has been collected from the applicant to defray these costs. This fee will be refunded if the license plate is not approved by the Legislature.

The DHSMV estimates administrative and design costs to be approximately $60,000 per specialty license plate authorized. Any additional cost of issuing the license plate will be retained from the first proceeds derived from the annual use fees as provided in s. 320.08056(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 548

SPONSOR: Senator Bennett

SUBJECT: Sportsmen's National Land Trust License Plate

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable
2.	Branning	Kiger	NR	Favorable
3.	Keating	Johansen	FT	Favorable
4.	Weaver	Kelly	ATD	
5.			AP	
6.				

I. Summary:

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Sportsmen's National Land Trust specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to the Sportsmen's National Land Trust to fund programs and projects which preserve open space and wildlife habitat, promote conservation, improve wildlife habitat, and establish open space for the perpetual use of the public.

According to the DHSMV, the Trust has completed all statutory requirements for eligibility to seek Legislative approval of its specialty license plate concept.

This bill substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 91 more 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 for the privilege. Annual use fees ranging from $15 to $25, paid in addition to required license taxes and service fees, are distributed to an organization or 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.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed $60,000, to defray the Department of Highway Safety and Motor Vehicle's (DHSMV) cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded. To date, only three plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those 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).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 93 specialty license plates to date. Sales of specialty license plates generated more than $24 million in annual use fee revenues in 2002, and more than $24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $225 million.

III. Effect of Proposed Changes:

The bill directs the DHSMV to issue a Sportsmen's National Land Trust specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate.

The annual use fees will be distributed to the Sportsmen's National Land Trust to be used as follows:

- Reimburse the Sportsmen's National Land Trust for all startup costs for developing and establishing the plate;
- Up to 25 percent of the funds may be expended for promotion, marketing and administrative costs directly associated with operations of the Sportsmen's National Land Trust; and
- Fund programs and projects which preserve open space and wildlife habitat, promote conservation, improve wildlife habitat, and establish open space for the perpetual use of the public.

According to the DHSMV, the Trust has completed all statutory requirements for eligibility to seek Legislative approval of its specialty license plate concept.

The bill shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Persons who apply for the Sportsmen's National Land Trust specialty license plate would have to pay $25 for the annual use fee, in addition to the taxes and fees required under s. 320.08, F.S., and a $2 processing fee. The $25 use fee shall be distributed to Sportsmen's National Land Trust and the $2 processing fee is deposited into the State Transportation Trust Fund of the Department of Transportation. The fiscal impact is indeterminate.

B. Private Sector Impact:

Persons who apply for the Sportsmen's National Land Trust license plate would have to pay $25 for the annual use fee, a $2 processing fee, and all applicable motor vehicle registration taxes and fees required under s. 320.08, F.S.

C. Government Sector Impact:

Current law provides an application fee, not to exceed $60,000, be paid to the DHSMV to defray the administrative costs of reviewing and developing the new specialty license plate. The DHSMV has indicated $60,000 has been collected from the applicant to defray these costs. This fee will be refunded if the license plate is not approved by the Legislature.

The DHSMV estimates administrative and design costs to be approximately $60,000 per specialty license plate authorized. Any additional cost of issuing the license plate will be retained from the first proceeds derived from the annual use fees as provided in s. 320.08056(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 708

SPONSOR: Finance and Taxation Committee, Education Committee and Senator Atwater

SUBJECT: Local Government Accountability

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CP	Favorable
2.	Wilson	Wilson	GO	Fav/1 amendment
3.	Matthews	O'Farrell	ED	Favorable/CS
4.	Fournier	Johansen	FT	Favorable/CS
5.	Weaver	Kelly	ATD	
6.			AP	

I. Summary:

This bill addresses issues of local government financial accountability based on the Auditor General's performance audit of the Local Government Financial Reporting System (AG Report 01-075) and recommendations from other state agencies and local governments. The bill:

- Simplifies statutory provisions relating to the filing of complaints for bond validation and bond refunding issues;
- Clarifies that special districts have the authority to provide some form of health insurance benefit to their officers and employees;
- Provides additional authority to the Department of Management Services, Division of Retirement, to compel local governments to respond timely to requests for material actuarial information for local pension plans;
- Provides procedures for amending budgets of municipalities and special districts;
- Amends and clarifies procedures for dissolving municipalities and special districts;
- Requires information to clarify classification of special districts upon creation;
- Permits a candidate of a district board of trustees of a fire control board to not appoint a campaign treasurer or designate a primary campaign depository if they don't collect any contributions and whose only expense is the filing fee, and provides that any board member who ceases to be a qualified elector is automatically removed from the board;
- Amends notification requirements for counties to report missing county officer fee reports to match current practice;
- Revises the Local Government Financial Emergencies Act to reflect new accounting standards, to provide for an improved process for designating local governments as being in a financial emergency, and to clarify the applicability of the financial emergency law to district school boards; and

- Repeals ch. 131, and ss. 132.10, 165.052, 189.409, 189.422, 200.0684, 218.321, and 218.37(1)(h), F.S., that place unnecessary restrictions, and restrictions inconsistent with other provisions in law, on local governments regarding bond or local government reporting issues.

This bill amends the following sections of the Florida Statutes: 11.40, 11.45, 11.51, 61.181, 75.05, 112.08, 112.625, 112.63, 130.04, 132.02, 132.09, 163.05, 166.121, 166.241, 175.261, 185.221, 189.4044, 189.412, 189.418, 189.419, 189.421, 189.428, 189.439, 191.005, 215.195, 215.97, 218.075, 218.32, 218.36, 218.369, 218.39, 218.50, 218.501, 218.502, 218.503, 218.504, 288.9610 and 1010.47.

This bill repeals the following sections of the Florida Statutes: Chapter 131, consisting of ss. 131.01, 131.02, 131.03, 131.04, 131.05, and 131.06 and ss. 132.10, 165.052, 189.409, 189.422, 200.0684, 281.321, 218.37(1)(h), and 373.556.

II. Present Situation:

Filing Complaints for Bond Validation
Section 75.05(3), F.S., requires independent special districts to submit to the State Board of Administration, Division of Bond Finance (Division), copies of complaints for bond validation filed pursuant to s. 75.02, F.S. Section 218.37(1)(h), F.S., requires the Division to use the complaints to verify compliance with the provisions of s. 218.38, F.S., which requires that local governments provide information concerning debt-financing activities. The Division has established other effective means for ensuring that local governments file the required bond information. For example, the Division reviews a weekday periodical, the Bond Buyer, to verify that the required information has been submitted by local governments that have issued bonds.

DMS, Division of Retirement, Oversight of Local Governments Pension Plans
Chapter 112, part VII, F.S., the Florida Protection of Public Employee Retirement Benefits Act, is designated by s. 11.45(3)(c), F.S., as a component of the Local Government Financial Reporting System (System). Chapter 112, part VII, F.S., includes general provisions regarding the management, administration, operation, and funding of governmental retirement systems. Responsibility for administration of the Florida Protection of Public Employee Retirement Benefits Act has been assigned primarily to the Florida Department of Management Services, Division of Retirement (Division). The Division's Bureau of Local Retirement Systems is responsible for reviewing actuarial reports and impact statements for general employee, police, and fire retirement plans. The Bureau currently has a staff of 11 employees, including one full-time actuary, to carry out its responsibilities.

For local governments that have established retirement systems for their employees, proper management and adequate funding of those systems is vital. To help ensure that local governments maintain funding of retirement systems at an appropriate level, local governments are required to submit regularly scheduled actuarial reports to the Division for its review and approval.

As provided by s. 112.61, F.S., the intent of the Legislature is to prohibit the use of any procedure, methodology, or assumptions, the effect of which is to transfer to future taxpayers

any portion of the costs which may reasonably have been expected to be paid by the current taxpayers and to establish minimum standards for the operation and funding of public employee retirement systems and plans.

In those instances in which a local government does not submit complete and adequate data necessary for the Division of Retirement to perform its statutorily required functions, the Division requests additional information needed to determine and ensure the actuarial soundness of the local government's pension plans or requests a clarification of the information submitted. This additional information may include, for example, legal clarification, copies of ordinances, and/or explanations of logic. These requests may or may not result in the Division rejecting the actuarial reports. In addition, the Division, upon completing a review, may notify the local government about concerns it has regarding the actuarial soundness of a plan(s).

Auditor General Report No. 01-075 disclosed that many local governments have not timely responded to the Division's notifications. According to Division records, 21 local governments had been sent written requests for additional information regarding 74 actuarial reports or impact statements relating to 26 plans without a response (the requests/notifications had been sent from 1 to 55 months prior to August 31, 2000). These included 6 local governments, regarding 17 actuarial reports or impact statements relating to 7 plans, that had been notified that their plans were currently not State-accepted (i.e., the plans were not accepted as being actuarially sound).

Group Insurance/Local Governments
Section 112.08(2)(a), F.S., authorizes units of local government to provide group health and life insurance for their officers and employees. However, the Attorney General recently opined that a mosquito control independent special district's commissioners are not entitled to participate in the district's group insurance plan because ch. 388, F.S., does not provide the specific authority for this (AGO 2002-30).

Independent Fire Control Districts
Chapter 191, F.S., is the Independent Fire Control District Act. Section 191.005(1)(a), F.S., requires non-appointed Fire Control District boards be elected, non-partisan five-member boards. All candidates for this board may qualify by paying a filing fee of $25 or by obtaining the signatures of at least 25 registered electors of the district on petition forms provided by the supervisor of elections. Section 106.021, F.S., requires each candidate for political office to appoint a campaign treasurer and designate a primary campaign depository prior to qualifying for office.

Section 191.005(2), F.S., requires that each member of the board must be a qualified elector at the time he or she qualifies and continually throughout his or her term.

Bond Refunding Issues
Pursuant to Article VII, Section 12 of the State Constitution, counties, municipalities, and special districts with taxing powers may issue bonds, certificates of indebtedness, or any other form of tax anticipation certificates, payable from ad valorem taxation and maturing more than 12 months after issuance only:

- To finance or refinance capital projects authorized by law and only when approved by a vote of the electors who are owners of freeholds therein not wholly exempt from taxation or
- To refund outstanding bonds, interest, and redemption premiums thereon at a lower net average interest cost rate. Certain Florida Statutes (e.g., chapters 130, 131, 132, and 166, part II, F.S.) and special acts of the Legislature grant local governments the authority to issue bonds.

In 1980, the Legislature enacted s. 218.385, F.S., which requires that local government general obligation and revenue bonds be sold at public sale by competitive bids unless the governing body determines by resolution that a negotiated sale of such bonds is in the best interest of the issuer. The Legislature has recognized that there may be legitimate circumstances under which a negotiated sale is preferable over a competitive bid sale. However, chs. 131 and 132, F.S., with respect to refunding issues, include provisions that differ from the provisions of s. 218.385, F.S., and other laws granting local governments the authority to issue bonds, and could inhibit a local government's ability to issue refunding bonds, or to issue such bonds by negotiated sale. These differing provisions are as follows:

- Chapter 131, F.S., provides that refunding bonds may be issued within three months prior to the date of maturity of the obligations proposed to be refunded or within three months prior to the callable date. However, other laws authorizing local government bond issues such as ch. 130 and ch.166, part II, F.S., do not include language that restricts when refunding bonds may be issued. Therefore, local governments that issue refunding bonds pursuant to ch.131, F.S., may be subjected to more restrictions than those local governments that issue refunding bonds under other laws that authorize local government bond issues.

- Section 132.09, F.S., provides that local governments may issue refunding bonds through negotiated sale only after attempting to issue bonds by competitive bid at a public sale using detailed procedures as described therein. If all bids are rejected, the local government may sell bonds by negotiated sale provided that the terms are more favorable than each of the bids rejected at the public sale. Therefore, for those local governments that issue refunding bonds pursuant to ch. 132, F.S., an apparent conflict exists with s. 218.385, F.S., which requires only that a resolution be adopted by the governing body authorizing a negotiated sale.

The differences that currently exist among ch. 130, 131, 132, 166, 1010, F.S.; s. 218.385, F.S.; and other laws authorizing local government bond issues could result in unnecessary restrictions being placed on local governments regarding bond issues.

County Officer Fee Reports

Section 218.36(1), F.S., requires each county officer who receives any expenses or compensation in fees, commissions, or other remuneration to keep a complete record of all such amounts received and makes an annual report to the board of county commissioners within 31 days of the close of the fiscal year. Pursuant to s. 218.36(3), F.S., the board of county commissioners is required to notify the Governor of the failure of any county officer to comply with the provisions

of s. 218.36(1), F.S., even if such failure is a one-day delay in the filing of the report. Such notification shall subject said officer to suspension from the office at the Governor's discretion.

According to the Auditor General report number 01-075, although notification requirements provided for in s. 18.36(3), F.S., have existed since 1973, Executive Office of the Governor (EOG) records did not disclose evidence of, and EOG staff were not aware of, any instances where a board of county commissioners had notified the Governor of a county officer's noncompliance with s. 218.36(1), F.S. In addition, their survey of 66 counties, to which 40 responded to the survey, disclosed 14 instances (in 8 counties) in which county officers did not comply with the filing deadline imposed by s. 218.36(1), F.S., for the 1998-99 fiscal year.

There is no apparent benefit to be derived by requiring a board of county commissioners to notify the Governor of a county officer's noncompliance with the reporting requirement imposed by s. 218.36(1), F.S., particularly when such notification is required to occur only one day after the report deadline.

Dissolution of Municipalities/Financial Reporting
Section 165.052(1), F.S., requires that the Florida Secretary of State, by proclamation, declare inactive any municipality in the State upon a report being filed by the Department of Community Affairs (DCA) showing that such municipality is no longer active based on certain criteria specified therein. According to Auditor General audit report No. 13083, paragraph 169, 19 municipalities created by special act of the Legislature appear to be no longer active but have not been officially dissolved.

The DCA staff indicated they do not have the staff capacity to research these issues nor is it required by the statutes to notify the Florida Secretary of State. According to DCA staff, it would cost nearly $225,000 to have these municipalities declared inactive under the provisions of s. 165.052(1), F.S.

Municipality and Special District Budget Amendment Procedures
While State law specifically addresses budget amendments for counties, similar statutory guidance does not exist for municipalities and special districts. Sections 166.241(3) and 218.34(1), F.S., require municipalities and special districts, respectively, to adopt a budget; however, these sections do not address whether municipalities and special districts can amend the budget, the manner in which the budget may be amended, or the time frame in which the budget may be amended. In some instances, a municipality's or special district's charter may address budget amendments; however, in other instances, the charter is silent or unclear, creating confusion as to whether budget amendments are permitted, how the amendments are to be done, and the time frame in which budget amendments may be made. This situation could result in governing bodies of municipalities and special districts making unauthorized budget amendments or failing to make necessary budget amendments.

Classification of Special Districts
Florida law provides for the establishment of special districts to perform specific governmental functions such as water management, community development, fire control, mosquito control, and health care. Recognizing the importance of special districts to the delivery of government services to the citizens of the State of Florida, the Legislature has enacted laws intended to

establish accountability on the part of special districts. Chapter 189, F.S., contains general provisions for the definition, creation, and operation of special districts and creates the Special District Information Program (SDIP) within the DCA.

Section 189.412, F.S., sets forth the SDIP's responsibilities regarding special districts. The SDIP serves a vital role in administering the Local Government Financial Reporting System (System). For example, the SDIP is responsible for maintaining an Official List of Special Districts, which is used by many State and local officials (including the Auditor General in making a determination as to which special districts are required to provide for an annual audit). In addition, the SDIP has established procedures for following up on special districts reported as not being in compliance with the various reporting requirements established in ch. 218, part III, F.S.

According to the SDIP, there were 518 dependent and 562 independent special districts in the State of Florida as of February 1, 2002. The proper classification of special districts as either dependent or independent is important because legal and accountability requirements differ depending on a special district's classification. For example, dependent special districts may be audited as part of another local governmental entity (i.e., county or municipality) whereas independent special districts meeting the audit threshold established by s. 11.45(3)(a), F.S., must provide for a separate audit.

Section 189.403, F.S., distinguishes special districts as either dependent or independent. A dependent special district is defined as a special district that meets at least one of several criteria, including a criterion that specifies that all members of its governing body are appointed by the governing body of a single county or a single municipality. An independent special district is defined as a special district that is not a dependent special district as defined in law. In addition, a special district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

The SDIP is responsible for classifying special districts in a manner consistent with s. 189.403, F.S. Section 189.418(1), F.S., could be enhanced, however, to clarify the need for special districts to provide the SDIP with a statement as to the status of the special district as dependent or independent, and the basis for such classification.

Dissolution of Special Districts

Section 189.4044, F.S., requires DCA to declare inactive any special district in this state by filing a report with the Speaker of the House of Representatives and President of the Senate, based on two years of inactivity, and that notice of the proposed declaration had been published in a newspaper of general circulation once a week for two weeks within the county or municipality wherein the territory of the special district is located. Sixty days after the last publication of the proposed declaration is allowed for any claims against assets of the special district to be filed with DCA. After the district is declared inactive, and all payments of debts of the special district are resolved, the remainder of its property or assets escheat to the county or municipality wherein located. DCA must notify the Speaker of the House of Representatives and President of the Senate of each special act creating or amending the charter of any special district declared to be inactive. A special district declared inactive must be dissolved by repeal of its enabling laws.

The DCA staff indicated that a cost of publication of two notices of inactivity is burdensome and the time allowed for claims against assets of the special district to be filed with DCA after publication of notice is excessive.

Section 189.421, F.S., requires DCA to investigate non compliance of special districts to report financial information filed when notified by entities that are required to receive such information pursuant to s. 189.419, F.S. If DCA determines that the special district has made a good faith effort to comply with the reporting requirement, it must grant a reasonable time for filing the required reports and notify the special district of the granting of the extension. If DCA determines that the special district has not made a good faith effort to comply with the reporting requirement or the special district has not responded to its notice to the district of non compliance, DCA may request an administrative hearing, pursuant to ss. 120.569 and 120.57, F.S., on the question of the inactivity of the district. Notice of the hearing must be served on the district's registered agent and published at least once a week for 2 successive weeks prior to the hearing in a newspaper of general circulation in the area affected. The notice must state the time, place, and nature of the hearing and that all interested parties may appear and be heard. Within 30 days of the hearing, the administrative law judge must file a report with the department in the manner provided in ch. 120, F.S.

The Local Government Financial Emergencies Act

Chapter 218, part V, F.S., known as the Local Government Financial Emergencies Act, was enacted to preserve and protect the fiscal solvency of local government entities, to assist local governmental entities in providing essential services without interruption and in meeting their financial obligations, and to assist local governmental entities through the improvement of local financial management procedures. Section 218.503(1), F.S., provides that a local governmental entity is in a state of financial emergency if one or more specified conditions occur.

One of the financial emergency conditions, as prescribed by section 218.503(1)(d), F.S., is the occurrence of a total or unreserved fund balance or retained earnings deficit for two consecutive years for which there are not sufficient resources available to cover the deficits. This language has resulted in much confusion to local governments and auditors as to what constitutes a financial emergency. This has resulted in a significant amount of effort being expended by the local governments, auditors, Auditor General's staff, and Governor's office.

Because of the above-noted condition, a local government may be determined to be in a statutory state of financial emergency as a result of the application of certain accounting practices, yet not actually experiencing a financial crisis. This could result in unwarranted adverse publicity for a local government. Currently, failure to make short-term loan or bond payments constitutes a financial emergency, yet failure to make other long-term debt payments, or payments to creditors for uncontested claims, does not. The condition prescribed by current s. 218.503(1)(e), F.S., appears to be too broad as it could result in a financial emergency due to technical noncompliance with an actuarial condition.

Under current law, the Auditor General (AG) has responsibilities related to notifying the Governor and Joint Legislative Auditing Committee (JLAC) of reported and unreported financial emergencies. Such responsibilities require AG staff to contact many local government officials

or auditors. Also, AG staff is often consulted by JLAC and the Governor's Office staff regarding potential financial condition/financial emergency situations.

III. Effect of Proposed Changes:

Section 1 amends subsection (5) of s. 11.40, F.S., to give the Legislative Auditing Committee the authority to direct, as opposed to request, the Department of Revenue and the Department Financial Services to withhold any funds not pledged for bond debt service satisfaction which are payable to local entities that have failed to provide financial reports to the state pursuant to s. 11.45(5)-(7) and s. 218.32(1), F.S.

Section 2 amends s. 11.45, F.S., relating to the duties of the Auditor General, to conform with revisions to ch. 218, part V, F.S. [See sections 24-29 of this bill.] In addition, this section is amended to:

- clarify the Auditor General's authority to determine the scope of biennial performance audits of local governments;
- transfer provisions authorizing the Auditor General's authority to promote audit organizations in the offices administered by governmental entities and to provide consultation services to governmental entities on their financial and accounting systems, procedures, and related matters; and
- specify the procedures to petition for an audit by the Auditor General.

Section 3 amends s. 11.51, F.S., to conform to the provisions of this bill.

Section 4 amends s. 61.181(10), F.S., to correct a reference regarding county audit requirements.

Section 5 amends s. 75.05(3), F.S., to strike the requirement for independent special districts to file a copy of any bond validation complaint with the Division of Bond Finance. This eliminates an unnecessary requirement and conforms the law to the current administrative practice.

Section 6 amends s. 112.08, F.S., to clarify that special districts have the authority to provide some form of health insurance benefit to their officers and employees. This provides explicit authority for mosquito control districts to provide group insurance to the district's officers.

Section 7 amends s. 112.625(5), F.S., to add county and district school boards to the definition of "governmental entity." However, there is no impact on counties and school boards because they participate in the Florida Retirement System and are currently subject to the reporting requirements in s. 112.63, F.S.

Section 8 amends s. 112.63(4), F.S., to authorize the Division of Retirement, DMS, to request additional material information necessary to complete an actuarial valuation of local government retirement plans. If the request is not complied with, DMS may request that the Department of Revenue and the Department of Financial Services withhold state shared revenues (un-bonded only) from the local government until the requests are complied with. The proposed subsection (4)(b) directs DMS to also notify the DCA, and DCA is directed to proceed pursuant to the provisions of s.189.421, F.S., regarding an affected special district.

Section 9 amends s. 130.04, F.S., to delete existing provisions governing notice of bids and disposition of county bonds authorized as the result of an election, and to require the sale of such bonds in the manner provided in s. 218.385, F.S.

Section 10 amends s. 132.02(1), F.S., relating to the authority of counties, municipalities, school districts, and specific special districts to refund obligations, to apply the provision to counties, municipalities, school districts, and other taxing districts.

Section 11 amends s. 132.09, F.S., to provide for the sale of county refunding bonds in the manner provided in s. 218.385, F.S.

Section 12 amends s. 163.05, F.S., relating to the Small County Technical Assistance Program, to conform with revisions to ch. 218, part V, F.S.

Section 13 amends s. 166.121(2), F.S., to require the issuance of bonds by municipalities to be consistent with s. 218.385, F.S.

Section 14 amends s. 166.241, F.S., to provide procedures for amending budgets of municipalities. The governing body of a municipality at any time within a fiscal year, or within up to 60 days following the end of the fiscal year, may amend a budget for that year as follows:

- Appropriations for expenditures within a fund may be decreased or increased by a motion recorded in the minutes, provided the total of the appropriations of the funds is not changed.

- The governing body may establish procedures by which the designated budget officer may authorize certain budget amendments within a department, provided that the total of the appropriations of the department is not changed.

- If a budget amendment is required for a purpose not specifically authorized in the two points immediately above, the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the respective municipality's charter.

These provisions are modeled after similar authority granted to counties in subsection (2) of section 129.06, F.S.

Sections 15 and 16 amend ss. 175.261 and 185.221, F.S., to conform to the provisions of this act.

Section 17 amends s. 189.4044, F.S., to clarify and streamline procedures for declaring a special district inactive and dissolving it. DCA is required to declare inactive any special district in this state by documenting one of the following:

- If notified by the districts' registered agent, or chair of the district's governing body, or the governing body of the appropriate local general-purpose government in writing that the district has taken no action for two or more years;
- Following an inquiry from DCA, if notified by the districts' registered agent, or chair of the district's governing body, or the governing body of the appropriate local general-purpose government in writing that the district has not had a governing board or a sufficient number of governing board members to constitute a quorum for two or more years (rather than 18 months in current law), or the district fails to respond to DCA's inquiry within 21 days; or
- DCA determines, pursuant to s. 189.421, F.S., that the district has failed to file any of the financial reports listed in s. 189.419, F.S.

The DCA, special district, or general-purpose government must publish a notice of the Proposed Declaration of Inactive Status, once, rather than twice as required in current law, in a newspaper of general circulation within the county or municipality wherein the territory of the special district is located. However, a copy of such notice must be sent by certified mail to the registered agent or the board, if any. Any objections must be filed pursuant to ch. 120, F.S., within twenty-one days of the publication date, rather than sixty days.

If the district was created by special act of the Legislature, DCA must send a notice of declaration of inactive status to the Speaker of the House of Representatives and the President of the Senate. If the district was created by one or more general purpose local governments, DCA must send a notice of declaration of inactive status to the governing body of each local general-purpose government that created the district.

Section 18 amends s. 189.412(1), F.S., to delete the requirement that the Special District Information Program collect compliance reports from DOR and the Commission on Ethics. Because these entities do not produce such reports, this requirement is unnecessary.

Subsection 189.412(8), F.S., is created to correct cross references and create duties for providing assistance to general–purpose governments and certain state agencies in collecting delinquent reports or information, helping special districts comply with reporting requirements, declaring special districts inactive when appropriate, and, when directed by the Joint Legislative Auditing Committee, initiating enforcement provisions as provided in ss. 189.4044, 189.419, and 189.421, F.S.

Section 19 amends s. 189.418, F.S., to require that when a new special district is created, a written statement be provided to the DCA that includes a reference to the status of the special district as dependent or independent and the basis for such classification. The section is further amended to authorize the governing body of each special district at any time within a fiscal year or within up to 60 days following the end of the fiscal year to amend a budget for that year. The budget amendment must be adopted by resolution. Other technical cross-referencing changes are made.

Section 20 amends s. 189.419, F.S., to revise language relating to the effect of failure by special districts to file certain reports. The section is further amended to make technical cross-referencing changes.

Section 21 amends s. 189.421, F.S., to specify the duties of DCA in contacting and assisting special districts when notified pursuant to s. 189.419, F.S. or s. 11.40(5)(b), F.S., that the required financial reports have not been filed. Failure of special districts to comply with financial reporting requirements after such actions by DCA shall be remedied by writ of certiorari with the Circuit Court of Leon County, Florida.

Section 22 amends s. 189.428(5), F.S., relating to the oversight review process of special districts, to conform with revisions to ch. 218, part V, F.S.

Section 23 amends s. 189.439(1)(a), F.S., to authorize special districts to sell bonds in the manner provided in s. 218.385, F.S.

Section 24 amends s. 191.005, F.S., to permit a candidate of a district board of trustees of a fire control board to not appoint a campaign treasurer or designate a primary campaign depository if the candidate does not collect any contributions and whose only expense is the filing fee, and provides that any board member who ceases to be a qualified elector is automatically removed from the board.

Section 25 amends s. 218.075(3), F.S., relating to the reduction or waiver of permit fees, to conform to revisions to other sections of ch. 218, part V, F.S.

Section 26 creates a new subsection (3) to s. 218.32, F.S., to require the Department of Financial Services to notify the President of the Senate and the Speaker of the House of Representatives of any municipality that has not had financial activity for the last four fiscal years. Such notice is sufficient to initiate dissolution procedures described within s. 165.051(1)(a), F.S. Any special law authorizing the incorporation or creation of said municipality must be included within the notification.

Section 27 repeals s. 218.321, F.S., to eliminate obsolete language concerning local governments' financial statements. Subsection (3) is transferred to s. 218.39(3), F.S., in section 25 of this bill.

Section 28 amends s. 218.39, F.S., to include subsection (3) of s. 218.321, F.S., which was repealed by section 24 of this bill. This provision requires dependent special districts to provide to local government entities that govern the special district financial information necessary to complete annual audits.

Section 29 amends subsection (3) of s. 218.36, F.S., to authorize, rather than require, boards of county commissioners to notify the Governor when a board of county commissioners is unable to obtain county officer fee reports in a timely manner.

Section 30 amends s. 218.369, F.S., to include "school district" in the term "unit of local government" as it relates to refunding bonds in ss. 218.37-218.386, F.S.

Section 31 renames the "Local Financial Emergencies Act" as the "Local Governmental Entity and District School Board Financial Emergencies Act" to reflect the inclusion of district school boards.

Section 32 amends s. 218.50, F.S., to rename the "Local Financial Emergencies Act" as the "Local Governmental Entity and District School Board Financial Emergencies Act."

Section 33 amends s. 218.501, F.S., to include district school boards in part V of ch. 218, F.S., and to reflect more accurately the purposes of promoting fiscal responsibility.

Section 34 amends s. 218.502, F.S., to delete district school board from the definition of "local governmental entity." This change helps clarify that district school boards are subject to the oversight of the Commissioner of Education rather than the Governor.

Section 35 amends s. 218.503, F.S., to clarify that local government entities and district school boards, in determination of financial emergencies, will be subject to review and oversight by the Governor, or the Commissioner of Education for district school boards. The section is further amended to revise conditions triggering such oversight (to conform with changes to new accounting standards in GASB 34), to revise oversight activities, and to provide conditions under which a local government or district school board may resolve the state of financial emergency.

Section 36 amends s. 218.504, F.S., to authorize the Commissioner of Education, as appropriate, to terminate state actions resulting from a declaration of financial emergency.

Section 37 repeals ch. 131, F.S. With respect to bond refunding issues, this chapter includes provisions that differ from the provisions of s. 218.385, F.S., or other laws granting local governments the authority to issue bonds, and could inhibit a local government's ability to issue refunding bonds, or to issue such bonds by negotiated sale.

Section 38 repeals s. 132.10, F.S., relating to minimum sales price of refunding bonds, to delete obsolete or conflicting language.

Section 39 repeals s. 165.052, F.S., relating to special dissolution procedures for municipalities.

Section 40 repeals s. 189.409, F.S., relating to determination of financial emergency (special districts), to conform with revisions to ch. 218, part V, F.S.

Section 41 repeals s. 189.422, F.S., relating to actions of DCA with respect to inactive special districts, to reflect revisions to s 189.421, F.S.

Section 42 repeals s. 200.0684, F.S., relating to annual compliance reports by DCA, to delete obsolete language.

Section 43 repeals paragraph (h) of subsection (1) s. 218.37, F.S., to remove the requirement that the Division of Bond Finance use the copy of the complaint for bond validation to verify compliance of independent special districts with other debt issuance reporting requirements.

Reporting of debt issuance by local governments, including independent special districts, is verified through examination of bond industry publications by the Division of Bond Finance.

Section 44 amends s. 215.195, F.S., to provide the Chief Financial Officer with the responsibility of preparing the Statewide Cost Allocation Plan (SWCAP), and to provide responsibilities to the Department of Financial Services associated with the SWCAP.

Section 45 amends s. 215.97, F.S., to clarify provisions and responsibilities associated with the Florida Single Audit Act. This section revises and provides the definitions of terms used in the Act, revises the Governor's responsibilities associated with the Act from a primary role to a supporting role in the Act, transfers the responsibilities to the Department of Financial Services, and provides responsibilities for state agencies that award grants.

Section 46 amends s. 1010.47, F.S., to require that school districts must sell bonds in accordance with s. 218.385, F.S., thus conforming this section to proposed changes made in this bill. Section 27 of this bill amends s. 218.369, F.S., to include district school boards in the definition of "unit of local government." Section 218.385, F.S., provides procedures for the sale of bonds for all "units of local government."

Section 47 amends s. 288.9610, F.S., correcting a cross-reference.

Section 48 repeals s. 373.556, F.S., which contains obsolete language relating to investment of funds by a water management district.

Section 49 transfers a position from the Executive Office of the Governor to the Department of Financial Services.

Section 50 provides that this act will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Revisions to statutory provisions governing the dissolution of municipalities and special districts should reduce state agency costs associated with these activities.

Section 49 provides for the transfer of one full-time equivalent from the Executive Office of the Governor to the Department of Financial Services. This is to accommodate the transfer of responsibilities associated with amendments to the Florida Single Audit Act contained in section 45 of the bill. No detail on the position affected or the funding amounts has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

Bill No. CS for CS for SB 708

Amendment No. 1 564616

CHAMBER ACTION

Senate House

Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 51, line 3, through page 70 line 7, delete all of Section 45

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

And the title is amended as follows:

On page 5, lines 15 - 25, delete

amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance that is provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; specifying duties of coordinating agencies;

Bill No. CS for CS for SB 708

Amendment No. 2 770156

CHAMBER ACTION

Senate House

Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 72, lines 9 -11, delete all of Section 49

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

And the title is amended as follows:

On page 5, line 31, through page 6, line 2, delete transferring a position from the Executive Office of the Governor to the Department of Financial Services;

and insert:

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1198

SPONSOR: Senator Clary

SUBJECT: Florida Educational Specialty License Plate

DATE: April 13, 2004 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Meyer	TR	Favorable
2.	Keating	Johansen	FT	Favorable
3.	Weaver	Kelly	ATD	
4.			AP	
5.				
6.				

I. Summary:

This bill increases the annual use fee for the Florida Educational specialty license plate from $15 to $20.

This bill amends section 320.08056 of the Florida Statutes.

II. Present Situation:

Section 320.08056(4)(h), F.S., provides for a $15 annual use fee for the Florida Educational specialty license plate. Section 320.08058(8), F.S., provides that Florida Educational specialty license plate use fee revenues are to be distributed annually as follows:

- In each school district that has a district pre-kindergarten through grade 12 public school foundation or a direct-support organization (DSO), the moneys raised in that school district through the sale of Florida Educational license plates must be distributed to the foundation or DSO for enhancing educational programs.

- In each school district that does not have a district pre-kindergarten through grade 12 public school foundation or DSO, the moneys raised in that school district through the sale of Florida Educational license plates must be distributed to the district school board and must be used at the discretion of the board for enhancing educational programs.

The Florida Educational specialty license plate has been available since 1994. According to the Florida Department of Education, over the past ten years, 99,651 new plates have been sold and 241,894 renewals have been issued. As a result, $5,123,175 has been collected and distributed to

pre-kindergarten through grade 12 public school foundations, direct-support organizations, or school boards for enhancing education programs.

III. Effect of Proposed Changes:

Section 1. The bill amends s. 320.08056(4)(h), F.S., to increase the annual use fee for the Florida Educational specialty license plate from $15 to $20.

Section 2. The bill shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The annual use fee for the Florida Educational specialty license plate will increase from $15 to $20. The Department of Highway Safety and Motor Vehicles reports issuing the following number of Florida Educational specialty license plates for the past five fiscal years[1]:

Fiscal Year	Number of License Plates
2002-2003	39,925
2001-2002	39,066
2000-2001	41,366
1999-2000	39,650
1998-1999	41,402

Assuming the rate of new issuances and renewals continues, the increase in the registration fee will raise approximately $200,000.

[1] Florida Department of Highway Safety and Motor Vehicle, Revenue Report for Fiscal Years 1998-1999 through 2002-2003.

B. Private Sector Impact:

Each consumer who voluntarily purchases or renews a Florida Educational license plate will incur an additional $5 cost.

C. Government Sector Impact:

The increase in the annual use fee is estimated to raise an additional $200,000. These funds will be distributed to district education foundations, direct-support organizations, or district school boards.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 1214

SPONSOR: Comprehensive Planning Committee, Natural Resources Committee and Senator Constantine

SUBJECT: Wekiva Parkway and Protection Act

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Branning	Kiger	NR	Fav/CS
2.	Herrin	Yeatman	CP	Fav/CS
3.	Weaver	Kelly	ATD	
4.			AP	
5.			RC	
6.				

I. Summary:

This committee substitute for the committee substitute (CS) implements the recommendations of the Wekiva River Basin Coordinating Committee's Final Report. The CS creates part III of ch. 369, F.S., consisting of ss. 369.314-369.324, F.S., as the Wekiva Parkway and Protection Act. It provides a legal description of the Wekiva Study Area. It limits the number of interchanges along the Wekiva Parkway. The CS specifies entities that shall locate the precise corridor and interchanges for the Wekiva Parkway in Seminole County consistent with the provisions of the act. Also, the CS grants the Department of Transportation authority to acquire and to exercise the power of eminent domain to purchase certain lands necessary for the construction of the parkway and land necessary to protect the surface water resources of the Wekiva Study Area.

The CS provides that lands not needed for the Wekiva Parkway shall be transferred to the Board of Trustees of the Internal Improvement Trust Fund for management as conservation lands. It requires the Department of Transportation, the Department of Environmental Protection, the Orlando-Orange County Expressway Authority and other land acquisition entities to cooperate and establish funding responsibilities and partnerships. In addition, the CS requests the Board of Trustees of the Internal Improvement Trust Fund to consider amending the Wekiva-Ocala Greenway Florida Forever project boundary to include certain parcels. The CS requires the Department of Transportation, subject to an appropriation by the Legislature, to purchase lands in the Wekiva Study Area necessary for the construction of the Wekiva Parkway and the preservation of environmentally sensitive lands.

In addition, the CS requires the Department of Environmental Protection to study the efficacy and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions and protect surface and groundwater quality within the Wekiva Study Area.

It requires the Department of Health, in cooperation with the Department of Environmental Protection, to study the efficacy and applicability of onsite sewage disposal system standards needed to achieve nitrogen reductions and protect the groundwater quality within the Wekiva Study Area. It contains reporting requirements. It requires the St. Johns River Water Management District to initiate rulemaking to amend the recharge criteria in Rule 40C-41.063(3), F.A.C., and to adopt a consolidated environmental resource permit and consumptive use permit involving irrigation of urban landscape, golf courses or recreational areas.

The district is required to initiate rulemaking to amend the recharge criteria to provide that post-development recharge volume conditions within the Wekiva Study Area approximate pre-development recharge volume conditions. The CS requires the district to conduct an analysis of the impact of redevelopment upon aquifer recharge and the costs of regulation. It requires the St. Johns River Water Management District to update the minimum flows and levels for Rock Springs and Wekiwa Springs. This CS also requires the district to consider revising certain consumptive use permit thresholds in the Wekiva Study Area and establish pollution load reduction goals for the Wekiva Study Area to assist with the adoption of total maximum daily loads for impaired waters in the study area.

Finally, this CS provides that the Department of Agriculture and Consumer Services shall be the lead agency in coordinating the reduction of agricultural nonpoint sources of pollution. It requires local governments within the Wekiva Study Area to develop a master stormwater management plan and also to develop a wastewater facility plan. Plan amendments required by the CS are exempt from the limitation on the frequency of plan amendments. Local government comprehensive plan amendments that increase development potential must demonstrate that adequate potable water consumptive use permit capacity is available. This CS creates the Wekiva River Basin Commission.

This CS creates part III of ch. 369, F.S., consisting of ss. 369.314-369.324 of the Florida Statutes, and amends s. 163.3184, Florida Statutes.

II. Present Situation:

The Wekiva Basin, consisting of the Wekiva River, the St. Johns River and their tributaries along with associated lands in central Florida, is part of a vast wildlife corridor that connects northwest Orange County with the Ocala National Forest. In recent years, the state has acquired more than 60,000 acres of conservation lands at a cost of $139 million. These conservation lands provide habitat for the Florida black bear, burrowing owl, sandhill crane, Florida scrub-jay, gopher tortoise, and the limpkin.

The Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve. The river is a spring-fed system associated with 19 springs that are connected to the Florida Aquifer. Eleven of these springs are second and third magnitude springs, meaning those springs discharge 10 to 100 cubic feet per second or 1 to 10 cubic feet per second, respectively.

The central Florida region has experienced tremendous growth in the last 20 years resulting in increasing transportation demands and development pressure on lands within the Wekiva Basin.

During the period between 1980 and 1990, the growth rate in Lake, Seminole, and Orange Counties exceeded 30 percent. The growth rate for this three-county area is expected to exceed 20 percent through the year 2010. While projected growth for the state between 2010 and 2020 is 13 percent, the growth rate for central Florida is expected to be 17 percent. The desire to balance the transportation needs associated with this projected growth and protection of the Wekiva Basin prompted Governor Bush to create the "Wekiva Basin Area Task Force" on September 26, 2002.[1] The task force was charged with evaluating and making recommendations on the most appropriate location for a highway route connecting State Road 429 to Interstate 4 while providing the greatest protection to the Wekiva Basin. Also, the task force was asked to evaluate and recommend a transportation plan that considered the potential expansion of roads and corridors within the Wekiva Basin to address, among other issues, land acquisition, springshed protection, innovative road design, protection of rural character, protection of habitat, utilization of financial resources, and the adequacy of local governments relating to transportation corridors.[2]

The task force's recommendations, as contained in its final report, may be summarized as follows:

- All recommendations should be taken as a whole and integrated into a unified plan of integration;
- Appropriate transportation agencies should use the "Recommended Corridor for the Wekiva Parkway" to undertake the environmental and engineering studies for determining the precise alignment;
- Appropriate transportation agencies should use the "Guiding Principles for the Wekiva Parkway Design Features and Construction" and also apply those principles to the expansion and construction of new expressways;
- Certain design and construction elements for the Wekiva Parkway should be employed so that when completed, the parkway creates a scenic roadway through the basin;
- The Department of Transportation, the Orlando-Orange County Expressway Authority, and the Seminole County Expressway Authority should consider the task force's recommendations and report to the Governor and Legislature on their joint recommendations for the appropriate entity to operate the Wekiva Parkway;
- The plan for mitigating impacts of the Wekiva Parkway should ensure, to the maximum extent possible, that land acquisition and mitigation occur within the Wekiva River Protection Area, Wekiva River Basin, or Wekiva River Springshed;
- Not more than five interchanges should be located along the Wekiva Parkway and locations are recommended;
- Local governments should review their long-range transportation improvement plans in light of the task force's recommendations;
- Appropriate "Guiding Principles for Designing and Construction" should be applied if there are any improvements to State Road 44 through the Wekiva River Protection Area;
- Establishment of the Wekiva River Springshed Protection Area with certain limitations on comprehensive plan amendments within the area as detailed by the task force;

[1] *See* Executive Order No. 2002-259, and the *See* Wekiva Basin Area Task Force, *Final Report: Recommendations for Planning and Locating the Wekiva Parkway while Preserving the Wekiva River Basin Ecosystem*, Jan. 15, 2003.
[2] Wekiva Basin Area Task Force, *Final Report: Recommendations for Planning and Locating the Wekiva Parkway while Preserving the Wekiva River Basin Ecosystem*, Jan. 15, 2003.

- Legislation creating the Wekiva River Springshed Protection Act should include specific content requirements for the springshed sector plan as enumerated by the task force;
- Legislation creating the Wekiva River Springshed Protection Area and the related sector planning process should include planning requirements for each potential interchange recommended for the Wekiva Parkway;
- Legislation creating the Wekiva River Springshed Protection Area should result in new permitting criteria to be applied by the St. Johns River Water Management District through its existing permit programs governing the Management and Storage of Surface Waters and Environmental Resource Permits and Consumptive Uses of Water; and
- The State should use all means at its disposal to complete the Wekiva-Ocala Greenway Florida Forever Project and highest priority should be given to specific parcels prior to the construction associated with the Wekiva Parkway.

Legislation to implement the Task Force's recommendations was considered during the 2003 legislative session, but did not pass.

On July 1, 2003, Gov. Bush issued Executive Order No. 03-112, creating a 28-member Wekiva River Basin Coordinating Committee, chaired by Senator Lee Constantine. The Committee was to be a forum to identify enhanced land use planning strategies and development standards that are consistent with protected property rights and which improve and assure protection of surface and groundwater resources, including the recharge potential of the Wekiva Study Area. The Committee was charged with considering the recommendations of the Wekiva Basin Area Task Force; the most current and new information being developed regarding quantity, quality, distribution and timing of groundwater recharge in the Wekiva Study Area; and wildlife in the Wekiva Study Area.[3] The Committee was also directed to consider the use of innovative planning and development strategies such as rural land stewardship and other mechanisms for concentrating development in appropriate areas, and the use of the latest science-based information and methods and performance based planning strategies and development standards. In addition, the Committee was to address issues of compatibility with the existing comprehensive plans and land development regulations of those local governments with jurisdiction over lands located within the Wekiva River Protection Area.[4]

Executive Order No. 03-112 specifically directed the Committee to consider, evaluate and make recommendations concerning:

- Mechanisms for coordinating state, federal, regional and local efforts to protect the Study Area's rivers, springs, wetlands and ground water recharge.

- Recommendations for state and regional agency action.

- Recommendations for public education.

[3] Executive Order Number 03-112, July 1, 2003, page 3.
[4] *See* Id.

- Recommendations for implementing the identified land use planning strategies and development standards in communities in the Study Area, including an implementation schedule and provisions for monitoring implementation activities.[5]

Certain state and regional agencies were directed to use existing law to implement the Governor's Wekiva Basin Area Task Force recommendations related to the development of the Wekiva Parkway, acquisition of conservation lands, and review of rules to protect water quality and flow of springs in accordance with state quality standards.[6] Those agencies include the St. Johns River Water Management District, the Department of Community Affairs, the Department of Transportation, the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the Orlando-Orange County Expressway Authority.

The Wekiva River Basin Coordinating Committee issued its final report on March 16, 2004.

III. Effect of Proposed Changes:

This CS is intended to implement the recommendations of the Wekiva River Basin Coordinating Committee's Final Report. The CS creates part III of ch. 369, F.S., consisting of ss. 369.314-369.324, F.S., as the Wekiva Parkway and Protection Act.

Section 1. Creates part III of ch. 369, F.S.

369.314 -- Short title.—This act may be cited as the "Wekiva Parkway and Protection Act."

369.315 -- This section provides legislative findings and intent. It is the intent of the Legislature that the recommendations of the Wekiva River Basin Coordinating Committee as stated in its March 16, 2004, report be taken and implemented as a whole to achieve the objective of improving and assuring protection of surface water and groundwater resources. Coordination of comprehensive plans and the Regional Water Supply Plan is important for protection of water resources and to promote the continuity of effective planning and development.

Further, it is not the intent of the Legislature to place an undue burden on local governments within the Wekiva Study Area. Any required Wekiva Study Area comprehensive plan amendments may be adopted in conjunction with other amendments not required by this act.

369.316 – This section provides a legal description of the Wekiva Study Area. The majority of the land within the Wekiva Study Area contributes groundwater recharge to the Wekiva River and springs. Counties and municipalities located within the Wekiva Study Area include: Lake County and the municipalities of Eustis and Mount Dora; Orange County and the municipalities of Apopka, Eatonville, Maitland, Oakland, Ocoee, Orlando and Winter Garden; and Seminole County and the municipalities of Lake Mary, Longwood and Altamonte Springs.

316.317 – The Wekiva Parkway is a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended

[5] *See* Id.
[6] Press release July 1, 2003 – *Governor Bush Issues Executive Order for Protection of Wekiva River Basin Area.*

by Recommendation 2 of the Wekiva River Basin Area Task Force's Final Report dated January 15, 2003, and the recommendations of the SR 419 Working Group that were adopted January 16, 2004.

The CS specifies the Guiding Principles for the Wekiva Parkway Design Features and Construction. Also, if any improvements are considered to SR 44 through the Wekiva River Protection Area, then the guiding principles apply.

When the design and construction of the Wekiva Parkway is completed it should:

- Reduce hazards to wildlife by relocating CR 46-A to tie into SR 46 at the proposed SR 46 interchange.
- Close the portions of CR 46-A which parallel and duplicate SR 46 and serve only the traffic necessary to provide access to local property.
- Elevate the Wekiva Parkway through the Wekiva River Protection Area to the maximum extent feasible, and have bridges and adequate barriers as often as practical to provide for adequate wildlife passages.
- Bridge Wekiva River wetlands and floodplains on publicly owned lands that are adjacent to the Wekiva parkway where known wildlife crossings exist.
- Close existing SR 46 at an appropriate location west of the Lake-Seminole County line so that the remaining sections of SR 46 continue to be open only to provide local access to private properties and recreational conservation lands, and prevent through traffic.
- Not have to provide wildlife passages where the at-grade portions of the existing SR 46 remain in place to provide limited, low-volume local access.

The number of interchanges located along the Wekiva Parkway shall not exceed five and the locations are specified in the CS. However, in Seminole County, the Seminole County Expressway Authority, the Florida Department of Transportation (DOT), and the Florida Turnpike Enterprise shall locate the precise corridor and interchanges for the Wekiva Parkway consistent with the provisions of the act.

The DOT is specifically granted the authority to acquire and to exercise the power of eminent domain to condemn all necessary lands, property and all interests in property identified in the CS, including fee simple or less-than-fee simple interests, including but not limited to, all rights and interests set forth in s. 337.27(1), F.S. The DOT shall be the lead agency in the acquisition of the identified properties and the Department of Environmental Protection (DEP), the Department of Community Affairs (DCA), the St. Johns River Water Management District and the Orlando-Orange County Expressway Authority and other land acquisition entities shall participate and cooperate in providing information and support to DOT. Any lands that are not needed for the Wekiva Parkway shall be transferred to the Board of Trustees of the Internal Improvement Trust Fund for management as conservation lands pursuant to ss. 259.032 and 253.034, F.S. The DOT may utilize such lands acquired with their own funds, or with acquisition services provided at their cost, on a pro rata basis to the total acreage acquired, as mitigation credits for potential future impacts associated with the Wekiva Parkway and/or other regionally significant roadways. With the exception of the transportation use for the Wekiva Parkway, uses of the property acquired shall be limited to traditional conservation uses appropriate for land acquisition by the Florida Forever program.

The DOT, the DEP, the St. Johns River Water Management District, the Orlando-Orange County Expressway Authority and other land acquisition entities shall cooperate and establish funding responsibilities and partnerships by agreement to the extent funds are available to the various entities. The DOT shall acquire land in accordance with the provisions of this section to the extent funds are available from the various funding partners, but shall not be required nor assumed to fund the land acquisition beyond the agreement and funding provided by the various land acquisition entities.

The Board of Trustees of the Internal Improvement Trust Fund is requested to consider amending the Wekiva-Ocala Greenway Florida Forever project boundary to include certain specified parcels.

Subject to an appropriation by the Legislature, DOT is required to purchase lands in the Wekiva Study Area necessary for the construction of the Wekiva Parkway and the preservation of environmentally sensitive lands.

369.318 – Studies.

(1) The DEP shall study the efficacy and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area and report to the Governor and the DCA no later than December 1, 2004. Based on that report, the DEP, if appropriate, by March 1, 2005, shall initiate rulemaking to implement the report recommendations.

(2) The Department of Health, in coordination with the DEP, shall study the efficacy and applicability of onsite sewage disposal system standards needed to achieve nitrogen reductions and protect groundwater quality within the Wekiva Study Area and report to the Governor and the DCA no later than December 1, 2004. Based on that report, the Department of Health, if appropriate, by March 1, 2005, shall initiate rulemaking to implement the report recommendations. The study must consider certain specified elements.

(3) The St. Johns River Water Management District must initiate rulemaking to amend the recharge criteria in Rule 40C-41.063(3), F.A.C., to expand the area in which the standard is applied to include the Wekiva Study Area, and adopt a consolidated environmental resources permit/consumptive use permit for certain irrigation purposes.

(4) By March 1, 2005, the St. Johns River Water Management District, in conjunction with the DEP, shall initiate rulemaking to amend the recharge criteria to provide that post-development recharge volume conditions within the Wekiva Study Area approximate pre-development recharge volume conditions. The district shall study and undertake this rulemaking to accomplish this standard on a development-specific basis.

(5) The district shall also complete an assessment of the significance of water uses below the current consumptive use permit thresholds in the Wekiva Study Area to determine if rulemaking should be initiated to lower consumptive use permit thresholds.

(6) The St. Johns River Water Management District shall conduct an analysis of the impact of redevelopment projects in the Wekiva River basin upon aquifer recharge and shall consider whether to adopt a rule amendment to require those redevelopment projects exceeding a specified threshold to meet the Wekiva Basin recharge criteria. The effect of redevelopment upon aquifer recharge shall be analyzed and then the costs of regulation shall be analyzed.

(7) By December 1, 2007, the St. Johns River Water Management District shall update the minimum flows and levels for Rock Springs and Wekiwa Springs. Also, the district shall revise the consumptive use permit thresholds in the Wekiva Study Area to address proposed water withdrawals above 50,000 gallons per day. Revisions to this threshold shall provide for a general permit, if possible, and a transition period that allows continued access to water supply for users that were not previously subject to the permitting process.

(8) By December 1, 2005, the St. Johns River Water Management District shall establish pollution load reduction goals for the Wekiva Study Area to assist the DEP in adopting total maximum daily loads for impaired waters within the Wekiva Study Area by December 1, 2006.

(9) The Department of Agriculture and Consumer Services (DACS) shall be the lead agency in coordinating the reduction of agricultural nonpoint sources of pollution. The DACS shall study and, if necessary, initiate rulemaking to implement new or revised best management practices for improving and protecting water bodies, including those basins with impaired water bodies addressed by the Total Maximum Daily Loads Program.

369.319 – Each local government within the Wekiva Study Area shall develop a master stormwater management plan that addresses certain specified elements.

369.320 – Local governments within the Wekiva Study Area shall develop a wastewater facility plan for joint planning areas and utility service areas where central wastewater systems are not readily available. The plan shall include certain specified elements. Local governments shall update their facility plans where the Total Maximum Daily Loads Program requires reductions in point source pollutants for a basin or as required by legislation for enhanced treatment standards.

369.321 – By January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:

- Local governments hosting an interchange on the Wekiva Parkway shall adopt an interchange land use plan into their comprehensive plans. Local governments within which the Wekiva Parkway is planned shall amend their local government comprehensive plans to include the Wekiva Parkway.

- Local governments shall amend the appropriate elements of the comprehensive plan, including the capital improvements element, to ensure implementation of the master stormwater management plan.

- Local governments shall amend their comprehensive plans to establish land use strategies that optimize open space and promote a pattern of development on a jurisdiction-wide basis that protects the most effective recharge areas, karst features, and sensitive natural

habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. Local governments shall have flexibility to achieve this objective through certain comprehensive plan strategies.

- An up-to-date 10-year water supply facility work plan for building potable water facilities necessary to serve existing and new development and for which the local government is responsible.

Comprehensive plans and comprehensive plan amendments adopted by the local governments to implement this section shall be reviewed by the DCA pursuant to s. 163.3184, F.S., and are exempt from the provisions of s. 163.3187(1), F.S., which limits plan amendments to no more than two per calendar year.

Certain land development regulations shall be adopted no later than January 1, 2007.

During the period prior to the adoption of the comprehensive plan amendments required by this act, any comprehensive plan adopted by a city or county that applies to land located within the Wekiva Study Area shall protect surface and groundwater resources and be reviewed by the DCA pursuant to chapter 9J-5, F.A.C., using best available data, including the information presented to the Wekiva River Basin Coordinating Committee.

369.322 – In their review of local government comprehensive plan amendments for property located within the Wekiva Study Area, the DCA and the St. Johns River Water Management District shall assure that amendments that increase development potential demonstrate that adequate potable water consumptive use permit capacity is available.

The local governments in the Wekiva Study Area shall coordinate with the St. Johns River Water Management District and other public and private utilities, on a county-wide or multi-county basis, to implement cooperative solutions for development of alternative water sources necessary to supplement groundwater supplies consistent with the St. Johns River Water Management District Regional Water Supply Plan.

In recognition of the need to balance resource protection, certain activities and initiatives that assure protection of surface and groundwater resources while promoting compact, ecologically and economically sustainable growth should be encouraged.

369.323 – Comprehensive plans and plan amendments adopted by the local governments within the Wekiva Study Area to implement this act shall be reviewed for compliance by the DCA.

369.324 – The Wekiva River Basin Commission is created to monitor and ensure the implementation of the recommendations of the Wekiva River Basin Coordinating Committee for the Wekiva Study Area. The East Central Florida Regional Planning Council shall provide staff support to the commission with funding assistance from the DCA.

The commission is comprised of a total of 19 members appointed by the Governor – 9 voting members and 10 ad hoc nonvoting members. The actual membership is specified. Members

shall serve 3-year, staggered terms and shall serve without compensation but shall serve at the expense of the entity they represent.

Meetings of the commission shall be held in Lake, Orange, or Seminole County at the call of the chairman, but shall meet at least twice a year.

To assist the commission in its mission, the East Coast Regional Planning Council, in coordination with the applicable regional and state agencies, shall serve as a clearinghouse of baseline or specialized studies through modeling and simulation, including collecting and disseminating data on the demographics, economics, and the environment of the Wekiva Study Area.

The commission shall report annually, no later than December 1 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the DCA on implementation progress.

Section 2. Amends s. 163.3184, F.S., to provide that the definition of "in compliance" includes part III of ch. 369, F.S, where applicable.

Section 3. This act shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The population growth in the Orlando Metropolitan Area has placed an increasing demand on the transportation network. The construction of the Wekiva Parkway will alleviate some of the transportation problems being experienced in the Wekiva Study Area. The Wekiva River Basin Coordinating Committee's recommendations are

intended to achieve the objective of improving and assuring protection of surface water and groundwater resources while providing for the construction of the Wekiva Parkway.

C. Government Sector Impact:

The fiscal impact is indeterminate. The local governments within the Wekiva Study Area are required to amend their local government comprehensive plans to implement certain recommendations of the Wekiva River Basin Coordinating Committee.

The St. Johns River Water Management District will incur costs associated with rulemaking to implement the recommendations that affect them. Among those recommendations, is the development of a consolidated ERP/CUP permit. Also, the district is required to conduct studies and analyze the impact that redevelopment projects would have in the Wekiva River basin on aquifer recharge. The district must also update minimum flows and levels for Rock Springs and Wekiwa Springs and revise their consumptive use permit thresholds. By December 1, 2005, the district must establish pollution load reduction goals for the Wekiva Study Area to assist the DEP in adopting total maximum daily loads (TMDLs) for impaired waters in the Wekiva Study Area.

The DEP is required to do a study of certain water quality and wastewater treatment standards needed to achieve nitrogen reductions within the Wekiva Study Area. Also, the DEP must adopt TMDLs for impaired waters in the Wekiva Study Area by December 1, 2006.

The Department of Agriculture and Consumer Services is the lead agency in coordinating the reduction of agricultural nonpoint sources of pollution and must conduct a study regarding certain best management practices.

The Department of Health is required to conduct a study regarding onsite sewage disposal systems in the Wekiva Study Area.

The Department of Transportation is granted the authority to use eminent domain power to acquire lands for the construction of the Wekiva Parkway and protection of the Wekiva Study Area. The department will be seeking various funding partnerships to accomplish this task.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

Bill No. CS for CS for SB 1214

Amendment No. 1 270620

CHAMBER ACTION

Senate House

Senator Webster moved the following amendment:

Senate Amendment

On page 11, line 13, delete that line

and insert:

is also required to protect the surface water and groundwater

Bill No. CS for CS for SB 1214

Amendment No. 2 273652

CHAMBER ACTION

Senate | House

Senator Webster moved the following amendment:

Senate Amendment

On page 11, lines 20-21, delete those lines

and insert:

this section is also necessary to alleviate pressure from growth and development affecting the surface

Bill No. CS for CS for SB 1214

Amendment No. 3 575316

CHAMBER ACTION

Senate House

Senator Webster moved the following amendment:

Senate Amendment

On page 11, line 24, after "Florida"

insert:

, or the St. Johns River Water Management District as appropriate

Bill No. CS for CS for SB 1214

Amendment No. 4 984748

CHAMBER ACTION

Senate | House

Senator Webster moved the following amendment:

Senate Amendment

On page 12, line 7, delete that line

and insert:

conservation uses or other uses appropriate for lands acquired for the

Bill No. CS for CS for SB 1214

Amendment No. 5 882638

CHAMBER ACTION

Senate | House

Senator Webster moved the following amendment:

Senate Amendment

On page 12, line 4, delete "and/or"

and insert:

or

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/CS/SB 1316

SPONSOR: Governmental Oversight & Productivity Committee, Natural Resources Committee, Communication and Public Utilities Committee and Senator Bennett

SUBJECT: Renewable Energy

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Fav/CS
2.	Branning	Kiger	NR	Fav/CS
3.	Rhea	Wilson	GO	Fav/CS
4.	Arthur CA	Kelly Ck	ATD	
5.			AP	
6.				

I. Summary:

The bill creates the Florida Alternative Energy Technology Center, Inc. (Center), provides for its organization, purpose, and duties, and appropriates $500,000 to fund the center. The bill also transfers the state energy program from the Department of Community Affairs to the Department of Environmental Protection.

The bill creates an as yet unnumbered section of the Florida Statutes.

II. Present Situation:

There is no entity similar to the Florida Alternative Energy Technology Center. Related research is conducted by state universities and by the Florida Solar Energy Center. The state energy program, provided for in s. 377.703, F.S., coordinates federal energy programs, promotes energy conservation in all energy use sectors throughout the state, and coordinates energy-related programs of state government.

On June 20, 2003, the Department of Community Affairs, through a Memorandum of Agreement (MOA), provided that the Department of Environmental Protection has responsibility for the supervision and administration of the Energy Program and its staff, with the exception of those matters that affect the salary rate and budget authority.

III. Effect of Proposed Changes:

Section 1. Provides legislative intent regarding the need for the Florida Alternative Energy Technology Center, Inc., and creates the center as a not-for-profit corporation. "Alternative energy technology" is defined to include, but is not limited to: hydrogen fuel; fuel cells;

distributed generation; biodiesel and similar synthetic fuels; thermo-depolymerization; biomass; agricultural products and byproducts; municipal solid waste, including landfill injection and landfill mining; landfill gas; solar thermal and solar photovoltaic energy; ocean energy, including wave or thermal; energy conservation, including appliance efficiency standards; distributed generation; enhancements to transmission of electricity, including advanced transmission lines; and environmental standards.

The Center is to be the principal alternative energy technology organization for the state and is to provide leadership for research and development on the production of, improvements in, or use of alternative energy technology in Florida. It is to have the following duties:

- establish a unified approach to research, development, and use of alternative energy technology, with the cooperation of the Governor, the Legislature, the Energy Office, the Statewide Board of Governors of the State University System, the Public Service Commission, and relevant businesses in the private sector;
- assist the Florida universities and the private sector in determining areas on which to focus research in alternative energy technology and to assist in coordinating research projects among the universities and relevant private sector entities;
- promote the state as a location for businesses having operations related to alternative energy technologies in cooperation with Enterprise Florida, Inc., and the state Energy Office;
- assist universities, other state entities, and private companies in raising funds from all available resources including federal, state, local, and private, for research and development concerning alternative energy technology and for projects which utilize alternative energy technology in Florida;
- collect and maintain information relating to: funding sources (public and private), research conducted or needed, and alternative energy technology businesses considering operations in Florida;
- make policy recommendations to Legislature, Governor, and state agencies and subdivisions.

Additionally, the Center may conduct research when the particular research is not or cannot be done by a state university, and the Center may involve universities or private companies in the research.

In performing these duties, the Center is required to ensure maximum benefit to the state and is required to act in the best interest of the state. As part thereof, the Center shall establish strategic priorities consistent with certain findings to guide funding allocations and ensure the best use of available resources.

The Center's board of directors includes the following members:

- A representative from the state energy program, selected by the Governor;
- A representative from the Enterprise Florida, Inc., selected by its board of directors;
- A representative from the Statewide Board of Governors of the State University System, selected by the members of that board;
- A representative from the Florida investor-owned electric utilities. The Governor shall select this member from a list of four persons provided by these utilities;

- A representative from the Florida municipal electric utilities and rural electric cooperatives. The Governor selects this representative from a list of four persons provided by these utilities.
- A representative selected by the President of the Senate who is a board member or executive officer of a business that is located in Florida and that does not have any business interests relating to energy who can provide guidance as to locating and operating a business in this state.
- A representative selected by the Speaker of the House of Representatives who is a board member or executive officer of a business that is located in Florida and that does not have any business interests relating to energy who can provide guidance as to locating and operating a business in this state.
- A representative selected by the Governor from an environmental group who is informed about energy matters of the state.

Terms are for a period of 2 years, except that the bill provides for staggering of the initial terms in order to ensure continuity on the board.

Vacancies on the board must be filled in the same manner as the original appointment. Vacancies shall be filled for the remainder of the unexpired term, where applicable.

The board must select a chairperson biennially, upon appointment of all new members. Also, the board must meet at least four times each year, upon the call of the chairperson, or at the request of a majority of the membership.

Members of the board serve without compensation, but members, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses.

Each member of the board who is not otherwise required to file a financial disclosure statement must file such a disclosure statement as required pursuant to s. 112.3145, F.S.

The powers and duties of the board are specified.

Distributions shall be made to the corporation from the Florida Electric Energy Trust Fund under a contract between the Public Service Commission and the corporation, including any funding that is directed by the Legislature to be paid to a specific recipient.

The bill provides that all property of the corporations shall revert to the State upon dissolution of the corporation.

By December 1 each year, the corporation must submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairman of the Statewide Board of Governors. The report must include a description of the Center's activities and accomplishments; an annual financial accounting by an independent certified public accountant; a statement of its strategic priorities and their use in guiding resource allocations; and any recommendations the Center has for action by the Legislature or by the agencies of state, county or municipal governments to foster development or use of alternative energy technology.

Section 2. Appropriates $500,000 from General Revenue to the Office of the Governor to fund the activities of the Center for FY 2004-2005.

Section 3. Statutorily transfers the state energy program from the Department of Community Affairs to the Department of Environmental Protection.

Section 4. Provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill provides that the corporation is explicitly subject to the requirements of ch. 119, F.S., the Public Records Law, and ch. 286, F.S., relating to public meetings and records. While explicitly stating this provides notice to the public and the corporation regarding the applicability of those provisions, the corporation would likely be subject to these requirements as *an agency acting on behalf of the state* as interpreted by the Florida Supreme Court in *News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc.*[1]

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article I, s. 3, of the State Constitution states:

> The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

Section 20.02(1), F.S., further elucidates this provision:

> The State Constitution contemplates the separation of powers within state government among the legislative, executive, and judicial branches of the government. The legislative branch has the broad purpose on determining policies and programs and reviewing program performance. The executive branch has the purposes of executing the programs and policies adopted by the Legislature and of making policy recommendations to the Legislature. The judicial branch has the purpose of determining the constitutional propriety of the policies and programs

[1] 596 So.2d 1029 (Fla. 1992).

> and of adjudicating any conflicts arising from the interpretation or application of the laws.

Chapter 20, F.S., provides for the creation of departments within the executive branch. A state agency, such as a department, is a creature of statute and, as such, it has only those rights and privileges given to it by the Legislature in statute.[2] A department is created in the executive branch and, therefore, is subject to the administrative control of an executive officer who is appointed by, and serves at the pleasure of, the Governor or a Cabinet officer. Nevertheless, the powers and duties which the department is authorized to execute are delegated by the Legislature:

> An agency has only such power as expressly or by necessary implication is granted by legislative enactment. An agency may not increase its own jurisdiction and, as a creature of statute, has no common law jurisdiction or inherent power such as might reside in, for example, a court of general jurisdiction. When acting outside the scope of its delegated authority, an agency acts illegally and is subject to the jurisdiction of the courts when necessary to prevent encroachment on the rights of individuals.[3]

Chapter 20, F.S., authorizes, under limited circumstances, the reallocation of duties within the same department. Section 20.04(7)(a), F.S., states:

> *Unless specifically authorized by law*, the head of a department *may not reallocate duties and functions specifically assigned by law to a specific unit of the department*. Those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated *to a unit of the department* at the discretion of the head of the department.

While s. 20.04(7)(a), F.S., permits reallocation of responsibilities under limited circumstances *within the same department*, it does not authorize transfer from one agency to another of a program or unit of government that has been established in that agency by the Legislature.[4] Section 20.06, F.S., provides the means by which units of governments or programs are transferred. That section provides for a type I or a type II transfer and occur through the exercise of legislative power.

Part I of Chapter 163, F.S., contains the Florida Interlocal Cooperation Act of 1969. The purpose of the section is to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and to provide services and facilities in a manner and pursuant to forms

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[2] *Seaside Properties, Inc., v. State Road Department*, 190 So.2d 391 (3rd DCA 1966).

[3] Lee v. Division of Florida Land Sales and Condominiums, 474 So.2d 282 (5th DCA 1985).

[4] Section 20.057, F.S., permits interagency agreements to delete duplication of inspections among the departments that inspect the same type of facility or structure. That section does not, however, permit the transfer of units of one department or of programs established in one department by the Legislature, to another department by an executive branch officer. This section also requires the Governor to make a report to the Legislature no later than 60 days prior to the beginning of the regular session regarding interagency agreements. The report has specified content requirements.

of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities. Subsection (4) of the section permits a public agency[5] of the state to *exercise jointly* with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately. Subsection (5) of the section provides that the *joint exercise of power* is to be made by contract in the form of an interlocal agreement and provides what must be in that contract.

Part II of chapter 377, F.S., provides that the Department of Community Affairs is assigned the responsibility by the Legislature to perform specific duties under ss. 377.601-377.712, F.S. On June 20, 2003, the Department of Community Affairs, through a Memorandum of Agreement (MOA), provided that the Department of Environmental Protection has responsibility for the supervision and administration of the Energy Program and its staff, with the exception of those matters that affects the salary rate and budget authority. In the MOA, the DCA retained the authority to approve or disapprove any recommendation by the DEP that staff be hired, terminated, or receive a pay adjustment. The MOA also provides that the DEP will have the authority to enter into contracts on behalf of the Energy Program, to amend existing Energy Program contracts, to administer all contracts, and to approve and disapprove payments, reports and other documentation, to approve procurements, and to approve travel requests and reimbursements. Further, the MOA gives the Secretary of the DEP the authority to take or refrain from taking all actions to the same extent that the DCA or its secretary could do so.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill appropriates $500,000 from General Revenue to the Office of the Governor to fund the activities of the Florida Alternative Energy Technology Center.

VI. Technical Deficiencies:

None.

[5] Under the definition of "public agency" to mean a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.

VII. Related Issues:

The bill does not require establishment of performance levels or provide for periodic performance audits by OPPAGA.

VIII. Amendments:

None.

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

Bill No. CS for CS for CS for SB 1316

Amendment No. 1 505802

CHAMBER ACTION

Senate | House

Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 8, lines 10 - 21, delete those lines

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

And the title is amended as follows:

On page 1, lines 5 - 9, after the semicolon, delete providing an appropriation; providing for the transfer of the state energy program from the Department of Community Affairs to the Department of Environmental Protection;

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1414

SPONSOR: Regulated Industries Committee and Senator Diaz de la Portilla

SUBJECT: Mobile and Manufactured Homes

DATE: April 13, 2004 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable
2.	Oxamendi	Imhof	RI	Fav/CS
3.	Cooper	Yeatman	CP	Favorable
4.	Weaver TM	Kelly Ch	ATD	
5.			AP	
6.				

I. Summary:

This bill contains a number of changes to provisions of law relating to the regulation of mobile and manufactured homes.

The bill amends s. 319.261, F.S., to no longer allow the manufacturer's certificate of origin to be used to retire the title to a mobile home. Section 320.822, F.S., is amended to clarify the definition of "setup" to include "installation" which conforms to the correct terminology used in the industry. In addition, installing foundation products, components and systems are included in the definition.

The bill amends s. 320.823, F.S., to provide that each new mobile or manufactured home manufactured or sold in this state must meet the manufactured home construction and safety regulations promulgated by the U.S. Department of Housing and Urban Development (HUD), pursuant to the Manufactured Housing Improvement Act.

The bill amends s. 320.8249, F.S., to prohibit a licensed mobile home installer from violating other state laws or rules relating to installing, repairing, or dealing in mobile homes. Also, the section provides additional prohibited actions in which the Department of Highway Safety and Motor Vehicles (DHSMV or department) at its discretion may impose disciplinary penalties, including a fine not to exceed $1,000 per violation involving a single installation and not to exceed $5,000 for a violation involving the complete setup. Section 320.8249, F.S., is further amended to prohibit a local government from requiring a mobile home installer to obtain additional bonding or insurance. In addition, a new subsection (14) is created to provide licensed mobile home installers to maintain a location log for each installation decal for two years. However, this requirement will not take effect until DHSMV develops an acceptable format for the log and provides a sample to each licensed installer.

The bill creates s. 320.8251, F.S., to require manufacturers of mobile home installation products or systems to obtain a certificate of approval by DHSMV. The manufacturer must submit to DHSMV a report certifying that the mobile home installation component, product or system meets the established mobile home installation standards based on a report from a state licensed professional engineer. Also, the section provides that the certification is subject to suspension or revocation, and that obtaining a certification fraudulently or by misrepresentation will subject the responsible party to a fine.

The bill amends s. 320.8285, F.S., to provide that each county or municipality is responsible for the onsite inspection of each mobile home installation located within its respective jurisdiction. Also, the onsite inspection must ensure compliance with DHSMV's uniform installation standards. In addition, local governments are authorized to issue permits for the installation of mobile homes to a licensed mobile home installer or to a licensed mobile home dealer or manufactured home owner if a licensed installer will be performing the actual work.

The bill amends s. 320.8325, F.S., to require uniform standards for the installation of mobile homes, manufactured homes, and park trailers; and uniform standards for the manufacture of components, products, or systems used in the installation of the above. Also, the section is amended to provide that mobile homes, manufactured homes, and park trailers must be installed on a permanent foundation that resists wind, flood, flotation, overturning, sliding and lateral movement of the home or park trailer. In addition, the owner of the mobile home, manufactured home, or park trailer is responsible for the installation in accordance with DHSMV rules. Finally, obsolete language is deleted and replaced, and the term "manufactured homes" is included to conform the provision to the terminology used in the industry.

The bill amends s. 320.834, F.S., to provide that mobile homes are an affordable housing resource and s. 320.835, F.S., is amended to require that mobile home installers must warrant that setup operations performed on the mobile home were performed in compliance with DHSMV rules. In addition, s. 320.835, F.S., is amended to provide that DHSMV may adopt rules under ch. 120, F.S., to resolve disputes that may arise among mobile home manufacturers, dealers, installers, and suppliers.

This bill would take effect upon becoming law.

This bill substantially amends ss. 319.261, 320.822, 320.823, 320.8249, 320.8285, 320.8325, 320.834 and 320.835 of the Florida Statutes, and creates s. 320.8251, Florida Statutes.

II. Present Situation:

Federal Regulation

The National Manufactured Housing Construction and Safety Standards Act of 1974 (act) established federal construction and safety standards for manufactured homes.[1] The 2000 amendments to this act provided that this title may be cited as the "Manufactured Housing Improvement Act."[2] The Department of Housing and Urban Development (HUD) was directed to develop a federal standard building code for mobile homes. The intent of the program is to reduce personal injuries, deaths, property damage, insurance costs, and to improve the quality and durability of manufactured homes. These standards supersede any state standards regarding mobile home construction or safety. Thus, federal regulations preempt any state regulations to the extent that the local or state regulations are governed by the federal act and the corresponding rules promulgated by HUD.[3]

State Enforcement

With the approval of the secretary of HUD, states may assume responsibility for enforcement of the federal standards established under the act. Florida entered into two contracts with HUD in 1976 to carry out the enforcement of the federal program. The Bureau of Mobile Home and Recreational Vehicle Construction (bureau) within DHSMV has since administered the contracts. The bureau includes the Bureau Chief's Office (in-plant inspection and consumer complaint programs), Engineering, Seals, Labels, and Installer Licensing sections. The bureau is the "State Administrative Agency" (SAA) for monitoring all manufactured housing produced or installed in Florida. The bureau inspects manufacturer facilities and dealer lots for compliance with the federal code; investigates and resolves consumer complaints against manufacturers and dealers; monitors retail lots; approves alterations made by retailers; and monitors the installation of mobile homes. The state's responsibilities for the installation program include regulating the installation of mobile homes by testing and licensing mobile home installers, testing and approving anchoring and tie-down products for use in Florida, and inspecting the actual installation of mobile homes. In addition, the bureau conducts training for city and county building officials on how to inspect for proper installation, and consults with these officials on a regular basis regarding installation issues.

Florida is one of 38 states approved by the secretary of HUD to perform these functions. Ten of those 38 states also perform as an in-plant primary inspection agency (IPIA) under a second contract. Florida is one of these states. According to the IPIA contract, DHSMV must certify that a manufacturer is following approved quality control procedures and must provide on-going in-plant inspection of the manufacturing process to assure conformance with the federal code standards. If the manufacturer complies, a federal certification label is then issued and affixed to each newly completed mobile home manufactured in Florida.

According to DHSMV, Florida is one of the top three states receiving the largest number of manufactured homes. Florida is ranked in the top eight in the nation in the production of mobile homes. During FY 2002-03, the program registered 21,144 new mobile homes and inspected 13,904 mobile homes in 15 manufacturing plants. The program issued 3,027 manufacturer non-compliance notices. As of June 30, 2003, Florida licensed 493 manufactured home installers.

[1] 42 U.S.C. 5401. et seq.
[2] Pub.L. 106-569, Title VI, § 601(a), Dec. 27, 2000, 114 Stat. 2997
[3] 42 U.S.C. 5422.

Florida's Statutory Scheme

Section 319.261, F.S., was created during the 2003 Regular Session to provide a mechanism by which the owner of a mobile home which is permanently affixed to real property owned by that same person may permanently retire the title to the mobile home. According to the Florida Manufactured Housing Association (FMHA), the primary purpose of this section is to clarify the valid ownership and security interests in mobile homes and other manufactured housing so mortgages on these properties will be eligible to be purchased by Fannie Mae and Freddie Mac.

Subsection (2) provides that the DHSMV is authorized to retire the title to the mobile home if the owner records the following documents with the clerk of court in the county in which the real property is located:

- The original title to the mobile home, or for a new home the manufacturers' certificate of origin, which includes a description of the mobile home, including model year, make, width, length, vehicle identification number, and a statement by any recorded lien holder on the title that the security interest in the home has been released, or that such security interest will be released upon retirement of the title;
- The legal description of the real property, and in the case of a leasehold interest, a copy of the lease agreement; and
- A sworn statement by the owner that he or she is the owner of the mobile home and that the home is permanently affixed to the real property in accordance with state law.

Subsection (3) specifies that the clerk of the court is responsible for recording the documents and providing to the owner of the real property a copy of the recorded title or manufacturers' certificate of origin and a copy of all the documents recorded. Subsection (4) specifies that the owner or lien-holder must then submit these documents with the appropriate application to DHSMV in order to retire the title.

Section 320.822, F.S., provides definitions for chapter 320, F.S., relating to motor vehicle licenses for mobile homes and recreational vehicles. Currently, the definition for "setup" is outdated and is not the current terminology used in the industry.

Section 320.823, F.S., requires mobile homes manufactured or sold in this state to meet the Federal Mobile Home Construction and Safety Standards promulgated by HUD.

Section 320.8249, F.S., provides prohibited actions relating to licensed mobile home installers and applicable penalties. Such offenses include:

1. Obtaining a mobile home installer's license by fraud or misrepresentation.

2. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of mobile home installation or the ability to practice.

3. Violating any lawful order of DHSMV.

4. Committing fraud or deceit in the practice of contracting.

5. Committing incompetence or misconduct in the practice of contracting.

6. Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.

7. Committing violations of the installation standards for mobile homes or manufactured homes contained in rules 15C-1.0102 – 15C-1.0104, F.A.C.

A violation of any specified offense is subject to any of the following disciplinary penalties: license revocation; license suspension; a fine not to exceed $1,000 per violation; a requirement to take and pass, or retake and pass a DHSMV approved examination; probation; probation subject to such restriction of practice as DHSMV chooses to impose; notice of noncompliance, or refusal of a licensure application.

In addition, subsection (12) provides that a county, municipality, or other unit of local government may not require additional licensing of a duly licensed installer. However, a county, municipality, or other unit of local government may require an installer to obtain a local occupation license.

Section 320.8285, F.S., provides for onsite inspections of mobile homes. Each county or municipality is required to prepare and adopt a plan providing for an onsite inspection of mobile homes within such entity. If a county or municipality does not prepare or adopt a plan providing for onsite inspections, the department must prepare a minimum inspection plan for that county. Building inspectors must determine compliance with state and local building codes before a mobile home is certified for occupancy.

Section 320.8325, F.S., addresses mobile home tie-downs and installation standards. Currently, the department must adopt rules governing the devices used to install mobile homes, but does not specify the type of foundation to which mobile homes or park trailers must be installed. In addition, most of the laws governing mobile homes use the term "mobile home" which is not the current terminology used in the industry.

Section 320.834, F.S., expresses the legislative intent that the mobile home inspection program is meant to ensure the safety and welfare of residents of mobile homes through an inspection program conducted by DHSMV. Further, the section provides that mobile homes are a primary housing resource for many residents and satisfy a large segment of statewide housing needs.

Section 320.835, F.S., specifies mobile home manufacturer, dealer, and supplier warranty responsibilities. In particular, it provides that each manufacturer, dealer, and supplier of mobile homes or recreational vehicles must warrant each new mobile home or recreational vehicle sold in Florida, and the setup of each mobile home for at least 12 months.

Hurricane Loss Mitigation Program

III. Enacted in 1999, s. 215.559, F.S., creates the Hurricane Loss Mitigation Program. Sections 215.555(7)(c) and 215.559, F.S., require no less than $10 million and no more than 35 percent of the investment income from the prior fiscal year be appropriated by the Legislature annually from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for specified purposes. Section 215.559(2), F.S., requires that $7 million must be used for programs to improve the wind resistance of residences and mobile homes and $3 million must be used to retrofit existing facilities used as public hurricane shelters. Section 215.559, F.S., further directs that 40 percent of the $7 million ($2.8 million) must be used to inspect and improve tie downs for mobile homes and that 10 percent ($700,000) must be allocated to the State University System dedicated to hurricane research. Subsection (8) of s. 215.559, F.S., provides that this section is repealed effective June 30, 2006.Effect of Proposed Changes:

Section 1. Section 319.261, F.S., is amended to no longer allow the manufacturer's certificate of origin to be used to retire the title to a mobile home.

Section 2. Section 320.822, F.S., is amended to clarify that the definition of "setup" includes "installation," which conforms the provision to current terminology used in the industry. In addition, the installation of foundation products, components, and systems are included in the definition.

Section 3. Section 320.823, F.S., is amended to clarify the requirement that each single-family mobile home manufactured or sold in this state must meet the Manufactured Home Construction and Safety Standards promulgated by HUD, pursuant to the Manufactured Housing Improvement Act. The bill provides that this requirement applies to new single-family or duplex mobile or manufactured homes. According to DHSMV, this provision would codify current practices.

Section 4. Section 320.8249, F.S., is amended to prohibit a licensed mobile home installer from violating other state laws or rules relating to installing, repairing, or dealing in mobile homes. Also, s. 320.8249(10)(c), F.S., is amended to provide that for violation of s. 320.8249(7)[4] or (9), F.S., DHSMV may, at its discretion, impose a fine not to exceed $1,000 per violation involving a single installation and not to exceed $5,000 for a violation involving the complete setup.

Further, subsection (12) of s. 320.8249, F.S., is amended to include bonding or insurance as matters that a local government is prohibited from requiring of a mobile home installer. In addition, a new subsection (14) is created to provide that licensed mobile home installers must maintain a location log for each installation decal for two years. However, this requirement will not take effect until DHSMV develops an acceptable format for the log and provides a sample of the acceptable format to each licensed installer.

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[4] Subsection (7) provides that no person shall:

(a) Falsely hold himself or herself or a business organization out as a licensed mobile home installer;
(b) Falsely impersonate a licensed mobile home installer;
(c) Present as his or her own the mobile home installers license of another;
(d) Knowingly give false or forged evidence to the department;
(e) Use or attempt to use a mobile home installers license which has been suspended or revoked; or
(f) Engage in the business or act in the capacity of a licensed mobile home installer or advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a mobile home installer without being duly licensed.

Section 5. Section 320.8251, F.S., is created to require manufacturers of mobile home installation products or systems to obtain a certificate of approval from DHSMV. The manufacturer must submit to DHSMV a report certifying that the mobile home installation component, product, or system meets the established mobile home installation standards based on a report from a state licensed professional engineer. Upon review, DHSMV is authorized to approve or deny the certification. The section also provides that the certification is subject to suspension or revocation and obtaining such certification fraudulently or by misrepresentation will subject the responsible party to a fine.

In addition, the section provides that products, components, or systems currently used in the installation or mobile homes need not be certified until July 1, 2009.

Section 6. Section 320.8285, F.S., is amended to provide that each county or municipality is responsible for the onsite inspection of each mobile home installation located within its respective jurisdiction. The onsite inspection must ensure compliance with DHSMV's uniform installation standards, and each mobile home is to be issued a certificate of occupancy if the mobile home is found in compliance with DHSMV's standards after an inspection. In addition, local governments are authorized to issue permits for installation of mobile homes only to a licensed mobile home installer or to a licensed mobile home dealer or manufactured home owner if the dealer or owner provides a licensed installer will be performing the actual work.

The bill deletes the provisions in ss. 320.8285(1) and (3), F.S., relating to standards in local building codes, ordinances, and regulations, which are obsolete in the context of the federal preemption for these standards. The bill also deletes the provision in s. 320.8285(1), F.S., relating to the DHSMV's authority to adopt rules for counties and municipalities that do not prepare and adopt a plan for onsite inspection of mobile homes.

Section 7. Section 320.8325, F.S., is amended to require uniform standards for the installation of mobile homes, manufactured homes, and park trailers and for the manufacture of components, products, or systems used in the installation of the above. This section is also amended to provide mobile homes, manufactured homes, and park trailers must be installed on a permanent foundation that resists wind, flood, flotation, overturning, sliding and lateral movement of the home or park trailer. "Permanent foundation" will be defined by DHSMV rule. In addition, the owner of the mobile home, manufactured home or park trailer is responsible for the installation in accordance with DHSMV rules. The bill also includes the term "manufactured homes" to conform the provision to the current terminology used in the industry.

The bill also deletes the provisions of ss. 320.8325(1) and (2), F.S., relating to specific standards for mobile home safety and installation.

Section 8. Section 320.834, F.S., is amended to describe mobile homes as an affordable housing resource.

Section 9. Section 320.835(1), F.S., is amended to include installers in the requirement that each mobile home manufacturer, dealer and supplier must warrant that the setup operations performed on the mobile home are performed in compliance with DHSMV rules. The bill expands the

requirement under current law that the warranty must be for a period of at least 12 months to include the condition that the warranty is measured from the date of receipt of a certificate of occupancy from an installer, or from the date of sale of a recreational vehicle.

The bill provides in s. 320.835(5), F.S. that DHSMV may adopt rules under ch. 120, F.S., to resolve disputes that may arise among mobile home manufacturers, dealers, installers, and suppliers. The rules must comply with the dispute resolution process set forth in the Federal Manufactured Housing Improvement Act.

Section 10. This bill amends s. 215.559(8), F.S., to extend the repeal date of the Hurricane Loss Mitigation Program from June 30, 2006 to June 30, 2011.

Section 11. This bill would take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A licensed mobile home installer who violates the prohibited actions in s. 320.8249(7) or (9), F.S., may be subject to disciplinary penalties including a fine not to exceed $1,000 per violation involving a single installation and not to exceed $5,000 for a violation involving the complete setup.

This bill would provide some additional protection to consumers who purchase mobile or manufactured homes.

C. Government Sector Impact:

This bill proposes a $5,000 cap on fines arising from mobile home installation violations by licensed installers; however, the impact to the DHSMV is indeterminate.

The provision authorizing at least a $10 million annual appropriation from the Florida Hurricane Catastrophe Fund for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve hurricane preparedness, reduce potential losses in the event of a hurricane, provide research into means to reduce such losses, educate or inform the public as to means to reduce hurricane losses, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of such upgrades, or protect local infrastructure from potential damage from a hurricane which is scheduled for repeal on June 30, 2006, would continue until June 30, 2011.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

9

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1456

SPONSOR: Government Oversight and Productivity Committee and Senator Sebesta

SUBJECT: Department of Transportation

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Meyer	TR	Fav/1 amendment
2.	Wilson	Wilson	GO	Fav/CS
3.	Weaver	Kelly	ATD	
4.				
5.				
6.				

I. Summary:

The CS provides for the reorganization of the Florida Department of Transportation's (FDOT) management structure by permitting the Secretary of Transportation to combine, separate, or delete, as needed, a number of statutorily required offices. The CS authorizes the secretary to appoint assistant secretaries and deputy assistant secretaries. The CS also authorizes district secretaries to appoint district directors.

The CS directs the removal of all tolls and precludes the use of future tolls on the Navarre Bridge in Santa Rosa County.

The CS permits a revision of previous cash advances made to the Emerald Coast Bridge Authority so that a good faith attempt at repayment is not deemed a failure to repay by the FDOT.

The CS authorizes both the FDOT and the respective expressway authorities to engage in public-private partnerships for transportation projects. For FDOT managed projects, the proposal must be included in the agency's five-year work program adopted and funded by the Legislature.

This CS substantially amends the following sections of the Florida Statutes: 20.23, 110.205, 338.251, 334.30 and 348.0004.

II. Present Situation:

Pursuant to s. 20.23, F.S., the Secretary of the Department of Transportation must appoint two assistant secretaries -- one for Transportation Development and Operations and one for Transportation Support. The following offices are established statutorily:

Administration
Planning and Environmental Management
Design
Highway operations
Right-of-Way
Toll Operations
Information systems
Motor carrier compliance
Management and budget
Comptroller
Construction
Maintenance
Materials

Each office is required to be headed by a manager appointed by the secretary. No office at or above the division level may be established without specific legislative approval.

Currently, the secretary is required to appoint a state transportation development administrator, a state transportation operations administrator, and a state public transportation and modal administrator. Each is classified as a deputy assistant secretary.

Each district secretary is permitted to appoint district directors for transportation development, operations, and support, or, until July 1, 2005, district directors for planning and programming, production, operations, and administration.

Section 110.205, F.S., provides Senior Management Service status to specific positions within various state agencies including the FDOT.

The Navarre Bridge is one of five FDOT-owned and privately staffed bridges in the state. Built in 1960 at a cost of $2 million the bridge is funded through a one-way toll levy of 50 cents per motor vehicle imposed in the southbound lane to Navarre Beach. The toll has been at its present level since 1995 when it was raised from the initial levy of 25 cents. A proposal to increase the levy to $1 was not approved by the 2003 Legislature. The cost of the bridge was shared among three revenue sources [1] all of which paid the debt service on the bonds issued for its construction. There is no bonded debt remaining on the structure, but there is a growing and unserviced debt to the FDOT of some $4 million that is arguably in default. Santa Rosa County is also owed an additional $321,000 that is secured by local option gas tax revenues.

The Emerald Coast Bridge Authority, formerly the Fort Walton Beach Area Bridge Authority, has received cash advances from the FDOT of which some $1 million remains outstanding. The successor authority assumed this obligation but has not made any repayment and is technically in default, although no demand has been served.

[1] State bonds, state transportation monies, and dedication of proceeds of locally imposed gas tax revenues by the Santa Rosa County Commission.

Section 334.30, F.S., provides for the building and financing of transportation facilities by private entities. This section allows FDOT to receive or solicit proposals and, with Legislative approval, enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities.

An applicant seeking to construct a private transportation facility pursuant to this section must submit an application fee with the submission of the proposal sufficient to pay the costs of evaluating the proposal ($50,000). The FDOT must determine that the proposed project: is in the public's best interest; does not require state funds to be used unless there is an overriding state interest; and would have adequate safeguards to ensure no additional costs or service disruptions by the traveling public. This section requires all reasonable costs for the project to be borne by the private entity. Agreements between the FDOT and the private entity may authorize the private entity to impose tolls; however, the amount of tolls and use of toll revenues may be regulated by the FDOT.

Each private transportation facility constructed pursuant to this section must comply with all requirements of federal, state, and local laws; state, regional and local comprehensive plans; FDOT rules, policies, procedures, and standards for transportation facilities; and any other conditions which the FDOT determines to be in the public's best interest.

In 2002, the FDOT had not entered into any agreements under this law and only had two proposals submitted for review. Both proposals at that time were unable to secure adequate financial backing to produce a project.

However, in early 2003 the FDOT received a series of unsolicited proposals from the Toll Road Corporation of America for an "I-95 Reversible HOT Lane System" in Miami that could be a candidate for this program if certain legislative changes are made. The proposed project involves the construction of reversible toll lanes in the median of I-95. The Miami-Dade County Metropolitan Planning Organization included a version of this I-95 High Occupancy Toll (HOT) Lane project in its long-range Transportation Improvement Plan.

Section 348.0004, F.S., establishes the purpose and powers of expressway authorities created by the Florida Expressway Authority Act. The Miami-Dade County Expressway Authority is the only functioning expressway authority created by the Florida Expressway Authority Act. Section 348.0004(2)(m), F.S., authorizes the Miami-Dade County Expressway Authority to consider unsolicited proposals from private entities for the planning, designing, engineering, constructing, operating, maintaining, and owning of additional expressways in Miami-Dade County.

III. Effect of Proposed Changes:

The CS allows for a reorganization of the FDOT management structure by removing the requirement to establish specific offices and effectively renaming the existing offices areas of program responsibility. It gives the secretary the ability to combine, separate, or delete existing statutory offices in consultation with the Governor's Office.

The CS revises s. 20.23, F.S., to permit the secretary to appoint up to three assistant secretaries rather than requiring the appointment of two to statutorily-created positions. The CS removes the requirement to appoint deputy assistant secretaries to statutory positions, allowing the appointment of deputy assistant secretaries or directors with responsibility for accomplishing the mission and goals of the department including, but not limited to, the areas of program responsibility. Further, the CS allows each district secretary to appoint up to three district directors, or, until July 1, 2005, up to four district directors without specifying titles or positions by statute.

The CS revises s. 110.205, F.S., to update a reference.

Section 334.30, F.S., is amended to authorize the FDOT to use state resources and to enter into public-private partnership agreements for a transportation facility project that is in the FDOT adopted and legislatively funded work program. The section requires the FDOT to ensure all reasonable costs to the state related to transportation facilities that are not part of the State Highway System are to be borne by the private entity and all reasonable costs to the state, local governments, and utilities are to be borne by the public-private entity for transportation facilities that are owned by private entities.

The section is further amended to authorize the FDOT to request proposals for projects or, if the FDOT receives an unsolicited proposal the FDOT must publish notice in Florida Administrative Weekly and a newspaper of general circulation at least once a week for 2 weeks stating the FDOT has received the proposal and will accept other proposals for the same project for 60 days after the initial publication. A copy of the notice must be mailed to each local government in the affected area.

After the public notification period has expired, the FDOT will rank the proposals in order of preference. When ranking the proposals, the FDOT may consider professional qualification, general business terms, innovative engineering or cost reduction terms, finance plans, and the need for state funds. The FDOT will negotiate with the top-ranked proposer, and if the FDOT is not satisfied with the results of the negotiations, the FDOT may terminate negotiations with the top-ranked proposer and begin negotiations with the lower ranked proposer using the same procedure. If there is only one proposer, the FDOT may negotiate in good faith, and terminate negotiations if the FDOT is not satisfied with the results of the negotiations. The section provides the FDOT, at its discretion, may reject all proposals at any point in the process up to completion of a contract with a proposer.

The FDOT may lend funds from its Toll Facilities Revolving Trust Fund for such public-private partnerships provided that the private entity must comply with s. 338.251, F.S., and provide investment grade debt with credit assurances acceptable to the agency.

The CS also permits expressway authorities the ability to enter into similar agreements to share in the development of public-private transportation facilities. The expressway authority must determine beforehand that such a project is in the best interests of the public; does not require state funds, other than funds allocated as part of the state highway system; and has adequate safeguards to prevent service disruptions in the event of its termination. The CS authorizes loans and grants from the State Transportation Trust Fund. The CS further authorizes loans from the

Toll Facilities Revolving Trust Fund to fund such public-private partnerships sponsored by expressway authorities.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The CS removes the 50 cent toll on the Navarre Bridge which will result in a reduction in revenues of $564,000 in 2004.

B. Private Sector Impact:

Motorists using the Navarre Bridge will no longer have to pay the fifty-cent toll or purchase an annual pass for $25.

C. Government Sector Impact:

As noted above, the effect of the repeal of tolls on the Navarre Bridge will eliminate FDOT operating costs of $549,000. The private company employing the toll operators will have its contract terminated and the staff will be unemployed. The FDOT will continue to incur $101,608 in annual operating costs.

The FDOT reports that the Navarre Bridge has experienced sustained negative cash flow for the past several years, and is estimated to continue to incur negative cash flow for the foreseeable future, as follows:

Estimated Navarre Bridge Revenue and Expenditures, FY 2004-2007

Fiscal Year	$.50 Toll	Operating Expenses	Maintenance	Repair & Renovation	Total	Net Revenue	Payment to STTF
2004	$ 564,000	$ 594,023	$ 56,960	$ 44,648	$650,631	($ 86,631)	$ 3,197,427
2005	572,000	568,239	58,945	282,543	909,736	(337,736)	3,535,163
2006	579,000	588,127	61,017	250,703	899,747	(320,847)	3,856,010
2007	587,000	608,712	63,153	143,008	814,873	(227,873)	4,083,883

The FDOT reports that recent repairs to the bridge have extended its useful life by an additional 10 to 15 years. Since the bridge is close to the end of its nominal useful life, the cost of any replacement structure will have to be borne by the FDOT or shared with other governments using a financing means other than tolls. The existing bridge does not have any major repairs or renovations scheduled through 2009. The removal of the toll authorization on the Navarre Bridge essentially removes any revenues that could be used to service the cumulative debt in the State Transportation Trust Fund. One consequence of this could be a certification to the Chief Financial Officer by the FDOT that this indebtedness is uncollectible with a request that it be extinguished and removed from the state accounting system as an account receivable. The Santa Rosa County Commission has a receivable in the amount of $321,000 that also has not been serviced.

The Emerald Coast Bridge Authority assumed the financial indebtedness of some $1 million of its predecessor authority. That debt has not been serviced and is in technical default.

VI. Technical Deficiencies:

None.

VII. Related Issues:

A close variation of the public-private partnership proposal was introduced in the 2003 Legislature. The distinguishing feature of that bill, not present in this CS, is the explicit use of an alternative financing arrangement to fund the public-private partnership. That mechanism, referred in the Internal Revenue Code as a 63-20 not-for-profit corporation, permits the issuance of debt on behalf of a public agency which assumes ownership of the assets upon its satisfaction. As a special purpose entity, the debt does not constitute an obligation of a public agency, even though it is afforded tax-exempt status. Such mechanisms have been used for transportation projects in other states and localities. Because of the variable nature of the revenue stream in such undertakings, the underlying debt assumes a speculative character without credit enhancements raising it to an investment grade.

VIII. Amendments:

None.

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

Bill No. CS for SB 1456

Amendment No. 1 554854

CHAMBER ACTION

Senate | House

Senator Sebesta moved the following amendment:

Senate Amendment

On page 4, lines 3-13, delete those lines

and insert:

3. Public Transportation;

4.~~3. The Office of~~ Design;

5.~~4. The Office of~~ Highway operations;

6.~~5. The Office of~~ Right-of-way;

7.~~6. The Office of~~ Toll operations;

8.~~7. The Office of~~ Information systems;

9.~~8. The Office of~~ Motor carrier compliance;

10.~~9. The Office of~~ Management and budget;

11.~~10. The Office of~~ Comptroller;

12.~~11. The Office of~~ Construction;

13.~~12. The Office of~~ Maintenance; and

14.~~13. The Office of~~ Materials.

Bill No. CS for SB 1456

Amendment No. 2 261974

CHAMBER ACTION

Senate House

Senator Sebesta moved the following amendment:

Senate Amendment

On page 12, line 17, delete that line

and insert: (a) Notwithstanding any other provision of the Florida Expressway Authority Act, any expressway authority may receive or solicit

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1494

SPONSOR: Commerce, Economic Opportunities, and Consumer Services Committee and Senator Garcia

SUBJECT: Qualified Target Industry and Qualified Defense Contractor Tax Refund Programs

DATE: April 13, 2004 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cibula	Maclure	CM	Favorable/CS
2.	Dodson	Skelton	HP	Favorable
3.			FT	Withdrawn
4.	Kelly	Kelly	ATD	
5.			AP	
6.				

I. Summary:

The committee substitute implements the recommendations from Interim Project Report 2004-115, *Review of Qualified Target Industry and Qualified Defense Contractor Tax Refund Programs*.[1] In accordance with the recommendations in the report, the committee substitute:

- Extends the authority for the programs for an additional five years.
- Clarifies that tax refund agreements in existence when the statutory authority for the programs expires continue in effect.
- Clarifies that the qualified defense contractor tax refund program may be used to retain jobs.
- Requires claims for tax refunds to be paid in the order approved.
- Directs the Office of Tourism, Trade, and Economic Development to attempt to amend existing tax refund agreements created under the qualified target industry tax refund program to require tax refund claims to be submitted by January 31 for the net new full time equivalent Florida jobs as of December 31, and requires Enterprise Florida, Inc., to discuss progress toward amending the agreements in its annual report on economic development programs.

The committee substitute substantially amends the following sections of the Florida Statutes: 288.095, 288.1045, and 288.106.

[1] Committee on Commerce, Economic Opportunities, and Consumer Services, The Florida Senate, Interim Project Report 2004-115, *Review of Qualified Target Industry and Qualified Defense Contractor Tax Refund Programs*, December 2003, *available at* http://www.flsenate.gov/data/Publications/2004/Senate/reports/interim_reports/pdf/2004-115cm.pdf.

II. Present Situation:

The qualified target industry (QTI) and qualified defense contractor (QDC) tax refund programs are tools used by the state to encourage businesses to locate or expand in this state and provide high-wage jobs for Floridians. Businesses participating in the programs may receive tax refunds based on the number of qualifying jobs and the average wage of their employees. The QTI and QDC programs are scheduled to expire or close to new activity on June 30, 2004.

An interim project report by the Senate Committee on Commerce, Economic Opportunities, and Consumer Services, titled *Review of Qualified Target Industry and Qualified Defense Contractor Tax Refund Programs*, recommended that the programs be continued by the Legislature as a relatively low-cost method to compete with other states for jobs. According to the report, Florida faces competition from many states offering economic development incentives for job creation. The report also found that the programs do not perfectly discriminate between businesses that would locate or expand operations in Florida without incentives and those for which an incentive is needed to induce the business to locate or expand operations in Florida. However, the availability of incentives was a deciding factor for the creation of some jobs. Lastly, the report found that the qualified target industry tax refund program has been substantially over-funded over the past few years, to the detriment of other legislative priorities. To minimize over-funding the QTI program, the report recommended that claims for tax refunds be submitted by January 31 for jobs created as of December 31 of the preceding calendar year. If tax refund claims are received by OTTED by January 31, the tax refund claims will be able to be taken into account during the next budgeting process.[2]

Other recommendations in the report included the following:

- The authority for the programs should expire June 30, 2009, to encourage a future Legislature to review the performance of the programs.
- Tax refund agreements in effect when the authority for the programs expires should continue in effect in accordance with their terms.
- The statutory authority for the qualified defense contractor tax refund program should clarify the program may be used to retain jobs.[3]

QTI Program

A qualified target industry (QTI) business may receive a tax refund equal to the tax refund per job times the number of jobs created, pursuant to a tax refund agreement with the Office of Tourism, Trade, and Economic Development (OTTED).[4] The tax refund per job is between $3,000 and $8,000, depending upon the average salary of the jobs created and whether the jobs are located within a rural county or enterprise zone (EZ).[5] See Table 1. Taxes that may be refunded under the program include corporate income taxes; insurance premium taxes; taxes on

[2] *Id.*
[3] *Id.*
[4] Section 288.106(2), F.S.
[5] Section 288.106(2)(b), F.S.

sales, use, and other transactions; intangible personal property taxes; emergency excise taxes; excise taxes on documents; and certain ad valorem taxes.

Table 1. Tax Refund Available Per Job

TAX REFUND PER JOB	LOCATION OF NEW JOBS	PERCENT OF AVERAGE WAGE
$3,000	Statewide	115%
$4,000	Statewide	150%
$5,000	Statewide	200%
$6,000	Rural County or EZ	115%
$7,000	Rural County or EZ	150%
$8,000	Rural County or EZ	200%

The total tax refund must be paid to a business over a 4-year or longer period.[6] The maximum refund that a business may receive in any year is $1.5 million or, if the business is located in an enterprise zone, $2.5 million.[7] The total refund that a business may receive may not exceed $5 million or, if the business is located in an enterprise zone, $7.5 million.[8] The total amount of tax refunds that OTTED may schedule for payment under the QTI and QDC programs may not exceed $35 million in any fiscal year.[9]

To be eligible for tax refunds under the QTI program, a target industry business must apply to OTTED for certification as a qualified target industry business before it decides to locate a new business in this state or to expand an existing business in this state.[10] Then the business must enter into a performance-based contract with OTTED to create a specific number of high-wage jobs.

A target industry business is a corporate headquarters or a business within a list of target industries developed by OTTED in consultation with Enterprise Florida, Inc., (EFI).[11] OTTED must submit this list to the Legislature with its final agency legislative budget request.[12] Industries selected for the list must meet the following criteria: expected to have future growth in employment and output, provide stable employment not subject to layoffs, provide high wages, be independent of Florida markets and resources, diversify the state's economic base, and benefit the state and regional economies.[13] The industries contained on the target industries list include certain manufacturing facilities; finance and insurance services; wholesale trade; information services; professional, scientific, and technical services; management services; and administrative support.[14] Additionally, defense industry businesses may be target industry businesses.

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[6] *See* s. 288.106(2)(b), F.S.
[7] *Id.*
[8] *Id.*
[9] 288.095(3)(a), F.S.
[10] Section 288.106(3)(a), F.S. It appears that the purpose of this limitation is to prevent the payment of tax refunds to businesses that had planned to locate a new business or expand an existing business in Florida anyway.
[11] Section 288.106(1)(o), F.S.
[12] *Id.*
[13] *Id.*
[14] For the complete list of target industries, see OTTED's *Legislative Budget Request 2004-2005,* at 93.

In its application for certification, a target industry business must describe its proposed new business or expansion of an existing business.[15] The description of proposed operations must provide for the creation of jobs that have an average salary of at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide average private sector wage.[16] OTTED, however, may waive the average wage requirement of the QTI program in limited circumstances.[17] A new or expanding business must propose the creation of at least 10 jobs.[18] An expanding business must also propose to increase its real and personal property resulting in a 10-percent net increase in employment in this state.[19]

The application must also be accompanied by a resolution from the county or municipality in which the business will be located.[20] The resolution must recommend that the business be certified as a qualified target industry business and commit the county or municipality to provide local financial support.[21] The local financial support must equal at least 20 percent of the tax refund available under the program for the business to be eligible for a full refund.[22] This financial support is typically called the 20-percent local match. The business may have to agree to the local government's terms and conditions for eligibility for the local match.

If the business proposes to locate in a brownfield area or in a rural county or certain counties contiguous to a rural county, local financial support is optional.[23] If a local government chooses to exercise the option to be exempt from the local financial support requirements of the program, then the business is not eligible for more than 80 percent of the tax refunds that would otherwise be available to it under the program.[24]

Upon receipt of a completed application, OTTED must review the application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc.,
2. The economic benefit of the jobs created by the project in this state.
3. The amount of capital investment to be made by the applicant in this state.
4. The local commitment and support for the project.
5. The effect of the project on the local community.
6. The effect of any tax refunds [under the QTI program] on the viability of the proposed operations and the probability that the proposed operations will be undertaken in this state.
7. The expected long-term commitment to this state.

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[15] Section 288.106(3), F.S.
[16] Section 288.106(3)(a)4. and (3)(b)1., F.S. OTTED requires that the average salary of jobs created be 115 percent of the lower of the average private sector wage in the area or the statewide private sector wage.
[17] Section 288.106(3)(b)1., F.S. According to OTTED, it has waived the minimum average wage requirements of the QTI program fewer than five times.
[18] Section 288.106(3)(b)2., F.S.
[19] Section 288.106(1)(g) and (3)(b)2., F.S.
[20] Section 288.106(3)(a)9., F.S.
[21] *Id.*
[22] Section 288.106(3)(f), F.S.
[23] Section 288.106(1)(k), F.S.
[24] *Id.*

8. A review of the business's past activities in this state or other states.[25]

Although OTTED must consider these criteria, the criteria do not establish minimum standards that must be met for certification, nor do the criteria require OTTED to certify any business as a QTI business. If the application is approved, the OTTED director, by letter, will certify the business as a QTI business and state the value of the tax refund available to the business.[26]

After a business is certified as a QTI business, it may enter into a tax refund agreement with OTTED.[27] The agreement typically will incorporate the application for certification as a QTI business, and the proposed number of jobs and salary projections will become contract requirements. The contract also will clearly state that the agreement to pay tax refunds is contingent upon appropriations from the Legislature.[28]

A business that was certified as a QTI business after May 30, 2002, must file its claim for a tax refund by January 31 each year.[29] A business that was certified as a QTI business before May 30, 2002, may file a claim for a tax refund any time prior to June 15.[30] If a business does not timely submit a claim for refunds, it will be terminated from the QTI program.[31]

Sharpton, Brunson and Company (SBC), an outside contractor hired by OTTED, processes the claims for tax refunds under the QTI program.[32] To process refund claims, SBC verifies job creation and average wages through unemployment compensation insurance information, company data, and on-site audits. SBC verifies the amount of taxes paid by a QTI business by examining receipts, tax bills, and copies of checks submitted in payment of tax bills.

If a QTI business satisfies the job-creation and wage requirements in its contract with OTTED, pays sufficient taxes, and OTTED receives the necessary local financial support, the business will receive the full tax refund specified in its agreement. If a QTI business fails to fully comply with its job-creation and salary requirements, it may receive a prorated tax refund less a 5-percent penalty.[33] To be eligible for a prorated refund, the business must achieve at least 80 percent of its projected employment, and the average wage paid by the business must be at least 90 percent of the wage specified in its contract. The average wage paid must also be at least 115 percent of the average area wage, or 150 or 200 percent of the average area wage if the business contracted for the additional refund for salaries at those thresholds. The business will also receive a prorated refund if the local financial support received by OTTED is less than 20 percent of the refund authorized under the tax refund agreement.

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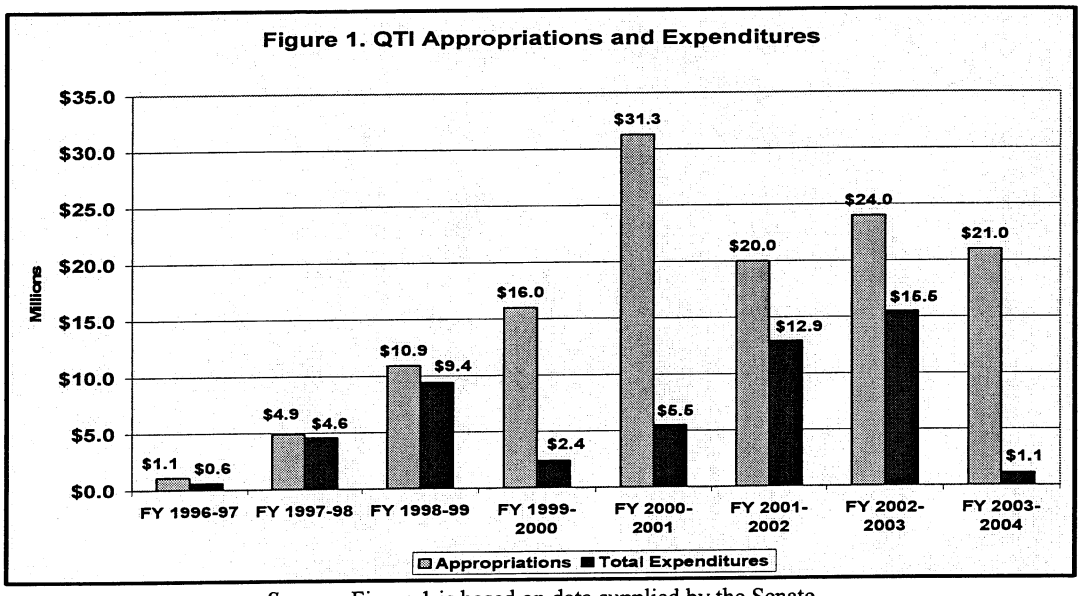
[25] Section 288.106(3)(c), F.S.
[26] Section 288.106(3)(e)1. and (f), F.S.
[27] Section 288.106(3)(e)2., F.S.
[28] Section 288.106(4)(d), F.S.
[29] Section 288.106(5)(a), F.S.
[30] Auditor General, *Tax Refund Program for Qualified Target Industry Businesses Administered by the Executive Office of the Governor: Operational Audit*, Report No. 01-080, January 2001, at 3.
[31] Section 288.106(4)(b), F.S.
[32] Sharpton, Brunson and Company fulfills certain administrative-support functions for the following programs: Economic Development Transportation Fund, Qualified Target Industry Tax Refund Program, Community Contribution Tax Credit Program, Urban Jobs Tax Credit, and the Rural Jobs Tax Credit. The term of SBC's contract with OTTED is from April 1, 2002, through June 30, 2004, at a rate of $500,000 per year.
[33] Section 288.106(5)(d), F.S.

QTI Appropriations and Expenditures

Since the inception of the QTI program, the tax refunds paid to QTI businesses have been less than the appropriations, resulting in significant reversions of appropriations. See Figure 1, below. The Auditor General initially addressed this issue in January 2001.[34] The disparity between appropriations and actual expenditures existed because OTTED did not know when preparing its legislative budget request how many businesses with which it contracted to pay tax refunds for job creation would actually submit claims for refunds. OTTED then requested, and the Legislature appropriated, enough funds to the QTI program to pay all possible tax refund claims. As a result, OTTED did not have to prorate tax refund claims as required by s. 288.095(3)(b), F.S. Many QTI businesses, however, did not submit claims for tax refunds because they did not meet the requirements of the QTI program, did not follow through with their business plans, or withdrew from participation in the program.



Source: Figure 1 is based on data supplied by the Senate Appropriations Subcommittee on Transportation and Economic Development.

One of the Auditor General recommendations was to change the program requirements for newly executed tax agreements to require businesses to submit tax refund requests by January of each fiscal year. In the agency's response to the Auditor General report, OTTED stated that it had already begun to require all new QTI projects to submit their tax refund claims by January 31. OTTED also emphasized that the change could only be applied to new QTI agreements, and, therefore, that it would take several years to realize the full benefit of the change.

In response to these findings and recommendations, the Legislature adopted ch. 2002-392, L.O.F., which modified the timeline for approval of QTI program refunds in order to improve the budgetary process for this appropriation. Tax refund claims were to be submitted by January 31 of each fiscal year for the jobs created by December 31. Refunds associated with those claims

[34] Auditor General, *Tax Refund Program for Qualified Target Industry Businesses Administered by the Executive Office of the Governor: Operational Audit,* Report No. 01-080, January 2001.

were to be paid out of the appropriation for the following fiscal year, thus providing an accurate estimate of the refund amount needed each fiscal year in time to be addressed during the appropriations process.

Although new contracts executed since this law change reflect the fixed claim date, the majority of pending claims are still based on contracts executed prior to the change. Therefore, the appropriation requests for FY 2002-03 and FY 2003-04 were still based primarily on projected refund claims. As a result, only $6.8 million of the total $24 million appropriation for FY 2002-03 was expended by June 30. Since there were pending contract payments on the balance of the appropriation, the Executive Office of the Governor approved the agency's request to certify forward $17.2 million, in accordance with s. 216.301, F.S. Of those funds, $8,429,114 was unspent on December 31, and therefore reverted to the Geveral Revenue Fund.

According to OTTED data reflecting contract dates, payment periods, and refund estimates, the transition to appropriation amounts based on actual claims payments is still many years away. The budget projection for FY 2004-05 totals $25.3 million based on a total of 241 estimated payments. Almost 70 percent of those estimated payments result from contracts entered prior to the fixed claim date, meaning that such claims can be submitted at any time during the fiscal year, assuming job goals are actually attained. Therefore, there is significant uncertainty regarding the actual cash needs for FY 2004-05. Further, it will be several years before the approved claims data will represent even the majority of the estimated payment amount, given that the last payments under the old contracts are still nine years away.

QDC Program

The qualified defense contractor (QDC) tax refund program was created in 1993 after the Cold War ended. The impetus for the program appears to have been Executive Order No. 93-118, signed by Governor Chiles on April 13, 1993.[35] The order found:

- The federal government is in the midst of major post-Cold War cuts in the nation's defense industry.
- By 1997, the federal defense budget is projected to decline by more than 42 percent, in real terms, from 1985 levels.
- The federal cuts include a 30-percent reduction in military personnel, base closures, and elimination of numerous defense contracts for goods and services, with employment losses in Florida of up to 55,000 by 1997.[36]

Apparently, the QDC program was designed to help protect Florida defense businesses from cuts in federal defense spending.

The QDC program provides tax refunds for job creation similar to the tax refund program for qualified target industries.[37] The programs, however, differ significantly as follows:

[35] *See* Florida Senate Committee on International Trade, Economic Development, and Tourism, *Staff Analysis and Economic Impact Statement of CS/SB 32-C*, at 2-3 (Nov. 3, 1993).
[36] Executive Order No. 93-118, Signed by Governor Lawton Chiles on April 13, 1993 (creating the Florida Defense Conversion Transition Commission).

- Tax refunds under the QDC program are paid for each job retained in addition to each new job created.[38]
- Participation in the QDC program is limited to certain defense contractors.[39]
- OTTED has the discretion to score applications for certification as a QDC business, and a tax refund of up to $5,000 per job is based on that score.[40]

QTI and QDC Program Statistics

According to the Enterprise Florida, Inc., (EFI) *2003 Incentives Report*, since the inception of the program in 1994 there have been 367 contracts with businesses under the QTI program.[41] Of these contracts, 322 are active contracts requiring QTI businesses to create 69,997 jobs with an average wage of $36,010 per job.[42] These businesses also proposed to make a total capital investment in this state of over $6.1 billion in their applications for certification as QTI businesses, which is an average investment of $23.94 for each dollar of tax refunds.[43] The average incentive per job for active QTI businesses is $3,641, according to EFI staff.[44]

Under the QDC program, there are two completed and two active contracts.[45] The active QDC businesses are contractually obligated to retain 350 jobs with an average salary of $53,472.[46]

Enterprise Florida, Inc., also conducts an economic impact analysis for the business operations proposed in each application for certification as a QTI or QDC business. To conduct the analysis, EFI uses an economic model based on the Regional Input-Output Modeling System (RIMS II) from the U.S. Department of Commerce.[47] The economic model is used to calculate the payback ratio to the state. The payback ratio is the amount of tax revenue returned to the state over a 10-year period for each dollar of tax refunds under the QTI and QDC programs. According to the model, the payback ratio to the state is $12.59 for the QTI program and $17.04 for the QDC program.[48]

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[37] According to OTTED staff, the statute creating the QDC program was used as a model for s. 288.106, F.S., the statute creating the QTI program.
[38] OTTED authorizes the payment of tax refunds to QDC businesses for jobs retained. Section 288.1045, F.S., however, is ambiguous as to whether tax refunds are authorized for both retained and new jobs or only new jobs.
[39] Section 288.1045(3)(e)5., F.S.
[40] Section 288.1045(2)(b) and (3)(f), F.S.
[41] Enterprise Florida, Inc., *2003 Incentives Report: A Progress Report On Incentives Funded From the Economic Development Incentives Account*, November 2003, at 11.
[42] *Id.*
[43] *Id.*
[44] This figure does not include the value of other incentives in addition to the QTI incentives.
[45] *2003 Incentives Report, supra* note 41, at 14.
[46] *Id.*
[47] This economic model was designed by Rodney Peterson, a Ph.D. economist with the former Florida Department of Commerce, Bureau of Economic Analysis, circa 1995. This model may need to be revised to reflect changes in the state's tax code since the model's creation.
[48] *2003 Incentives Report, supra* note 41, at 11 and 14. The amount of other state incentives also is included in the calculation of the payback ratio for the QTI program.

III. Effect of Proposed Changes:

This committee substitute implements the recommendations from *Review of Qualified Target Industry and Qualified Defense Contractor Tax Refund Programs* by the Senate Committee on Commerce, Economic Opportunities, and Consumer Services.[49]
In accordance with the recommendations in the report, the committee substitute provides that no additional businesses may be qualified to participate in the qualified target industry (QTI) and the qualified defense contractor (QDC) tax refund programs after June 30, 2009, thereby extending the programs for 5 years beyond their current scheduled closure date of June 30, 2004. The committee substitute also clarifies that tax refund agreements existing on June 30, 2009, continue in effect in accordance with their terms.

The committee substitute clarifies s. 288.1045, F.S., which creates the QDC program, to indicate that the program may be used to retain jobs. Applications for certification as a qualified defense contractor must also state the number of jobs to be retained.

Section 288.095, F.S., is amended by the committee substitute to require the Office of Tourism, Trade, and Economic Development (OTTED) to pay claims for tax refunds under both programs in the order approved. The committee substitute eliminates the requirements in current law requiring tax refund claims to be prorated if the Legislature does not appropriate sufficient funds to satisfy the amount of tax refund claims that OTTED estimates that it will receive. The committee substitute, however, authorizes the payment of refunds from the appropriation for the following fiscal year. By March 1 every year, OTTED must notify the legislative appropriations committees of any anticipated shortfall in the amount of funds needed to satisfy claims for tax refunds from the appropriation for the current fiscal year.

OTTED is directed by the committee substitute to attempt to amend existing tax refund agreements created under s. 288.106, F.S., the QTI program, to require tax refund claims to be submitted by January 31 for the net new full time equivalent Florida jobs as of December 31. Enterprise Florida, Inc., must report on OTTED's progress toward amending the tax refund agreements in its annual report on economic development programs. The report must also list the name and tax refund amount provided to each QTI and QDC business during the prior fiscal year.

The committee substitute takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[49] Committee on Commerce, Economic Opportunities, and Consumer Services, The Florida Senate, Interim Project Report 2004-115, *Review of Qualified Target Industry and Qualified Defense Contractor Tax Refund Programs*, December 2003.

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None.

[49] Committee on Commerce, Economic Opportunities, and Consumer Services, The Florida Senate, Interim Project Report 2004-115, *Review of Qualified Target Industry and Qualified Defense Contractor Tax Refund Programs*, December 2003.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because the committee substitute continues the existence of the qualified target industry and qualified defense contractor tax refund programs, additional businesses will be able to participate in the programs. Qualified target industry businesses that agree to amend the dates by which a tax refund claim must be submitted may incur costs to redetermine the dates by which jobs will be created.

C. Government Sector Impact:

The Office of Tourism, Trade, and Economic Development (OTTED) is required to attempt to amend tax refund agreements to provide that claims for tax refunds are due before January 31 every year for jobs created as of December 31 of the preceding calendar year. OTTED may incur minimal administrative costs in its attempts to amend tax refund agreements. However, the change in the due date for tax refund claims will enable the Legislature to more accurately estimate the funds needed for tax refunds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 1622

SPONSOR: Health, Aging, and Long-Term Care Committee, Education Committee, Committee on Military and Veterans' Affairs, Base Protection, and Spaceports, Senator Fasano, and others

SUBJECT: Military Families

DATE: April 13, 2004 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Krasovsky	MS	Favorable
2.	Woodruff	O'Farrell	ED	Fav/CS
3.	Munroe	Wilson	HC	Fav/CS
4.	Arthur	Kelly	ATD	
5.			AP	
6.				

I. Summary:

This Committee Substitute addresses a number of quality of life issues impacting Florida's military families. The Committee Substitute incorporates the recommendations contained in Interim Project Report 2004-153: *Programs to Assist and Support Florida's Military Families*. Most significantly, the Committee Substitute implements the following provisions:

- Clarifies eligibility requirements for certain military-dependent scholarships;
- Streamlines nurse licensing requirements for certain applicants who are relocating to Florida pursuant to their military-connected spouse's official orders;
- Revises eligibility criteria for the McKay Scholarships Program for military dependents who relocate to Florida pursuant to their parent's military orders and clarifies the personnel responsible for development of a matrix of services for those dependents;
- Directs the Department of Education (DOE) to facilitate the development and implementation of memoranda of agreement between school districts and military installations;
- Requires dependent children of active-duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools to be given first preference for admission to such programs.
- Exempts military dependents transitioning to Florida schools during the 12th grade from the requirement to pass the grade 10 FCAT, provided the student has attained a passing score on an approved alternative assessment;
- Directs Workforce Florida, Inc., to develop and implement through selected One-Stop Career Centers an employment assistance/advocacy program targeting military spouses; and

- Requires the Florida Housing Finance Corporation to conduct an assessment of the housing needs of Florida's military families.

In addition to providing assistance to a substantial segment of Florida's population, implementation of these measures would demonstrate to the military services and the 2005 Base Realignment and Closure Commission the state's continuing commitment to military personnel and installations.

This Committee Substitute substantially amends sections 295.01, 445.007, 464.009, 464.022, 1002.39, 1003.05, and 1009.21, Florida Statutes.

This Committee Substitute creates s. 1008.221, F.S., and two undesignated sections of law.

II. Present Situation:

Military service often carries a high price for both the servicemember and his or her family. Frequent deployments, long separations, recurring relocations, inconsistent housing, and transient spousal employment are just a few of the unique hardships consistently faced by the families of those in uniform. Whether relocating to other cities or countries, experiencing separations when military personnel deploy, or making the transition to civilian life after service, military families face many challenges that generate stress, anxiety, and uncertainty. Factor in the various personal and financial challenges likely to confront any family, and it becomes easy to understand why support for military families is important.

Key Military Quality of Life Considerations

Increasingly, today's military is a military of families. According to the Department of Defense (DoD), about half of active-duty personnel are married by their fifth year of service, and three-fourths are married by their tenth year of service. There are currently 1.4 million children of active-duty parents, including more than 800,000 school-age dependents.[1] The DoD recognizes that in order to successfully recruit and retain high quality personnel in today's employment environment, the military services must address a range of quality of life concerns that impact military families, including compensation, health care, housing, military dependant education, and spouse employment. The following discussion examines three of these issues (spouse employment, military dependant education, and housing) in greater detail and summarizes recent federal initiatives to address these concerns.

Military Spouse Employment – A military spouse's ability to gain job skills and maintain a career contributes to the financial well-being of the family, spouse satisfaction with military life, and military retention and readiness. According to the DoD, more than 70 percent of military spouses are in the labor force, including 87 percent of junior enlisted spouses. Unfortunately, the unemployment rate for military spouses is approximately 24 percent, four times higher than the civilian unemployment rate, and military spouse earnings are significantly lower than comparably educated civilian spouses.[2] A number of factors contribute to the high

[1] Department of Defense, *A New Social Compact: A Reciprocal Partnership Between the Department of Defense, Service Members and Families* (July 2002).
[2] James Hosek, Rand Corporation, *Married to the Military – The Employment and Earnings of Military Wives Compared to*

unemployment rate for military spouses, including: the lack of appropriate job placement assistance; bias among employers; and the geographical impact of military installations on employment opportunities. An additional concern is the fact that in most states, including Florida, military spouses are not eligible to collect unemployment compensation when the family is forced to relocate as a result of the servicemember's change of duty location.

As the percentage of military spouses working has increased, the Federal Government has taken steps to improve employment opportunities for spouses. For example, Title 10, Section 1784 of the U.S. Code authorizes the Secretary of Defense to provide employment opportunities for military spouses in the same geographic area as their spouses' permanent duty station. Under this provision, qualified spouses receive a preference in hiring for civilian positions within the DoD. Since 2001, the Navy has partnered with Adecco, the world's largest staffing agency, to provide expanded employment opportunities for spouses. Finally, in 2003, the DoD and Department of Labor signed a memorandum of understanding to share information on job training and employment programs supporting military spouses.

Military Students/Education – Military service often presents a number of challenges for school-age children of military personnel. The average military child relocates every 2.9 years, three times more often than their civilian counterparts. From kindergarten to graduation, the average military child attends six to nine different schools, including two to three high school transitions.[3] In addition to the social and emotional challenges associated with new cities, schools, and classmates, transitioning military students often face a variety of academic and administrative hurdles. For example, graduation requirements vary considerably depending on the type of diploma, state mandates, local mandates, and special program considerations. The use of exit level testing for promotion/graduation has also created difficulties for some transitioning military children.

A variety of military, governmental, and private-sector groups have developed strategies to address the unique educational needs of military students. For example, the Military Child Education Coalition has developed a Memorandum of Agreement (MOA) that invites school districts serving military students to commit to a set of guiding principles designed to increase predictability for mobile students. Included among the guiding principles addressed in the MOA are the following goals: improve the timely transfer of records; develop systems to ease student transition during the first two weeks of enrollment; promote practices which foster access to extracurricular programs; and improve access to information concerning graduation requirements.

Housing – An important element in attracting and retaining military personnel is the availability of affordable housing near military installations. Unfortunately, two critical problems have confronted military planners. First, the overall condition of existing military housing is relatively poor. The DoD owns approximately 273,000 family housing units, both on and off base. The DoD recently estimated that 60 percent of these units need to be replaced or extensively renovated. Second, the majority of military personnel living in private-sector housing are enlisted personnel whose salaries are at the lower end of the military pay scale. These individuals often

Those of Civilian Wives (2002).

[3] Military Child Education Coalition, available at http//:www.militarychild.org.

have difficulty finding quality, affordable family housing within reasonable commuting distance of bases.

The DoD has developed a number of strategies to address these housing problems. In 1996, Congress authorized the Department to implement a housing privatization initiative that enabled DoD to leverage its resources with private-sector capital and expertise. Under this authority the DoD is empowered to enter into loan and rental guarantees, convey or lease existing property and facilities, provide differential lease payments, invest in qualifying housing developments, and issue direct loans. In addition, the DoD has substantially increased ($3 billion in 2002) the Basic Allowance for Housing and plans to reduce most servicemember's out-of-pocket costs for off base housing to zero by 2005.[4]

Florida's Military-Related Laws and Programs

The United States military maintains a significant presence in Florida. The state currently hosts 21 active military installations and three joint commands. These facilities are distributed throughout 13 Florida counties. Almost 80,000 active-duty military personnel are stationed in Florida. Approximately 42,000 military spouses and 35,000 school-age dependents are associated with these active-duty personnel. With an overall annual economic impact of approximately $44 billion, military and defense-related spending represents the third largest sector of Florida's economy, following tourism ($51 billion) and agriculture ($50 billion)

In recognition of the unique demands that military service often entails, and the importance of the military to Florida's communities and economy, the state has established numerous laws and programs to assist military families. For example, the 2003 Legislature significantly strengthened legal protections afforded military personnel through passage of SB 1098 ("Florida Uniformed Servicemembers Protection Act"). Florida is also regarded as a national leader in the development of partnerships between the state, local communities, and military bases. Through efforts such as the semiannual base commanders meetings and the Florida Defense Alliance, Florida has demonstrated its willingness to address the needs of military installations and their surrounding communities. The following discussion briefly summarizes some of the actions Florida has taken to address key military-related quality of life concerns.

Military Spouse Employment – The Agency for Workforce Innovation (AWI) is the primary state entity responsible for the delivery of employment services. Through AWI's network of One-Stop Career Centers military spouses can access a variety of employment services, including: job search and placement assistance; career planning and counseling; assistance with interviewing skills and resume preparation; and other career support services. In addition, most of the state's regional workforce boards with a military installation within their region attempt to coordinate the delivery of employment services with the appropriate base commander and Family Support Center Manager. The state's regional workforce boards also participate in Transition Assistance Participation workshops, which provide employability skills training and other career services to separating and retiring military personnel and their spouses.

[4] Department of Defense, *Annual Defense Report* (2002).

While spouses of relocating military personnel are eligible for certain services as dislocated workers under Florida's Workforce Investment Act, they are not currently eligible for unemployment insurance. Section 443.101, F.S., provides that an individual is generally disqualified for benefits when he or she voluntarily terminates their employment. Florida, like most states, does not extend unemployment insurance benefits upon the loss of employment due to the job-related transfer of a spouse.

Military Students/Education – Florida has established a number of programs to address the educational needs of military personnel and their families. At the state level, most of these efforts are directed at post-secondary education. For example, s. 1009.21, F.S., classifies active duty military personnel stationed in Florida as residents of the state for tuition purposes. Spouses and dependent children of active duty military personnel also qualify under this provision for in-state tuition. The Department of Education also offers scholarships for children of deceased or disabled veterans. State law and DOE rules/policies also provide for tuition refunds and other financial and academic safeguards for students called to military service.

At the local level, many of Florida's school districts have taken steps to address the challenges that confront Florida's 35,000 military-connected students. Three Florida school districts are currently participating in the Military Child Education Coalition's Memorandum of Agreement that increases predictability for mobile students. Several Florida school districts that serve large military student populations are currently considering participation in this program. In addition, a number of school districts have established innovative partnerships with local military installations. For example, the MacDill Aeronautical Academy, a cooperative venture between the Hillsborough County School District and MacDill Air Force Base, serves high school students intending to pursue a career in aviation or the military.

Housing – Although Florida has not established any housing programs specifically targeting military families, it has enacted a number of provisions protecting the housing rights of military personnel. For example, s. 83.67, F.S., prohibits a landlord from discriminating against any member of the United States Armed Forces in offering a dwelling unit for rent. Similarly, s. 83.682, F.S., provides conditions under which military personnel may terminate a rental agreement without being liable for liquidated damages. Section 689.27, F.S., establishes certain requirements and procedures governing the termination of an agreement to purchase real property by a servicemember.

Florida law also extends certain benefits relating to homestead exemption to military personnel. For example, s. 196.061, F.S., exempts qualifying military personnel from a statutory provision declaring that rental of a dwelling previously claimed as a homestead constitutes abandonment of such a claim. Similarly, s. 196.071, F.S., provides that if military personnel are unable to file a claim for homestead exemption in person due to military service, they may authorize another individual to file a claim in their absence.

Other State Benefits – Florida also provides a number of benefits to military personnel that ease some of the hardships associated with a highly mobile military career. For example, active duty personnel enjoy various benefits relating to driver licenses, hunting licenses, fishing licenses, and motor vehicle registration. State law also extends certain professional licensing benefits to

military personnel and their spouses. Section 455.02, F.S.,[5] provides that military members who are in good standing with state professional boards at the time of activation are exempt from registration, testing, and fee requirements while on active duty and for a period of up to six months after discharge from active duty. This same section of law provides that military spouses are exempt from licensure renewal requirements while absent from the state because of their spouses' military duties.

Nursing Licensure in Florida

Part II, chapter 464, F.S., provides for the regulation of the practice of nursing in Florida. To become licensed as a practical or registered nurse in Florida, an applicant must pass a national licensing examination developed by the National Council of State Boards of Nursing (NCSBN) or a similar national organization. To sit for the examination in Florida, an applicant must complete an application and pay the Florida Department of Health specified fees. The applicant must provide sufficient information for a statewide criminal records correspondence check through the Florida Department of Law Enforcement; be in good mental and physical health; have a high school diploma or the equivalent; have completed the requirements of a Florida Board of Nursing approved nursing program for licensed practical or registered nurses or the practical or professional nursing education equivalency; and have the ability to communicate in English.

Before the application for examination, any convicted felon must obtain a restoration of his or her civil rights in order to become eligible to sit for the examination. If an applicant has been convicted or found guilty of, or has entered a plea of nolo contendere to, regardless of adjudication, any offense other than a minor traffic violation, the applicant must submit arrest and certified court records stating the nature of the offense and final disposition of the case so that a determination can be made by the Florida Board of Nursing whether the offense relates to the practice of nursing.

Once the Florida Board of Nursing has certified an applicant to take the examination, the applicant must submit a letter of authorization from the board and pay the appropriate fees to the National Council of State Boards of Nursing examination vendor to sit for the computerized national nursing examination (NCLEX-PN®). An applicant is eligible to sit for the license examination up to three consecutive times. After the third failed examination, the applicant must complete a Florida Board of Nursing remedial course before he or she may be approved for reexamination up to three additional times before the applicant is required to retake remediation. The applicant must apply for reexamination within 6 months after completion of remediation.

The part also provides licensure by endorsement requirements for nurses who are licensed in other jurisdictions to become licensed to practice nursing in Florida. The Department of Health will issue a license to practice practical or professional nursing to an applicant who pays the appropriate application fees and costs for a criminal background check and who holds a valid license to practice professional or practical nursing in another state or territory of the United

[5] See also s. 456.024, F.S., which applies to health care professions also provides that military who are in good standing with state professional boards at the time of activation are exempt from registration, testing, and fee requirements while on active duty and for a period of up to six months after discharge from active duty. This same section of law provides that military spouses are exempt from licensure renewal requirements while absent from the state because of their spouses' military duties.

States, if when the applicant secured his or her original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time. The burden of proof is on the applicant to prove fitness. In addition, the applicant must have successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the Department of Health. Examinations and requirements from other states and territories of the U.S. shall be presumed to be substantially equivalent to or more stringent than those in Florida until January 1, 1980.

An alternative licensure path allows nurses to become licensed without having to show that they have completed an equivalent examination. Under the alternative licensure path, licensure by endorsement applicants may become licensed without completing an equivalent examination if the applicant has actively practiced nursing in another state, jurisdiction, or territory of the United States for 2 of the preceding 3 years without having his or her license acted against. Under this alternative licensure path, the applicant must complete within 6 months after licensure a Florida laws and rules course approved by the Florida Board of Nursing. The alternative licensure path expires on July 1, 2004.

A temporary permit may be issued to nursing licensure applicants for a 90-day period and may be extended by the Board of Nursing for 30 additional days pending the processing of criminal background checks.[6] For 2002-2003, the Department of Health indicates that the average time to issue a nursing license or temporary permit was 17 days. A permanent license to practice nursing is issued after receiving the federal criminal history from the Federal Bureau of Investigation, usually in 4-6 weeks, according to Department of Health officials.

Nurse Licensure Compact

Several states have enacted the Nurse Licensure Compact which allows interstate practice for registered nurses, licensed nurses, or vocational nurses. Under the compact, a nurse whose primary state of residence is a compact state will be issued a license by that state and will no longer need an additional license to practice in another compact state. Seventeen states have implemented the Nurse Licensure Compact as of March 2004 and three other states have enacted the compact but have not yet implemented it.[7] The Florida Board of Nursing held a public workshop on the Nurse Licensure Compact in August 2003. The board authorized a comprehensive financial and legislative study of the compact as well as proposed implementation legislation for consideration during the Regular Legislative Session in 2005. The study will be completed by June 2004.

Implications of Quality of Life Issues for BRAC

Improving the quality of life for Florida's military families has implications beyond military recruiting, retention, and readiness. As previously noted, the DoD is currently initiating the 2005 Base Realignment and Closure (BRAC). During the four previous BRAC rounds the Pentagon

[6] See s. 464.022(8), F.S.

[7] Nurse Licensure Compact States include: Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Utah, and Wisconsin. Indiana, New Jersey, and Virginia have enacted legislation recognizing the compact but have not yet implemented the compact. Source: The Florida Department of Health, Board of Nursing.

selected 97 major domestic bases for closure, 55 major bases for realignment, and 235 minor installations either to be closed or realigned. Florida lost four major installations during the previous BRAC rounds.[8] Through the 2005 BRAC effort, the DoD intends to eliminate 25 percent of the nation's installation capacity. Analysts have estimated that this will translate into the closure of approximately 45 bases. The DoD maintains that unnecessary installations should be closed in order to release funds for military transformation and homeland security initiatives.

The DoD is currently finalizing criteria that will be utilized in the base closure deliberations. Chief among the 2005 BRAC criteria will be "military value". This term encompasses a range of considerations including the following: preservation of training areas suitable for ground/naval/air maneuvers; preservation of staging areas needed in homeland defense; and impacts on joint warfighting, training, and readiness. DoD officials have indicated that quality of life considerations will probably be a secondary consideration. How military friendly a community is with regards to issues such as spouse employment and the quality of schools for military children will be evaluated. States and local communities that demonstrate to the military services and the BRAC Commission that they are proactively addressing military quality of life concerns will likely enjoy a competitive advantage relative to other jurisdictions.

III. Effect of Proposed Changes:

Florida has enacted a number of programs and policies to support military personnel and their families. These efforts have earned Florida a reputation as a "military friendly" state. The Committee Substitute strengthens Florida's existing programs by addressing three critical areas of concern to military families. First, the Committee Substitute improves employment assistance for military spouses by tailoring job services to meet the unique needs of military spouses and streamlining certain professional licensing requirements. Second, the Committee Substitute enhances educational services for military dependents by enacting a number of provisions that support military students transitioning to Florida schools. In addition, the Committee Substitute revises eligibility requirements for certain military-dependent scholarships. Finally, the Committee Substitute acknowledges the need for Florida to address military family housing by directing the Florida Housing Finance Corporation to undertake an assessment of the housing needs of Florida's military families.

Section 1. Amends s. 295.01, F.S., to clarify eligibility requirements for military-dependent scholarships. This section currently provides scholarships for dependent children of veterans who died from injuries sustained during "wartime service". In comparison, this same section provides scholarships for dependent children of veterans who have a service-connected 100 percent total and permanent disability rating, *regardless* of whether the injury was sustained during a period of wartime service.

The Committee Substitute eliminates the "wartime service" requirement and provides scholarships for the dependents of military personnel who have died as a result of service connected injuries, disease, or disability sustained while on active-duty. This revised language eliminates the existing disparity in the treatment of certain dependents and parallels requirements

[8] Florida lost the following major installations during previous BRAC rounds: Naval Aviation Depot Pensacola; Naval Aviation Station Cecil Field (Jacksonville); Naval Training Center Orlando; and Homestead Air Force Base.

for military dependent educational benefits established by the U.S. Department of Veterans' Affairs.

Section 2. Amends s. 445.007, F.S., to provide for the appointment of a military representative to those local workforce development boards serving military installations. This representative would be responsible for directly communicating the employment concerns of military spouses and dependents to Florida's local workforce agencies. AWI estimates this provision would impact eight of the state's 24 regional workforce boards.

While military spouses are represented across nearly all occupational categories, a significant number of spouses are employed in the health care professions. Military representatives have requested that Florida explore opportunities to streamline licensing requirements governing nursing. For example, through participation in the Nursing Licensure Compact, a multi-state mutual licensing agreement established by the National Council of State Boards of Nursing, the state could reduce the cost and effort required to obtain licensure in Florida. Florida's Board of Nursing is considering participation in the Compact. However, it is unlikely the Board will recommend statutory changes necessary to ensure Florida's participation in the Compact during the current legislative session.

Section 3. Amends s. 464.009, F.S., to expedite the existing licensure by endorsement process for certain relocating military spouses who are nurses. Currently, s. 464.009, F.S., requires applicants for licensure by endorsement to demonstrate that the qualifications they met at the time of original licensure in another state were substantially similar to or more stringent than those existing in Florida at that time. The Committee Substitute amends this section to provide that nurses who are relocating to Florida pursuant to their military-connected spouse's official orders and who are licensed to practice in a state that is a member of the Nurse Licensure Compact are deemed to have satisfied the requirement to document conditions at the time of original licensure. Eligible applicants would still be required to submit the appropriate application and fees, and undergo a criminal background check.[9]

Section 4. Amends s. 464.022, F.S., to extend from 60 to 120 days the period during which a nurse relocating to Florida pursuant to his or her spouse's military orders can perform nursing services while the Board of Nursing is processing the licensure application.

Section 5. Amends s. 1002.39, F.S., which establishes eligibility criteria for the McKay Scholarships for Students with Disabilities Program, to waive the requirement that the student must have spent the prior year in attendance at a Florida public school for otherwise qualifying military students who relocate to Florida pursuant to their parent's military orders. This provision addresses a concern voiced by a number of Florida's military families, who maintain that the existing prior year attendance requirement for the McKay Scholarships Program effectively denies highly-mobile military dependents who would otherwise be eligible for this program the opportunity to utilize these scholarships. Under the Committee Substitute, transferring military

[9] The Department of Health indicates that section 3 of the bill will have a minimal impact on the Board of Nursing, as fewer than 10 applicants per year are military-connected spouses who do not meet the requirements to become licensed under current law.

students would still be required to submit an individual educational plan and evaluation data necessary to establish program eligibility and to meet other eligibility criteria.

The Committee Substitute requires DOE to adopt rules that school districts must use to expedite the development of a matrix of services for qualifying military dependents and defines the term "transferring student with a disability."

Section 6. Amends s. 1003.05, F.S., to direct DOE to facilitate the development and implementation of memoranda of agreement between school districts and military installations that address the transition-related challenges confronting military students.

The section requires dependent children of active-duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools to be given first preference for admission to such programs. The preference is available even if the program is being offered through a public school other than the school to which the student would generally be assigned and the school at which the program is being offered has reached its maximum enrollment. If such a program is offered through a public school other than the school to which the student would generally be assigned, the parent or guardian of the student must assume responsibility for transportation of the student to that school. Special academic programs, for purposes of this preference, include charter schools, magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate.

Section 7. Creates s. 1008.221, F.S., to exempt military dependents transitioning to Florida schools during the 12th grade of high school from the requirement to pass the grade 10 FCAT, provided the military dependent has satisfactorily attained a passing grade on an approved alternative assessment examination. For purposes of this section, approved alternative assessments are the SAT and ACT.

As previously noted, highly-mobile military students generally attend two to three different high schools prior to graduation. In addition to assessments taken for post-secondary education (primarily the SAT and ACT), military students are increasingly required to pass exit-level tests in individual states. Military family advocacy organizations, such as the Military Child Education Coalition, have urged states to examine opportunities for enhanced reciprocity with regard to high-stakes testing. The Committee Substitute addresses this concern by limiting the grade 10 FCAT exemption to military students relocating to Florida during their senior year of high school (when students would generally only have one or two opportunities to take the FCAT prior to graduation), and using assessments that have been determined by DOE to be comparable to the FCAT in terms of the skills assessed.

Section 8. Amends s. 1009.21, F.S., to provide in-state tuition for foreign liaison officers and their dependents assigned to U.S. military commands. Florida currently extends in-state tuition to active-duty military personnel and their spouses and dependent children. Similarly, s. 1009.21, F.S., extends in-state tuition to Canadian military personnel and their families stationed in Florida under the North American Air Defense Agreement. The military has requested that Florida grant the same benefit to the limited number of foreign liaison officers and their families who are assigned to U.S. military commands located in Florida. Currently, there are approximately 20 foreign liaison officers assigned to Florida-based commands. Military

representatives indicated these officers are typically assigned to Florida for periods ranging from three months to two years and provide support that is critical to the success of counter-drug, counter-terrorism, and homeland security operations.

Section 9. Creates an undesignated section of law, to direct Workforce Florida, Inc., to develop and implement (through selected One-Stop Career Centers) an employment assistance/advocacy program targeted to support and assist military spouses. This program, which is subject to a separate appropriation, would assist employment seeking military family members through job counseling, job search and placement services, and the dissemination of information on educational and training programs. Military family employment advocates would also be responsible for the coordination of employment services through one-stop centers, military family support centers, and local veterans' organizations.

Section 10. Creates an undesignated section of law, to direct the Florida Housing Finance Corporation to conduct an assessment of the housing needs of Florida's military families and report its findings to the Governor and Legislature by December of 2004. This needs assessment, which will focus on low and moderate income military families, will examine the availability of affordable homeowner and rental housing in proximity to Florida's military installations.

Section 11. Provides an effective date for the Committee Substitute of upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Although changes enacted to the educational assistance program for the children of deceased or disabled veterans (s. 295.01, F.S.) could increase the number of individuals eligible to receive funding, the likely fiscal impact of this provision is minimal. According to DOE, this program distributed approximately $300,000 in financial assistance to 151 students during 2003.

The provision in the Committee Substitute waiving the McKay Scholarship requirement that the student must have spent the prior year in attendance at a Florida public school for certain relocating military dependents will almost certainly increase the number of scholarship applicants. However, the number of additional applicants, and the resulting fiscal impact, is presently indeterminate.

The Committee Substitute's extension of in-state college and university tuition to certain foreign liaison officers and their dependents will result in minimal fiscal impact to the state. Military officials indicated that there are currently approximately 20 foreign liaison officers assigned to Florida-based commands.

The military spouse employment assistance/advocacy program established in the Committee Substitute relies partly on existing One-Stop Career Centers for office space. However, AWI reported that additional funding would be necessary to staff this program. Based on the assumption that the program would be implemented on a statewide basis with one staff person assigned to each of the eight workforce regions serving military installations, AWI estimated that the program would require $550,000 in additional funding. However, it is likely that the intent of the Committee Substitute could be addressed through a reduced number of positions strategically located to serve the employment needs of Florida's military spouses.

The Florida Housing Finance Corporation has estimated that the cost for a military housing needs study may be as much as $100,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

Bill No. CS for CS for SB 1622

Amendment No. 1 621584

CHAMBER ACTION

Senate House

Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 4, line 19, through page 5, line 2, delete those lines

and insert:

Section 3. Paragraph (c) of subsection (1) of section 464.009, Florida Statutes, is amended, subsections (3), (4), and (5) of that section are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section, to read:

464.009 Licensure by endorsement.--

(1) The department shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the department and remitting a fee set by the board not to exceed $100, demonstrates to the board that he or she:

(c) Has actively practiced nursing in another state, jurisdiction, or territory of the United States for 2 of the preceding 3 years without having his or her license acted

against by the licensing authority of any jurisdiction. Applicants who become licensed pursuant to this paragraph must complete within 6 months after licensure a Florida laws and rules course that is approved by the board. Once the department has received the results of the national criminal history check and has determined that the applicant has no criminal history, the appropriate license by endorsement shall be issued to the applicant. ~~This paragraph is repealed July 1, 2004, unless reenacted by the Legislature.~~

(3) An applicant for licensure by endorsement who is relocating to this state pursuant to his or her military-connected spouse's official military orders and who is licensed in another state that is a member of the Nurse Licensure Compact shall be deemed to have satisfied the requirements of subsection (1) and shall be issued a license by endorsement upon submission of the appropriate application and fees and completion of the criminal background check required under subsection (4).

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

And the title is amended as follows:

On page 1, line 8, after the second semicolon

insert:

removing the scheduled repeal of provisions allowing for licensure by endorsement of specified nurses who have actively practiced nursing in another state;

Bill No. CS for CS for SB 1622

Amendment No. 2 212312

CHAMBER ACTION

Senate House

Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 9, lines 16 - 29, delete those lines

and insert:

Section 8. Paragraph (b) of subsection (10) of section 1009.21, Florida Statutes, is amended, and paragraph (k) is added to that subsection, to read:

1009.21 Determination of resident status for tuition purposes.--Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(10) The following persons shall be classified as residents for tuition purposes:

(b) Active duty members of the Armed Services of the United States and their spouses <u>and dependents</u> attending a public community college or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.

1 (k) Active duty members of a foreign nation's military
2 who are serving as liaison officers and are residing or
3 stationed in this state, and their spouses and dependent
4 children, attending a community college or state university
5 within 50 miles of the military establishment where the
6 foreign liaison officer is stationed.
7
8
9 ========== T I T L E A M E N D M E N T ==========
10 And the title is amended as follows:
11 On page 1, line 29, after the word "classifying"
12
13 insert:
14 dependents of active duty members of the armed
15 forces and
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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1704

SPONSOR: Senators Haridopolos and Webster

SUBJECT: Discover Florida's Oceans License Plate

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable
2.	Branning	Kiger	NR	Favorable
3.	Keating	Johansen	FT	Favorable
4.	Weaver	Kelly	ATD	
5.			AP	
6.				

I. Summary:

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Discover Florida's Oceans specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to the Hubbs Florida Ocean Fund, Inc., to be used for funding ocean, estuarine, or coastal scientific research, conservation and education projects; care assistance on stranded marine species; and construction and maintenance of a marine and coastal research center in association with the Archie Carr National Wildlife Refuge on lands donated to the Hubbs-SeaWorld Research Institute by the Richard King Mellon Foundation.

According to the DHSMV, the Hubbs Florida Ocean Fund, Inc., has completed all statutory requirements for eligibility to seek Legislative approval of its specialty license plate.

This bill substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 91 more 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 for the privilege. Annual use fees ranging from $15 to $25, paid in addition to required license taxes and service fees, are distributed to an organization or 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.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed $60,000, to defray the Department of Highway Safety and Motor Vehicle's (DHSMV) cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded. To date, only three plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those 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).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 93 specialty license plates to date. Sales of specialty license plates generated more than $24 million in annual use fee revenues in 2002, and more than $24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $225 million.

III. Effect of Proposed Changes:

The bill directs the DHSMV to issue a Discover Florida's Oceans specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate.

The annual use fees will be distributed to the Hubbs Florida Ocean Fund, Inc., to be used as follows:

- Twenty percent of the funds shall be distributed to the Wildlife Foundation of Florida Inc., for ocean, estuarine, or coastal scientific research, conservation and education projects;
- Up to 10 percent of the funds may be used for administrative costs directly associated with research, conservation, and education programs of the Hubbs Seaworld Research Institute;
- Up to 15 percent of the funds may be used for promotion and marketing of the specialty license plate; and
- The remainder of the funds may be used to:
    - Collect, analyze, archive, and publish scientific data regarding Florida's ocean, estuary, and coastal habitats, and species that inhabit, use, or migrate in state waters or along the state's coastal areas;
    - Provide response, care, assistance, and research as part of Hubbs-SeaWorld Research Institute's statewide role in responding to and archiving data on stranded marine species;
    - Construct and maintain a marine and coastal research center in association with the Archie Carr National Wildlife Refuge on lands donated to Hubbs-SeaWorld Research Institute by the Richard King Mellon Foundation;

- Train teachers and students to enhance scientific literacy, scientific research competency, and technology development;
- Conduct ocean-space aquatic research and scientific research focused on ocean observations from space;
- Conduct research on economic benefits of the state's ocean, estuary, and coastal resources and public use of those resources;
- Create research and education programs that contribute to the development of the state's knowledge infrastructure and diversify the economy; and
- Implement programs that seek objective, common-sense, scientific solutions to the complex marine and coastal ecological problems facing the state.

According to the DHSMV, the Hubbs Florida Ocean Fund, Inc., has completed all statutory requirements for eligibility to seek Legislative approval of its specialty license plate.

The bill shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Persons who apply for the Discover Florida's Oceans specialty license plate would have to pay $25 for the annual use fee, in addition to the taxes and fees required under s. 320.08, F.S., and a $2 processing fee. The $25 use fee shall be distributed to Hubbs Florida Ocean Fund, Inc. and the $2 processing fee is deposited into the State Transportation Trust Fund of the Department of Transportation. The fiscal impact is indeterminate.

B. Private Sector Impact:

Persons who apply for the Discover Florida's Oceans license plate would have to pay $25 for the annual use fee, a $2 processing fee, and all applicable motor vehicle registration taxes and fees required under s. 320.08, F.S.

C. Government Sector Impact:

Current law provides an application fee, not to exceed $60,000, be paid to the DHSMV to defray the administrative costs of reviewing and developing the new specialty license plate. The DHSMV has indicated $60,000 has been collected from the applicant to defray these costs. This fee will be refunded if the license plate is not approved by the Legislature.

The DHSMV estimates administrative and design costs to be approximately $60,000 per specialty license plate authorized. Any additional cost of issuing the license plate will be retained from the first proceeds derived from the annual use fees as provided in s. 320.08056(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1872

SPONSOR: Senator Webster

SUBJECT: Family Values specialty license plate

DATE: April 13, 2004 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable
2.	Collins	Whiddon	CF	Favorable
3.	Keating	Johansen	FT	Favorable
4.	Weaver	Kelly	ATD	
5.			AP	
6.			RC	

I. Summary:

Senate Bill 1872 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Family Values specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to the Sheridan House, Inc., and will be expended for residential care programs, family counseling, social services for single parents and their children, resource materials and facility construction.

According to the DHSMV, the Sheridan House Inc., has completed all statutory requirements for eligibility to seek legislative approval of its specialty license plate.

This bill substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

Specialty License Plates

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 91 more 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 for the privilege. Annual use fees ranging from $15 to $25, paid in addition to required license taxes and service fees, are distributed to an organization or 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.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed $60,000, to defray the Department of Highway Safety and Motor Vehicle's (DHSMV) cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded. To date, only three plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those 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).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 93 specialty license plates to date. Sales of specialty license plates generated more than $24 million in annual use fee revenues in 2002, and more than $24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $225 million.

The Sheridan House
The Sheridan House Family Ministries was established in 1968 to help children and families in the South Florida area. This program began as one residential home for at-risk boys and later expanded and established a residential home for girls. The Sheridan House, Inc., is currently licensed as a child caring agency under s. 409.175, F.S. Two houses with 20 beds each are available to provide residential (24-hour) services to at-risk boys and girls between the ages of 12 and 15. The Sheridan House assists families by providing counseling, food, clothing, and financial assistance to single mothers. Future plans for the Sheridan House include establishing additional residential homes for boys and girls and housing for single parents and expanding the capacity to provide family counseling.

III. Effect of Proposed Changes:

The bill directs the DHSMV to issue a Family Values specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate.

The annual use fees will be distributed to the Sheridan House, Inc., and will be expended for the following:

- To reimburse the Sheridan House, Inc., for startup costs for developing and establishing the specialty license plate;
- To provide up to five percent for administrative costs directly associated with the operations of the Sheridan House, Inc.;
- To provide up to 20 percent for promotion and marketing of the specialty license plate; and
- To use the remaining amount for residential care programs, family counseling, social services for single parents and their children, resource materials and facility construction.

The bill shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Persons who apply for the Family Values specialty license plate would have to pay an additional $25 for the annual use fee, in addition to the taxes and fees required under s. 320.08, F.S., and a $2 processing fee. The $25 use fee shall be distributed to the Sheridan House, Inc. and the $2 processing fee will be deposited into the State Transportation Trust Fund of the Department of Transportation. The fiscal impact is indeterminate.

B. Private Sector Impact:

Persons who apply for the Family Values license plate would have to pay $25 for the annual use fee, a $2 processing fee, and all applicable motor vehicle registration taxes and fees required under s. 320.08, F.S.

C. Government Sector Impact:

Current law provides an application fee, not to exceed $60,000, be paid to the DHSMV to defray the administrative costs of reviewing and developing the new specialty license plate. The DHSMV has indicated $60,000 has been collected from the applicant to defray these costs. This fee will be refunded if the license plate is not approved by the Legislature.

The DHSMV estimates administrative and design costs to be approximately $60,000 per specialty license plate authorized. Any additional cost of issuing the license plate will be retained from the first proceeds derived from the annual use fees as provided in s. 320.08056(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2020

SPONSOR: Transportation Committee and Senator Clary

SUBJECT: Save Our Seas and Aquaculture specialty licenses plates

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable/CS
2.	Akhavein/James	Poole	AG	Fav/1 amendment
3.			NR	Withdrawn
4.	Keating	Johansen	FT	Favorable
5.	Weaver	Kelly	ATD	
6.			AP	
7.			RC	

I. Summary:

The CS directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Save Our Seas and Aquaculture specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for each of these new specialty license plates, except that any single owner purchasing more than 10 of the specialty plates created by the CS for vehicles registered to that owner shall pay an annual use fee of only $10 per plate.

The annual use fees for the Save Our Seas specialty license plate will be distributed to the Harbor Branch Oceanographic Institution, Inc., to be used as follows:

- To reimburse the Harbor Branch Oceanographic Institution, Inc., for documented costs expended for establishing the license plate; and
- The remaining funds for marine science research and education programs.

The annual use fees for the Aquaculture specialty license plate will be distributed to the Harbor Branch Oceanographic Institution, Inc., to be used as follows:

- To reimburse the Harbor Branch Oceanographic Institution, Inc., for documented costs expended for establishing the license plate; and
- The remaining funds for aquaculture research and education programs.

According to the DHSMV, the Harbor Branch Oceanographic Institution, Inc., has completed all statutory requirements for eligibility to seek Legislative approval of these specialty license plates.

This CS substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 91 more 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 for the privilege. Annual use fees ranging from $15 to $25, paid in addition to required license taxes and service fees, are distributed to an organization or 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.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed $60,000, to defray the Department of Highway Safety and Motor Vehicle's (DHSMV) cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida"

must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded. To date, only three plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those 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).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 93 specialty license plates to date. Sales of specialty license plates generated more than $24 million in annual use fee revenues in 2002, and more than $24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $225 million.

The Harbor Branch Oceanographic Institute, Inc. is a not-for-profit research institution located in Ft. Pierce, Florida, dedicated to marine science, aquaculture, and marine mammal research and education. Currently, the Harbor Branch Oceanographic Institute, Inc. receives revenues from the Protect Wild Dolphins specialty license plate (1998) and the Protect Florida Whales specialty license plate (2002). The Protect Wild Dolphins specialty license plate has a $20 use fee with total revenue collections of $1,654,460 in fiscal year 2002-03. The Protect Florida Whales specialty license plate has a $25 use fee with total revenue collections of $70,275 in fiscal year 2002-03.[1]

The Guy Harvey Research Institute (GHRI) is a scientific research organization based in Ft. Lauderdale, Florida, at the Oceanographic Center of Nova Southeastern University. The GHRI

[1] www.hboi.edu

was established in 1999 and is dedicated to expanding the scientific knowledge base needed for effective conservation of fish populations and maintenance of fish biodiversity.[2]

III. Effect of Proposed Changes:

The CS directs the DHSMV to issue a Save Our Seas and an Aquaculture specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for each of these new specialty license plates, except that any single owner purchasing more than 10 of the specialty plates created by the bill for vehicles registered to that owner shall pay an annual use fee of only $10 per plate.

The annual use fees for the Save Our Seas specialty license plate will be distributed to the Harbor Branch Oceanographic Institution, Inc. After the Harbor Branch Oceanographic Institution, Inc. is reimbursed for documented costs expended for establishing the license plate the first annual use fee proceeds shall be uses as follows:

- Ten percent of the funds to the Guy Harvey Research Foundation to conduct fisheries and shark research in Florida;
- Up to 15 percent of the funds for administrative costs directly associated with the Harbor Branch Oceanographic Institution, Inc.'s marine science and marine education programs and administrative costs associated with the specialty license plate; and
- Up to 10 percent for continuing promotion and marketing of the specialty license plate;

The remaining annual use fee proceeds shall be used to:

- Conduct scientific research and education on marine plants and animals, and coastal oceanography in Florida marine waters;
- Collect and analyze long-term data sets on the state's critical marine habitats;
- Determine changes in populations and communities of marine organisms and their impacts on the use of Florida's marine resources;
- Maintain reference collections of scientific specimens and photographic archives of the state's marine plates and animals; and
- Conduct scientific conferences of relevance to Florida's marine resources and their management, utilization, and conservation.

The annual use fees for the Aquaculture specialty license plate will be distributed to the Harbor Branch Oceanographic Institution, Inc. After the Harbor Branch Oceanographic Institution, Inc. is reimbursed for documented costs expended for establishing the license plate the first annual use fee proceeds shall be uses as follows:

- Ten percent of the funds to the Guy Harvey Research Foundation to conduct outreach and education regarding aquaculture in Florida;
- Up to 15 percent for administrative costs directly associated with the Harbor Branch Oceanographic Institution, Inc.'s aquaculture programs and administrative costs associated with the specialty license plate; and
- Up to 10 percent for continuing promotion and marketing of the specialty license plate.

[2] www.nova.edu/ocean/ghri

The remaining annual use fee proceeds shall be used to conduct scientific research and education on environmentally responsible and sustainable methods of farming, including:

- Freshwater and saltwater organisms such as fish, shellfish, and crustaceans for food;
- Biomedical species for pharmaceutical and nutriceutical compounds; and
- Marine ornamentals for the aquarium trade.

The remaining annual use fee proceeds will also be used to expand Harbor Branch Oceanographic Institution, Inc.'s, educational programs, including secondary school field trips, college degree programs, and other intensive courses, with the objective of increasing aquaculture's contribution to Florida's economy.

The bill shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Persons who apply for either the Save Our Seas or Aquaculture specialty license plate would have to pay an additional $25 for the annual use fee, in addition to the taxes and fees required under s. 320.08, F.S., (except that any single owner purchasing more than 10 of the specialty license plates shall pay an annual use fee of only $10 per plate) and a $2 processing fee. The use fee shall be distributed to the Harbor Branch Oceanographic Institution, Inc. and the processing fee will be deposited into the State Transportation Trust Fund of the Department of Transportation. The fiscal impact is indeterminate.

B. Private Sector Impact:

Persons who apply for either the Save Our Seas or Aquaculture specialty license plate would have to pay $25 for the annual use fee, a $2 processing fee, and all applicable motor vehicle registration taxes and fees required under s. 320.08, F.S., except that any single owner purchasing more than 10 of the Specialty plates created by the bill for vehicles registered to that owner shall pay an annual use fee of only $10 per plate.

C. Government Sector Impact:

Current law provides an application fee, not to exceed $60,000, be paid to the DHSMV to defray the administrative costs of reviewing and developing each new specialty license plate. The DHSMV has indicated $120,000 has been collected from the applicant to defray these costs. This fee will be refunded if the license plate is not approved by the Legislature.

The DHSMV estimates administrative and design costs to be approximately $60,000 per specialty license plate authorized. Any additional cost of issuing the license plate will be retained from the first proceeds derived from the annual use fees as provided in s. 320.08056(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Agriculture
The amendment corrects the name of the Guy Harvey Institute of the Nova Southeastern University Oceanographic Center.

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

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2042

SPONSOR: Children and Families Committee, Senator Lynn, and others

SUBJECT: Suicide Prevention

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parham	Wilson	HC	Favorable
2.	Collins	Whiddon	CF	Fav/CS
3.	Wilson	Wilson	GO	Favorable
4.	Kelly Ck	Kelly Ck	ATD	
5.			AP	
6.				

I. Summary:

Committee Substitute for SB 2042 creates the Statewide Office of Suicide Prevention in the Florida Office of Drug Control. The committee substitute specifies functions for the office including:

- Implementing the statewide plan prepared by the Suicide Prevention Coordinating Council;
- Building a network of community-based programs to integrate suicide prevention initiatives;
- Increasing public awareness concerning topics relating to suicide prevention; and
- Coordinating education and training curricula in suicide prevention efforts.

The committee substitute creates a position for a coordinator of the Statewide Office of Suicide Prevention and details the duties and responsibilities of the coordinator. The committee substitute also creates a Suicide Prevention Coordinating Council to develop strategies for preventing suicide, and a state inter-agency workgroup consisting of those agencies that are part of the coordinating council, in order to coordinate state agency plans for suicide prevention. The committee substitute specifies the membership, terms of office, and the duties of the council and the workgroup. The council is to provide findings and recommendations regarding suicide prevention programs and activities, and to prepare a report annually to be presented to the Governor and the Legislature.

The committee substitute appropriates $100,000 from the General Revenue Fund and authorizes one additional full-time equivalent position to the Office of Drug Control.

The committee substitute creates ss. 397.3335 and 397.3336, Florida Statutes.

The committee substitute creates one undesignated section of law.

II. Present Situation:

National Suicide Prevention Strategy

In 2001, approximately 765,000 people in the U.S. attempted to take their own lives, and more than 30,000 succeeded. Suicide was the eleventh leading cause of death in the U.S. in 2001. It was the eighth leading cause of death for males and the nineteenth leading cause of death for females. For teenagers and young adults, suicide is the third leading cause of death, only behind accidental death and murder. Among the highest rates (when categorized by gender and race) are suicide deaths for white men over 85, who had a rate of 54/100,000. Overall, suicide takes fifty percent more lives each year than homicide.[1] In 1999, the U.S. Surgeon General declared suicide a significant public health problem. This in turn drove the development of the National Strategy for Suicide Prevention.

The National Strategy for Suicide Prevention represents the combined work of advocates, clinicians, researchers, and survivors around the nation. It lays out a framework for action to prevent suicide and guides development of an array of services and programs that must be developed. Because suicide has been identified as a serious public health problem, the National Strategy for Suicide Prevention proposed a coordinated public health approach to addressing the problem. The approach includes clearly defining the problem, identifying risk and protective factors for suicidal behavior, developing and testing interventions, implementing the interventions, and evaluating their effectiveness.

Suicide Rates in Florida

Despite a number of legislatively mandated initiatives to address suicide, Florida currently ranks tenth in the nation for suicides per 100,000 in the population. Florida's suicide rate is higher than the national average. Suicide was the ninth leading cause of death in Florida in 2001. There were 2,332 suicides in Florida during 2001 (an average of 44 suicide deaths every week), and suicide claimed the lives of 209 of Florida's youth under the age of 24. Suicide is also the third leading cause of death for 15-24 year olds in the state.[2]

State Efforts to Combat Suicide in Florida

The Florida Legislature recognized suicide as a major problem facing the state in 1984 by passing the Florida Emotional Development and Suicide Prevention Act (Chapter 84-317, L.O.F.). This act required the Department of Health and Rehabilitative Services, in cooperation with the Florida Department of Education and the Florida Department of Law Enforcement to develop a state plan for youth suicide prevention. The Task Force concluded that while a number of service components existed in many districts, coordination and supplementation of these services were needed in order to establish a starting point for the development of a full continuum of services, including prevention, intervention, and treatment coordinated to address children's needs in a holistic way. In 1985, a *Comprehensive Plan for the Prevention of Youth Suicide in Florida* was developed and submitted. The plan provided a model

[1] National Institutes of Mental Health, December 2003, *Suicide Facts*.
[2] Florida Vital Statistics, Annual Report, 2002.

that addressed detailed prevention, intervention, and treatment strategies. The plan was never implemented.

In 1990, Florida also made suicide prevention training a requirement for teacher certification, requiring that a life-management skills class, which included suicide awareness, be taught for teachers of secondary education.

In 1998, the Florida Department of Children and Families funded a Youth Suicide Prevention Study. The study report was presented to the Legislature by the Louis de la Parte Florida Mental Health Institute at the University of South Florida. The study, completed in September 1999, described the current programs for young people and their families addressing suicide prevention, knowledgeable intervention strategies, and promising practices that have been successful in reducing the risk factors associated with the incidence of child and youth suicide.

The Florida House of Representatives and the Florida Senate both passed resolutions in 1999 encouraging suicide prevention efforts and declaring suicide prevention a state priority. Also in 1999, the Florida Department of Education introduced the SAFE School Action Planning and Preparedness Program. School Critical Response Plans incorporated suicide threats and gestures at all levels.

In June 2000, the Florida Adolescent Suicide Prevention Plan Task Force submitted a report to the Florida Department of Health, Bureau of Emergency Medical Services. The findings in this report provided information to better understand the problem of youth suicide and recommended methodologies for evaluation of prevention and intervention efforts targeting families and professionals.

In the same year, the Governor directed the Florida Office of Drug Control to assist in decreasing the incidence of suicide in Florida. The Director of the Florida Office of Drug Control convened a workgroup to begin establishing an infrastructure for a state suicide prevention task force, now called the Florida Task Force on Suicide Prevention.

In August 2002, the Florida Suicide Prevention Task Force released a Statewide Suicide Prevention Strategy paper to provide policy direction to Florida's state and community leaders in order to decrease the incidence of youth suicide in Florida.

The Youth Suicide Prevention Prototype Program was developed in response to the guidelines that were set forth in the paper released by the Florida Suicide Prevention Task Force. The program plan was designed to span a five-year period. The Youth Suicide Prevention Prototype program takes a broad-based approach, which considers the entire continuum of a community-based youth suicide prevention, intervention, and post trauma intervention. The overall goal is to decrease the incidence of youth suicidal behavior (fatal and non-fatal) by one-third in Alachua and Broward Counties. Specific objectives are to examine the epidemiology and potential risk and protective factors related to youth suicide in a combined population base of 1.8 million residents; describe the epidemiologic characteristics and design choices of different intervention strategies for preventing suicide; and evaluate the impact of these interventions on youth suicide.

Office of Drug Control

The Florida Office of Drug Control was established by the Governor to address the problem of drug abuse in Florida. This office is designed to coordinate all of the State of Florida's activities related to the reduction of drug abuse and its consequences in the state. The director of the office works with the Legislature and appropriate state agencies to ensure that a comprehensive, balanced, and accountable drug control policy is implemented in Florida. The office was implemented to develop a statewide strategy that incorporates all aspects of solving the drug problem, including effective education, prevention, and treatment.

III. Effect of Proposed Changes:

Section 1. Creates s. 397.3335, F.S., to establish the Statewide Office for Suicide Prevention in the Office of Drug Control within the Executive Office of the Governor. This section specifies that the statewide office shall:

- Implement the statewide plan prepared by the Suicide Prevention Coordinating Council;
- Build a network of community-based programs to integrate suicide prevention initiatives into the programs' activities;
- Increase public awareness concerning topics relating to suicide prevention;
- Coordinate education and training curricula in suicide prevention efforts for law enforcement personnel, first responders to emergency calls, health care providers, school employees, and other persons who may have contact with persons at risk of suicide; and
- Direct an interagency workgroup within the Suicide Prevention Coordinating Council to prepare a suicide prevention communication plan among state agencies. The communication plan must be incorporated into the council's statewide plan.

This section provides that the director of the Office of Drug Control shall employ a coordinator for the Statewide Office for Suicide Prevention, contingent upon an appropriation. The committee substitute specifies the education, employment experience, and skills the coordinator must have. The coordinator will work under the direction of the director of the Office of Drug Control to achieve the goals and objectives proposed in this section. Contingent upon specific appropriations, the coordinator is to:

- Facilitate an interagency workgroup within the Suicide Prevention Coordinating Council to integrate state agency programs for suicide prevention into a unified statewide plan;
- Conduct a review of local, state, and national suicide prevention programs for examples of innovative suicide prevention models. If innovative models are discovered, the coordinator is required to prepare a presentation to describe the feasibility of implementing some or all of the innovation models in Florida. The innovative models, and the feasibility of their implementation, are to be evaluated by the Suicide Prevention Coordinating Council;
- Develop and maintain an Internet website with links to appropriate suicide prevention resource documents, suicide hotlines, state and community mental health agencies, and appropriate national suicide prevention organizations;
- Identify and disseminate information regarding crisis services for suicide prevention;
- Join with stakeholders in suicide prevention to develop public awareness and media campaigns in each county directed towards persons who are at risk of suicide;

- Provide technical assistance with educational activities for residents of Florida relating to suicide prevention;
- Cooperate with school districts to develop training and counseling programs for school-based suicide prevention activities. The coordinator and school districts must also develop a method by which to evaluate each prevention training and counseling program;
- Join with stakeholders in suicide prevention to develop education and training programs for suicide prevention. The programs must be directed first to persons who have face-to-face contact with individuals who may be at risk of suicide. The training must assist persons to recognize when an individual is at risk of suicide and how to properly refer those individuals to treatment or support services;
- Review current research data and findings to identify at-risk populations, factors relating to suicide, and suicide prevention activities and disseminate this research to the Suicide Prevention Coordinating Council to develop strategies to prevent suicide; and
- Develop and submit proposals to state and federal agencies and nongovernmental organizations to fund suicide prevention activities.

Section 2. Creates s. 397.3336, F.S., to establish the Suicide Prevention Coordinating Council, whose task is to develop strategies for preventing suicide. The council shall advise the Statewide Office of Suicide Prevention and shall:

- Develop a statewide plan for suicide prevention with the guiding principle being that suicide is a preventable problem. The statewide plan shall:
  - Align and provide direction for statewide suicide prevention initiatives;
  - Establish partnerships with state and private agencies to promote public awareness of suicide prevention;
  - Address specific populations in Florida who are at risk for suicide;
  - Improve access to help individuals in acute situations; and
  - Identify resources to support the implementation of the statewide plan.

- Create an interagency workgroup within the council in order to incorporate state agency plans for suicide prevention into the statewide plan. The committee substitute specifies the composition of the interagency workgroup.

- Assemble an ad hoc advisory committee with membership from outside the council when necessary for the council to receive advice and assistance in carrying out its responsibilities.

- Make findings and recommendations regarding suicide prevention programs and activities. The council shall prepare an annual report and present it to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2005, and each year thereafter. The annual report must describe the status of existing and planned initiatives identified in the statewide plan for suicide prevention and provide recommendations.

The Suicide Prevention Coordinating Council will consist of 23 members. Nine of the members are to be appointed by the director of the Office of Drug Control and shall include:

- The Substance Abuse and Mental Health Corporation, described in s. 394.655, F.S.;
- The Florida Association of School Psychologists;
- The Florida Sheriffs Association;
- The Suicide Prevention Action Network USA;
- The Florida Initiative of Suicide Prevention;
- The Florida Suicide Prevention Coalition;
- The Alzheimer's Association;
- The Florida School Board Association; and
- A representative from the Governor's Mentoring Initiative.

Each identified organization shall recommend three individuals to the director for appointment to membership on the coordinating council.

The following state officials, or their designees, shall be appointed to serve on the coordinating council:

- The Secretary of Elderly Affairs;
- The Secretary of Health;
- The Commissioner of Education;
- The Secretary of Health Care Administration;
- The Secretary of Juvenile Justice;
- The Secretary of Corrections;
- The Executive Director of the Department of Law Enforcement;
- The Executive Director of Veterans' Affairs; and
- The Secretary of Children and Family Services.

The Governor shall appoint five additional members to the coordinating council. The appointees shall have expertise critical to the prevention of suicide or represent an organization that is not already represented on the coordinating council.

Council members shall be appointed to 4-year terms. The committee substitute specifies the manner for filling any vacancy on the coordinating council. Members of the coordinating council shall serve without compensation. Any member of the coordinating council who is a public employee is entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, F.S.

The director of the Office of Drug Control shall be a non-voting, ex officio member of the coordinating council and act as chair. The coordinating council shall meet at least quarterly or upon the call of the chair. The council meetings may be held via teleconference or other electronic means. Public organizations shall participate and cooperate with the coordinating council.

The coordinating council may seek and accept grants or funds from any federal, state, or local source to support its operation and defray the expenses incurred in its operation and implementation of this section.

Section 3. Appropriates $100,000 from the General Revenue Fund and authorizes one additional full-time equivalent position to the Office of Drug Control for the purpose of implementing the act in the 2004-2005 fiscal year.

Section 4. Provides that the committee substitute shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this committee substitute have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this committee substitute have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this committee substitute have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to state hospital discharge data, the cost of completed and medically considered youth suicide acts in Florida in 2000 was $40 million. The creation of the Statewide Office of Suicide Prevention may help in the prevention of suicide which, in turn, could provide savings to counties and cities that must deal with the cost of providing health care to individuals who attempt or commit suicide.

C. Government Sector Impact:

The committee substitute appropriates $100,000 from the General Revenue Fund to the Office of Drug Control to implement the committee substitute during the 2004-2005 fiscal year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

Bill No. CS for SB 2042

Amendment No. 1 971754

CHAMBER ACTION

Senate		House

Senator Webster moved the following amendment:

Senate Amendment

On page 3, lines 8-9, delete those lines

and insert: The Director of the Office of Drug

Bill No. CS for SB 2042

Amendment No. 2 173672

CHAMBER ACTION

Senate | House

Senator Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 9, lines 28 -30 and on page 10, lines 1 -2, delete those lines

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

And the title is amended as follows:

On page 1, lines 25 -26, delete

providing an appropriation and authorizing an additional position;

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2340

SPONSOR: Governmental Oversight and Productivity Committee and Senator Bennett

SUBJECT: Administrative Procedure

DATE: March 10, 2004 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Wilson	GO	Fav/CS
2.	Arthur	Kelly	ATD	
3.			AP	
4.				
5.				
6.				

I. Summary:

The committee substitute amends section 120.55, F.S., to require the Department of State (DOS), effective December 31, 2005, to electronically publish the Florida Administrative Weekly on an Internet website. The bill also permits the Department of State to continue to publish the printed version of the Florida Administrative Weekly if subscription revenue is sufficient to pay the costs associated with printing.

The bill specifies that the Florida Administrative Weekly Internet website is to be managed by the Department of State and hosted by the State Technology Office; must be provided for free to the public; must contain specified search features; and must allow the public to subscribe to an automated e-mail notification of selected notices.

The bill provides that a space rate may be charged to agencies by the Department of State to fund costs associated with the Florida Administrative Weekly and the Florida Administrative Code. Further, the bill specifies that all fees deposited into the department's "Publication Revolving Trust Fund" are to be used for paying the department's costs under ch. 120, F.S.

The bill requires the Department of State to make training courses available to all agencies required to publish in the Florida Administrative Weekly, which will assist the agencies in their transition to publishing on the Internet.

This bill amends ss. 120.55 and 120.551 of the Florida Statutes.

II. Present Situation:

Florida Administrative Weekly

Under current law, the Department of State (DOS) is required to publish notices and various other materials filed by the state's administrative agencies[1] in the *Florida Administrative Weekly* (FAW).[2] [3] The FAW must contain:

- Notice of adoption of, and an index to, all rules filed during the preceding week;
- All notices required by s. 120.54(3)(a), F.S., concerning agency rulemaking, showing the text of all rules proposed for consideration or a reference to the location in the FAW where the text of the proposed rules is published;
- All notices of public meetings, hearings, and workshops, including a statement of the manner in which a copy of the agenda may be obtained;
- A notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules;
- Notice of petitions for declaratory statements or administrative determinations;
- A summary of each objection to any rule filed by the Administrative Procedures Committee during the preceding week; and
- Any other material required or authorized by law or deemed useful by the department.[4]

In addition, numerous other laws require certain materials to be published in the FAW. For example, s. 403.527(1)(e), F.S., requires the Department of Environmental Protection to publish various notices in the FAW concerning applications filed under the Transmission Line Siting Act (ss. 403.52-403.5365, F.S.).

Responsibility for the grammatical editing of the FAW is statutorily assigned to the DOS. Additionally, the DOS is required to adopt rules that prescribe the style and form required for rules submitted for filing and that establish the form for rule certification.[5]

The DOS contracts with LexisNexis Matthew Bender for publication of the FAW in a printed format.[6] The FAW is published on Fridays and distributed for free to administrative agencies,

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[1] For purposes of ch. 120, F.S., the term "agency" is defined in s. 120.52, F.S., as the Governor and each: (1) state officer and state department and unit; (2) authority, including a regional water supply authority; (3) board or commission; (4) regional planning agency; (5) multicounty special district with a majority of its governing board comprised of nonelected persons; (6) educational unit; (7) entity described in ch. 163, F.S. (Intergovernmental Programs), ch. 373, F.S. (Water Resources), ch. 380, F.S. (Land and Water Management), ch. 582, F.S. (Soil and Water Conservation), and s. 186.504 (regional planning councils); and (8) other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to the Administrative Procedure Act (ch. 120, F.S.) by law or existing judicial decisions. The definition of "agency" expressly excludes any legal entity or agency created under part II of ch. 361, F.S. (Joint Electric Power Supply Projects), an expressway authority under ch. 348, F.S., any legal or administrative entity created by an interlocal agreement under s. 163.01(7), F.S., unless any party to such agreement is otherwise an agency as defined in the section, or any multicounty special district with a majority of its governing board comprised of elected persons.

[2] Section 120.55, F.S.

[3] According to the DOS, approximately 300 entities in the state publish notices in the *Florida Administrative Weekly*. These entities include state agencies, other units of state and local governments, and nongovernmental entities.

[4] Section 120.55(1)(b), F.S.

[5] Section 120.55(1)(c) and (d), F.S.

courts, libraries, law schools, and legislative offices.[7] According to the DOS, the FAW has approximately 700 paid subscribers, who pay an annual subscription fee of $249 per year.[8] In addition to producing the paper version of the FAW, the Department of State posts copies of the FAW in Adobe® Acrobat® Portable Document Format (PDF) on its Internet web site, which may be accessed by the public for free.[9]

The DOS is also required to publish the Florida Administrative Code (FAC), which contains all rules adopted by agencies, together with references to rulemaking authority and history notes.[10] The FAC must be supplemented at least monthly.[11] The department also contracts with LexisNexis Matthew Bender for the printing of the FAC.

Section 120.55(5), F.S., creates the DOS's Publication Revolving Trust Fund, and specifies that all fees and moneys collected by the DOS under the Administrative Procedure Act (APA)[12] must be deposited in the fund for the purpose of paying for the publication of the FAC and FAW, and for associated costs incurred by the department in administering the APA's requirements. Unencumbered balances at the beginning of each fiscal year, which exceed $300,000, are to be transferred to the General Revenue Fund.[13]

Regarding the FAW, current law authorizes the DOS to: (a) make subscriptions of the FAW available for a price computed as a pro rata share of 50 percent of the costs related to the publication of FAW; and (b) charge agencies using the FAW a space rate, a.k.a. line charge, computed to cover a pro rata share of 50 percent of the costs related to publication of the FAW. Current law does not specifically address how costs related to the FAC should be computed.

The following fees and moneys were collected by the DOS under the APA in FY '02-'03:

- $500,266 was collected by the DOS for the space rate, a.k.a. line charge. The current charge is $0.99 per line.
- $13,380 was collected by the DOS for royalties from the sale of the FAC. Currently, copies of the FAC are sold by LexisNexis Matthew Bender. The majority of revenues from the sale of the FAC are retained by the company as compensation for printing the code. The DOS receives a small amount in royalties.

Subscription fees charged to FAW subscribers are retained by the publisher as compensation for printing the FAW. The DOS does not receive royalties from FAW subscriptions.

In sum, the current practice at DOS is: (1) publication costs of the FAC are paid for with purchases of the FAC; and (2) publication costs of the FAW are paid through subscriptions to the

[6] *Report on Internet Noticing of the Florida Administrative Weekly,* Florida Joint Administrative Procedures Committee, October 2003, pp. 2-3.
[7] Section 120.55(1)(e) and (4), F.S.
[8] *Report on Internet Noticing of the Florida Administrative Weekly* at 3.
[9] *See Florida Administrative Weekly,* at http://faw.dos.state.fl.us (last visited March 8, 2004).
[10] Section 120.55(1)(a), F.S.
[11] Section 120.55(1)(a)1., F.S.
[12] Chapter 120, F.S.
[13] Section 120.55(5)(c), F.S.

FAW. Line charges and FAC royalties are used by the DOS to pay for costs associated with: (1) preproduction duties for the FAC and FAW, e.g., typesetting, proofing, formatting, and editing; (2) tracking rules from notice to adoption; and (3) production of the Laws of Florida, Executive Orders, county ordinances, and other legal documents.[14]

Internet Publication Pilot Project

In 2001, the Legislature authorized the Department of Environmental Protection (DEP) and the State Technology Office (STO) to establish an Internet publication pilot project for the purpose of determining the cost-effectiveness of publishing administrative notices on the Internet, rather than in the FAW.[15] Scheduled to begin on or before December 31, 2001, and terminate on July 1, 2003, the pilot project required DEP, STO, and the DOS to:

- Publish notices on the Internet on the same days that the FAW is published;
- Establish a permanent, searchable archive of all notices published on the Internet;
- Publish notices in the FAW directing readers to the Internet website address where DEP's notices were published; and
- Submit a report no later than January 31, 2003, to the Governor and the Legislature containing findings on the cost-effectiveness of Internet publication in lieu of publication in the FAW and recommendations on legislative or rule changes necessary to effectuate publication of notices on the Internet.[16]

The January 2003 report indicates that the pilot project may be found on the Internet at http://www.dep.state.fl.us, and that users of the website may search for notices by type, publication date, program area, or rule number.[17] Brief topical summaries of each notice are provided, and users may click the summary to obtain the notice's full text in Adobe Acrobat® Portable Document Format (PDF). Further, a permanent, searchable database of all notices published on the Internet is available on the website, and users may register to receive an automatic e-mail notification when new notices are published in a selected area of interest.

The report indicates that the DEP paid $44,179 for FAW line charges during calendar year 2001 and would have paid approximately $32,100 for FAW line charges during calendar year 2002 if Internet publication had not been permitted. Nonrecurring costs to establish Internet publication were noted as follows: $10,200 to develop the computer software application; and $20,000 to program the e-mail registration service enhancement. The report indicated that the computer software application may be shared with other agencies at no cost[18] and recommended that the Legislature permit all agencies to elect Internet publication in lieu of publication in the paper version of the FAW, given the potential for substantial agency savings in FAW line.

[14] Fiscal data provided by the DOS on March 9, 2004.
[15] Chapter 2001-278, L.O.F.; s. 120.551, F.S.
[16] Section 120.551, F.S.
[17] *See Joint Report and Recommendations of the Department of Environmental Protection, The State Technology Office, and The Department of State on the Internet Publication Pilot Project under Sec. 120.551, F.S.*, Jan. 31, 2003.
[18] An Oracle database is required to use the Internet publication computer software application.

2003 Legislation

During the 2003 Regular Legislative Session, Senate Bill 1374 and House Bill 1157 were introduced for the purpose of implementing the recommendations contained in the DEP pilot project report. These bills would have authorized agencies to publish administrative notices on their own websites, rather than in the FAW. This concept, however, posed numerous concerns:

- If numerous agencies had opted for Internet publication, FAW line charge revenues might have been reduced such that continuance of the printed FAW would have been fiscally infeasible and agencies that had not opted for Internet publication would then have had no means for publication.
- The requirement that DOS review all notices submitted for publication would have no longer been effective for agencies opting for Internet publication and thus, the potential for a loss of quality control existed.
- Multiple websites would have been confusing and difficult to browse.[19]

Subsequently, both the Senate and House bills were amended in committee to require the DOS to replace the printed FAW with a fully searchable, electronic version on a single Internet website. These bills also struck the authority in s. 120.55, F.S., for the "Publication Revolving Trust Fund," but did not specify how costs incurred by the DOS for Internet publication of the FAW nor for publication of the FAC would be funded. Ultimately, due to the lack of data on fiscal impact, the bills were amended to delete the provisions substituting Internet publication for the printed version of the FAW and to extend the DEP's authority in s. 120.551, F.S., for Internet publication until July 1, 2004.[20]

2003 Interim Study on FAW Internet Noticing

During the 2003 Legislative Interim, the Joint Administrative Procedures Committee studied the feasibility of Internet noticing for all state agencies and other entities that advertise in the FAW. This study included conducting surveys and consulting with the DOS, DEP, STO, and an independent technology expert to determine specific technology requirements and estimates of potential costs. The study's results were published in October 2003 in a report entitled, "Report on Internet Noticing of the Florida Administrative Weekly."

The report's findings included the following:

- A telephone survey of current FAW subscribers indicated that 59 percent favored replacing the printed FAW with a free electronic version, while only 21 percent were opposed to the concept.
- A telephone survey of 21 states indicated that the majority published both an electronic and printed version of administrative notices. Three states published only a printed version and six states either published solely on the Internet or were in the process of phasing out their printed publications. Reasons for printing both electronic and printed versions included

[19] *Report on Internet Noticing of the Florida Administrative Weekly* at 5.
[20] *Id.* at 5-6.

concerns about Internet access, consumer preferences for the printed version, and statutory requirements for a printed version.

- The DEP's recommendation in its January 2003 report that agencies be permitted to publish administrative notices on individual websites may not be feasible as some agencies lack the information technology resources and expertise necessary to establish and maintain such websites. Further, it appeared that start-up costs for individual websites could be as much as $8 million.
- Publication of administrative notices on a centralized Internet website appears to have the greatest potential to reduce costs to agencies and the public. The STO indicated that no upfront costs for hardware would be necessary if the website were hosted by the Shared Resource Center. Non-recurring first year expenses were estimated to be $70,000 for software. Recurring annual costs were estimated to be $36,000 for software maintenance and $26,300 for STO hosting, hardware maintenance, and backup and recovery services. In addition to lower costs, publication on a centralized Internet website would also permit maintenance of quality control through continued DOS review of notices to be published, e-mail notification of selected notices, and more advanced searching capabilities. Further, it was suggested that future enhancements to a centralized website could include providing the public with the opportunity to make comments online.[21]

The report concluded by recommending that the FAW be published on a centralized website managed by the DOS in collaboration with the STO. Further, it was recommended that the space rate charge continue to be collected by the DOS to fund its functions related to publication of the FAW and FAC.

III. Effect of Proposed Changes:

Publication of the FAW

The bill amends s. 120.55, F.S., to require the DOS, effective December 31, 2005, to electronically publish the FAW on an Internet website. Further, the bill permits the DOS to continue to publish the printed version of the FAW pursuant to a contract with a publishing firm, so long as FAW subscription revenue is sufficient to fund the costs of printing. If a printed version is made available, the DOS must provide free copies to federal and state courts with jurisdiction over residents of this state, state libraries, the Legislature, and state departments.

The bill states that the FAW Internet website must be managed by the DOS and hosted by the STO, must be provided for free to the public, and must contain features that allow users to:

- Search for notices by type, publication date, program area, rule number, word, subject, or agency;
- Search a database that makes available all notices published on the website for a period of at least five years;
- Subscribe to an automated e-mail notification of selected notices; and
- Access agency forms incorporated by reference in rules.

[21] *Id.* at 6-11.

The bill makes several conforming changes consistent with the requirement of electronic publication of the FAW, which include:

- ***Format and numbering.***—Requires the DOS to review agency notices for compliance with format and numbering requirements before publication on the FAW's Internet website.
- ***Free copies of paper version.***—Removes a requirement that the DOS provide copies of the printed FAW without charge and upon the request of administrative agencies, courts, libraries, law schools, and legislative offices.
- ***Pilot project.***—Extends the DEP Internet Publication Pilot Project, which is scheduled under current law to terminate on July 1, 2004, until December 31, 2005, when Internet publication of the FAW is required to begin.
- ***Transition training.***—Requires the DOS and STO to make training courses available to assist agencies in the transition to publication on the FAW Internet website. The courses may be provided in the form of workshops or self-training software packages.

Funding for the FAW and FAC

The bill retains current law that permits the DOS to: (1) make annual subscriptions of the printed version of the FAW available; and (2) charge each agency using the FAW a space rate to cover the costs of the FAW. The bill, however, removes current law's requirements that the annual subscription price and the space rate be computed to cover ***only*** costs related to the FAW. Instead, under the bill: (1) the space rate that may be charged is to cover the costs related to the FAW and the FAC; and (2) no exact basis for determining an annual subscription price for the printed FAW is specified.

The bill retains current law's creation of the "Publication Revolving Trust Fund" in the DOS, and its requirement that all fees and moneys collected by the DOS under the APA be deposited in that trust fund. The bill, however, amends current law to provide that the trust fund shall fund the costs incurred by the DOS in carrying out the APA.

Miscellaneous Amendments

The bill amends s. 120.55(1)(a)4., F.S., to provide that forms created by an agency, which are incorporated by reference into a rule after December 31, 2005, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

The bill amends s. 120.55(1)(b), F.S., to require the FAW to contain: (1) the text of all proposed rules, rather than permitting a reference to that text in a prior edition of the FAW; and (2) a cumulative list of all rules that have been proposed, but not filed for adoption.

The bill amends s. 120.55(2), F.S., which currently requires each agency to, "print or distribute copies of its rules, citing the specific rulemaking authority" for the rule. Under the bill, this section requires an agency, upon request, to provide copies of its rules with citations to, "the grant of rulemaking authority and the specific law implemented for each rule." The bill's amendments conform this subsection to the current requirements of s. 120.536(1), F.S., that rules implement a specific law.

Effective Date

The bill takes effect upon becoming a law, except as otherwise specifically provided in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 120.55(1)(f), F.S., currently provides that agencies using the Florida Administrative Weekly may be charged a space rate to cover costs related to the FAW and FAC. During FY '02-'03, the space rate charged to agencies by DOS totaled $500,266. The bill continues current law's provision for the space rate charge.

Agencies subject to the space rate may include a limited number of counties or municipalities.[22] The state has never funded any requirement that such entities publish in the FAW. Further, this bill does not fund that requirement.

Pursuant to Art. VII, s. 18 of the Florida Constitution, the provision concerning local mandates, the Legislature may not pass a law requiring a county or municipality to spend funds unless an appropriation of sufficient funding is provided. Any requirement to pay associated with this bill, however, is anticipated to have an insignificant fiscal impact, i.e., less than $1.7 million, given that only $500,266 was collected from all agencies for space rate charges in FY '02—'03. Further, only a small percentage of this amount would have been charged to counties and municipalities. Thus, the bill appears to be exempt from the constitutional mandate funding requirements.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Currently, the DOS publishes the FAW on its Internet website in Adobe Acrobat® Portable Document Format (PDF). This website is accessible by the public for free, but cannot be searched by topic. The bill provides for a free, fully searchable FAW Internet website and the ability for users to have selected notices e-mailed to users and to access

[22] Section 120.52(1)(c), F.S., provides that agencies subject to ch. 120, F.S., requirements may include counties and municipalities to the extent they are made subject to the act by general or special law or existing judicial decisions.

forms incorporated by reference in rules. Accordingly, this bill will provide the public with greater access to the FAW and with advanced search capabilities.

C. Government Sector Impact:

The STO estimates that the FAW Internet website will require a non-recurring cost of $70,000 for application development, i.e., enhancement of the software utilized by the DEP so that it may be used by all agencies for FAW Internet publishing. Recurring costs for the website are estimated by the STO to be: (a) $36,000 for software maintenance; and (b) $26,300 for STO hosting, maintenance, and backup and recovery services.[23] The $70,000 cost for software is based on an estimate provided to the STO by Shoemaker Consulting, Inc., the company that developed the DEP administrative noticing website. The STO suggested that competitive solicitation of the application development services might result in a cost less than $70,000.

Accordingly, the first year cost for the FAW Internet website is estimated by the STO to be a total of $132,300. For second and future years, the FAW Internet website is estimated to be a total of $62,300.

The DOS indicates that it will continue to charge 99 cents per line to agencies using the FAW from now through the second year that the FAW Internet website is operational. The DOS states that these revenues will be used to fund all costs associated with the Law, Code, and Administrative Weekly section within the Division of Library and Information Services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

[23] These estimates are contained in the report entitled, "Cost Estimate for the Florida Administrative Weekly Enterprise Application" prepared by the STO and dated October 15, 2003.

Bill No. CS for SB 2340

Amendment No. 1 195234

CHAMBER ACTION

Senate		House

Senator Webster moved the following amendment:

Senate Amendment

On page 5, line 7, delete access

and insert: view

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2410

SPONSOR: Senator Webster

SUBJECT: Parents Make a Difference specialty license plate

DATE: April 13, 2004 REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable
2.	Collins	Whiddon	CF	Favorable
3.	Keating	Johansen	FT	Favorable
4.	Weaver	Kelly	ATD	
5.			AP	
6.				

I. Summary:

Senate Bill 2410 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Parents Make a Difference specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to The Gathering/USA, Inc., to fund personal counseling for parents, marriage seminars, Dads & Moms That Make a Difference seminars, father/son and mother/daughter retreats, and personal parenting behavioral assessments. The proceeds must be used in the following manner:

- Initial proceeds will be retained by The Gathering until startup costs are recovered;
- Up to five percent of the proceeds will be spent on administrative costs directly associated with the operations of The Gathering;
- Up to 20 percent will be spent on promotion and marketing of the license plate; and
- All remaining proceeds must be spent by The Gathering for programs.

According to the DHSMV, The Gathering/USA, Inc., has completed all statutory requirements for eligibility to seek Legislative approval of its specialty license plate.

This bill substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 91 more 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 for the privilege. Annual use fees ranging from $15 to $25, paid in addition to required license taxes and service fees, are distributed to an organization or 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.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed $60,000, to defray the Department of Highway Safety and Motor Vehicle's (DHSMV) cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any

subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded. To date, only three plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those 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).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 93 specialty license plates to date. Sales of specialty license plates generated more than $24 million in annual use fee revenues in 2002, and more than $24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $225 million.

The Gathering/USA, Inc. is located in Orlando, Florida, and was begun in 1978 by Dr. John Tolson. The Gathering works closely with local churches to encourage men to get involved in the church of their choice. In 2003, The Gathering started a Gathering of Women ministry.[1]

III. Effect of Proposed Changes:

The bill directs the DHSMV to issue a Parents Make a Difference specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to The Gathering/USA, Inc., to fund personal counseling for parents, marriage seminars, Dads & Moms That Make a Difference seminars, father/son and mother/daughter retreats, and personal parenting behavioral assessments. The proceeds must be used in the following manner:

- Initial proceeds will be retained by The Gathering until startup costs are recovered;
- Up to five percent of the proceeds will be spent on administrative costs directly associated with the operations of The Gathering;
- Up to 20 percent will be spent on promotion and marketing of the license plate; and
- All remaining proceeds must be spent by The Gathering for programs.

According to the DHSMV, The Gathering/USA, Inc., has completed all statutory requirements for eligibility to seek Legislative approval of its specialty license plate.

[1] www.thegathering.org

The bill shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Persons who apply for the Parents Make a Difference specialty license plate would have to pay an additional $25 for the annual use fee, in addition to the taxes and fees required under s. 320.08, F.S., and a $2 processing fee. The $25 use fee shall be distributed to The Gathering/USA, Inc. and the $2 processing fee will be deposited into the State Transportation Trust Fund of the Department of Transportation. The fiscal impact is indeterminate.

B. Private Sector Impact:

Persons who apply for the Parents Make a Difference license plate would have to pay $25 for the annual use fee, a $2 processing fee, and all applicable motor vehicle registration taxes and fees required under s. 320.08, F.S.

C. Government Sector Impact:

Current law provides an application fee, not to exceed $60,000, be paid to the DHSMV to defray the administrative costs of reviewing and developing the new specialty license plate. The DHSMV has indicated $60,000 has been collected from the applicant to defray these costs. This fee will be refunded if the license plate is not approved by the Legislature.

The DHSMV estimates administrative and design costs to be approximately $60,000 per specialty license plate authorized. Any additional cost of issuing the license plate will be retained from the first proceeds derived from the annual use fees as provided in s. 320.08056(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 2486

SPONSOR: Senators Cowin and Wasserman-Schultz

SUBJECT: Specialty License Plates

DATE: April 13, 2004 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Favorable
2.	Keating	Johansen	FT	Favorable
3.	Weaver	Kelly	ATD	
4.			AP	
5.				
6.				

I. Summary:

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Support Soccer specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate. The annual use fees for the Support Soccer specialty license plate will be distributed to the Lighthouse Soccer Foundation, Inc., to be used as follows:

- The Lighthouse Soccer Foundation, Inc., shall retain the initial proceeds, not to exceed $85,000, as reimbursement for administrative costs, startup costs, and costs incurred in the approval process; thereafter
  - Up to 25 percent of the proceeds may be used to market the organizations concept and the license plate; and
  - Twenty percent to the Florida Youth Soccer Association for programs and services fostering physical, mental, and emotional growth and development of Florida's youth through the sport of soccer at all levels of age and competition, including a portion to be determined by the Florida Youth Soccer Association for the TOPSoccer program to promote participation by the physically and mentally disadvantaged;
  - Twenty percent for programs promoting participation by the economically disadvantaged and supporting soccer programs where none previously existed;
  - Ten percent to the Florida State Soccer Association to promote the sport of soccer and long-term development of the sport;
  - Ten percent for programs promoting and supporting the construction of fields and soccer-specific infrastructure;
  - Ten percent for programs fostering and promoting health, physical fitness, and educational opportunities through soccer; and

- Five percent for administrative costs directly associated with the foundation's operations as they relate to the management and distribution of the proceeds.

According to the DHSMV, the Lighthouse Soccer Foundation, Inc., has completed all statutory requirements for eligibility to seek Legislative approval of their specialty license plate.

This bill substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 91 more 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 for the privilege. Annual use fees ranging from $15 to $25, paid in addition to required license taxes and service fees, are distributed to an organization or 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.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed $60,000, to defray the Department of Highway Safety and Motor Vehicle's (DHSMV) cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded. To date, only three plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those 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).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 93 specialty license plates to date. Sales of specialty license plates generated more than $24 million in annual use fee revenues in 2002, and more than $24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $225 million.

III. Effect of Proposed Changes:

The bill directs the DHSMV to issue a Support Soccer specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a $25 annual use fee will be charged for this new specialty license plate. The annual use fees for the Support Soccer specialty license plate will be distributed to the Lighthouse Soccer Foundation, Inc., to be used as follows:

- The Lighthouse Soccer Foundation, Inc., shall retain the initial proceeds, not to exceed $85,000, as reimbursement for administrative costs, startup costs, and costs incurred in the approval process; thereafter, the proceeds shall be used in the following manner:
  - Up to 25 percent of the proceeds may be used to market the organizations concept and the license plate; and
  - Twenty percent to the Florida Youth Soccer Association for programs and services fostering physical, mental, and emotional growth and development of Florida's youth through the sport of soccer at all levels of age and competition, including a portion to be determined by the Florida Youth Soccer Association for the TOPSoccer program to promote participation by the physically and mentally disadvantaged;
  - Twenty percent for programs promoting participation by the economically disadvantaged and supporting soccer programs where none previously existed;
  - Ten percent to the Florida State Soccer Association to promote the sport of soccer and long-term development of the sport;
  - Ten percent for programs promoting and supporting the construction of fields and soccer-specific infrastructure;
  - Ten percent for programs fostering and promoting health, physical fitness, and educational opportunities through soccer; and
  - Five percent for administrative costs directly associated with the foundation's operations as they relate to the management and distribution of the proceeds.

According to the DHSMV, the Lighthouse Soccer Foundation, Inc. has completed all statutory requirements for eligibility to seek Legislative approval of their specialty license plate.

The bill shall take effect July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Persons who apply for the Support Soccer specialty license plate would have to pay $25 for the annual use fee, in addition to the taxes and fees required under s. 320.08, F.S., and a $2 processing fee. The $25 use fee shall be distributed to Lighthouse Soccer

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

Daniel Webster, Chair

Additional Amendments Filed
Prior to the 2 Hour Deadline

Tuesday, April 13, 2004
9:15 a.m. – 11:15 a.m.
117 Knott Bldg

(Please bring this packet to the committee meeting. Duplicate materials will not be available.)

E X P A N D E D A G E N D A

COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND ECONOMIC DEVE

Senator Webster, CHAIR

DATE: Tuesday, April 13, 2004
TIME: 9:15 a.m. -- 11:15 a.m.
PLACE: Room 117, Knott Building

(MEMBERS: Senators Diaz de la Portilla, Garcia, Sebesta and Siplin)

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 0314 Campbell et al (Identical H 0011)	Motor Vehicle Title Certificates; requires HSMV to maintain certain records for 10 years. Amends 319.23. TR 03/03/04 FAVORABLE GO 03/30/04 FAVORABLE ATD 04/13/04 AP	
2	SB 0502 Wise et al (Identical H 0263)	Family First License Plate; creates Family First license plate; provides for distribution of annual use fees received from sale of such plates. Amends 320.08056,.08058. TR 03/09/04 FAVORABLE FT 03/18/04 FAVORABLE ATD 04/13/04 AP RC	
3	SB 0548 Bennett (Similar H 0455)	Sportsmen's License Plate; creates Sportsmen's National Land Trust license plate; provides for distribution of annual use fees received from sales of such plates. Amends 320.08056,.08058. TR 03/09/04 FAVORABLE NR 03/16/04 FAVORABLE FT 03/25/04 FAVORABLE ATD 04/13/04 AP	
4	CS/CS/SB 0708 Finance and Taxation / Atwater et al (Similar H 0547, Compare H 1305)	Local Government Accountability; revises duties of Legislative Auditing Committee; clarifies that local governments are authorized to provide health insurance; revises definition of "governmental entity" to include counties & district school boards; revises provisions governing notice of bids & disposition of bonds; revises provisions governing issuance of bonds by municipality; revises reporting requirements of newly created special districts, etc. Amends FS. CP 01/05/04 FAVORABLE GO 02/04/04 FAVORABLE WITH AMEND 1 ED 02/18/04 CS FT 03/11/04 CS/CS ATD 04/13/04 AP	

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1198 Clary et al (Similar H 0257)	Florida Educational License Plate; increases annual use fee for said license plate. Amends 320.08056 TR 03/03/04 FAVORABLE FT 03/11/04 FAVORABLE ATD 04/13/04 AP	
6	CS/CS/SB 1214 Comprehensive Planning / Constantine et al (Similar H 0849)	Wekiva Parkway & Protection Act; provides legal description of Wekiva Study Area; provides guiding principles for Wekiva Parkway Design Features & Construction; provides that title of all lands acquired for Wekiva Parkway shall vest in State of Florida; requires DOT to purchase certain lands subject to legislative appropriation; provides for coordination of land use & water supply with Wekiva Study Area; creates Wekiva River Basin Commission, etc. Creates 369.314-.324; amends 163.3184. NR 03/16/04 CS CP 03/29/04 CS/CS ATD 04/13/04 AP RC	
7	CS/CS/CS/SB 1316 Governmental Oversight and Productivity / Bennett et al (Linked CS/S 2190, Compare CS/S 0112)	Alternative Energy; creates Florida Alternative Energy Technology Center, Inc.; provides for organization, purpose, & duties of center; provides for transfer of state energy program from DCA to DEP. CU 02/17/04 CS AG 03/10/04 WITHDRAWN NR 03/16/04 Temporarily postponed NR 03/22/04 CS/CS GO 03/30/04 CS/CS/CS ATD 04/13/04 AP	
8	CS/SB 1414 Regulated Industries / Diaz de la Portilla (Similar H 0443, Compare H 1809, CS/CS/1ST ENG/S 1526)	Mobile & Manufactured Homes; deletes requirement that manufacturer's certificate of origin be recorded with clerk of court in order for HSMV to retire title to mobile home; requires that mobile & manufactured homes sold in this state be constructed to meet certain standards; requires each county or municipality to be responsible for onsite inspection of mobile home installation within its jurisdiction, etc. Amends Ch. 320, 319.261, 215.559. TR 02/04/04 FAVORABLE RI 02/18/04 Not considered RI 03/04/04 Meeting canceled RI 03/11/04 CS CP 03/23/04 FAVORABLE ATD 04/13/04 AP	

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	CS/SB 1456 Governmental Oversight and Productivity / Sebesta (Similar H 1027, Compare H 0005)	Transportation Dept.; authorizes secretary of dept. to appoint additional assistant secretary & deputy assistant secretaries or directors; authorizes secretary to reorganize offices within dept. in consultation with Executive Office of Governor; authorizes Emerald Coast Bridge Authority to revise repayment schedule of any previous advances for funds from Toll Facilities Revolving Trust Fund within dept., etc. Amends Ch. 338, 20.23, 110.205, 334.30, 348.0004. TR 03/23/04 FAVORABLE WITH AMEND 1 GO 03/30/04 CS ATD 04/13/04 AP	
10	CS/SB 1494 Commerce, Economic Opportunities, and Consumer Services / Commerce, Economic Opportunities, and Consumer Services et al (Similar H 0583, Compare H 0617, CS/S 1708)	Tax Refund Programs/Businesses; requires Tourism, Trade, & Economic Development Office to pay claims for tax refunds in order approved; requires Enterprise Florida, Inc., to report name & tax refund amount paid to each business under program; provides that new applicants may not be certified for said program for qualified defense contractors or qualified target industry businesses after June 30, 2009, etc. Amends 288.095,.1045, .106. CM 03/09/04 CS HP 03/23/04 FAVORABLE FT 03/31/04 WITHDRAWN ATD 04/13/04 AP	
11	CS/CS/SB 1622 Health, Aging, and Long-Term Care / Military and Veterans' Affairs, Base Protection, and Spaceports et al (Similar H 1339, 1ST ENG/H 1725, Compare H 0119, S 0412, S 2080)	Military Families; revises certain requirements re scholarships for children of deceased veterans; provides for licensure by endorsement of certain nurses licensed in another state that is member of Nurse Licensure Compact; revises eligibility requirements for military dependents applying for John M. McKay Scholarship; provides for alternate assessments for grade 10 FCAT for certain military dependents, etc. Amends FS. MS 02/16/04 FAVORABLE CM 03/10/04 WITHDRAWN HC 03/10/04 WITHDRAWN CP 03/10/04 WITHDRAWN ATD 03/10/04 WITHDRAWN AP 03/10/04 WITHDRAWN ED 03/10/04 CS HC 03/23/04 CS/CS ATD 04/13/04 AP	

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	SB 1704 Haridopolos et al (Similar H 0605)	Discover Fla.'s Oceans License Plate; creates Discover Florida's Oceans license plate; provides for distribution of annual use fees received from sale of such plates. Amends 320.08056,.08058. TR 03/09/04 FAVORABLE NR 03/16/04 FAVORABLE FT 03/25/04 FAVORABLE ATD 04/13/04 AP	
13	SB 1872 Webster (Identical H 0551)	Family Values License Plate; creates Family Values license plate; provides for annual use fee; provides for distribution of such fees received from sale of plates. Amends 320.08056,.08058. TR 03/09/04 FAVORABLE CF 03/24/04 FAVORABLE FT 04/01/04 FAVORABLE ATD 04/13/04 AP RC	
14	CS/SB 2020 Transportation / Clary (Similar H 0445, Compare S 1686, S 1852)	Specialty License Plates; creates Save Our Seas license plate; creates Aquaculture license plate; provides for distribution of annual use fees received from sale of such plates. Amends 320.08056,.08058. TR 03/09/04 CS AG 03/17/04 FAVORABLE WITH AMEND 1 NR 03/25/04 WITHDRAWN FT 04/01/04 FAVORABLE ATD 04/13/04 AP RC	
15	CS/SB 2042 Children and Families / Lynn et al (Compare H 0897)	Suicide Prevention; creates Statewide Office for Suicide Prevention in Drug Control Office; creates Suicide Prevention Coordinating Council within Drug Control Office; creates interagency workgroup for state agencies within coordinating council in order to coordinate state agency plans for suicide prevention; authorizes coordinating council to seek & accept grants or funds from any source to support its operation, etc. Creates 397.3335,.3336. HC 03/03/04 FAVORABLE CF 03/17/04 CS GO 03/30/04 FAVORABLE ATD 04/13/04 AP	

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	CS/SB 2340 Governmental Oversight and Productivity / Bennett	Florida Administrative Weekly; requires forms incorporated by reference to display specified information; requires electronic publication of Florida Administrative Weekly on Internet website managed by Department of State in collaboration with State Technology Office; provides for free public access to such website; provides for training courses for agencies currently publishing materials Florida Administrative Weekly, etc. Amends 120.55,.551. GO 03/10/04 CS ATD 04/13/04 AP	
17	SB 2410 Webster (Similar H 1111)	Parents Make A Difference Lic. Plate; creates Parents Make A Difference license plate; provides for annual use fee; provides for distribution of such fees received from sale of plates. Amends 320.08056,.08058. TR 03/16/04 FAVORABLE CF 03/24/04 FAVORABLE FT 04/01/04 FAVORABLE ATD 04/13/04 AP	
18	SB 2486 Cowin et al	Specialty License Plates; creates Support Soccer license plate; provides for annual use fee; provides for distribution of such fees received from sale of plates. Amends 320.08056,.08058. TR 03/16/04 FAVORABLE FT 03/25/04 FAVORABLE ATD 04/13/04 AP	

Bill No. CS for SB 1456

Amendment No. 3 633518

CHAMBER ACTION

Senate | House

Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

On page 12, lines 5-17, delete those lines

and insert:

Section 6. Subsection (6) of section 338.001, Florida Statutes, is amended to read:

338.001 Florida Intrastate Highway System Plan.--

(6) For the purposes of developing the proposed plan, beginning in fiscal year 2003-2004 ~~1993-1994~~ and for each fiscal year thereafter, the minimum amount allocated shall be based on the fiscal year 2003-2004 ~~1992-1993~~ allocation of $450.0 ~~$151.3~~ million adjusted annually by the change in the Consumer Price Index for the prior fiscal year compared to the Consumer Price Index for fiscal year 2003-2004 ~~1991-1992~~. No amounts from the funds dedicated to the Florida Intrastate Highway System shall be allocated to turnpike projects ~~after the 1993-1994 fiscal year~~.

Section 7. Section 339.08, Florida Statutes, is amended to read:

1 339.08 Use of moneys in State Transportation Trust
2 Fund.--
3 (1) The department shall expend ~~by-rule-provide-for~~
4 ~~the-expenditure-of-the~~ moneys in the State Transportation
5 Trust Fund accruing to the department, in accordance with its
6 annual budget.
7 ~~(2)--These-rules-must-restrict~~ The use of such moneys
8 shall be restricted to the following purposes:
9 (a) To pay administrative expenses of the department,
10 including administrative expenses incurred by the several
11 state transportation districts, but excluding administrative
12 expenses of commuter rail authorities that do not operate rail
13 service.
14 (b) To pay the cost of construction of the State
15 Highway System.
16 (c) To pay the cost of maintaining the State Highway
17 System.
18 (d) To pay the cost of public transportation projects
19 in accordance with chapter 341 and ss. 332.003-332.007.
20 (e) To reimburse counties or municipalities for
21 expenditures made on projects in the State Highway System as
22 authorized by s. 339.12(4) upon legislative approval.
23 (f) To pay the cost of economic development
24 transportation projects in accordance with s. 288.063.
25 (g) To lend or pay a portion of the operating,
26 maintenance, and capital costs of a revenue-producing
27 transportation project that is located on the State Highway
28 System or that is demonstrated to relieve traffic congestion
29 on the State Highway System.
30 (h) To match any federal-aid funds allocated for any
31 other transportation purpose, including funds allocated to

1 projects not located in the State Highway System.
2 (i) To pay the cost of county road projects selected
3 in accordance with the Small County Road Assistance Program
4 created in s. 339.2816.
5 (j) To pay the cost of county or municipal road
6 projects selected in accordance with the County Incentive
7 Grant Program created in s. 339.2817 and the Small County
8 Outreach Program created in s. 339.2818.
9 (k) To provide loans and credit enhancements for use
10 in constructing and improving highway transportation
11 facilities selected in accordance with the state-funded
12 infrastructure bank created in s. 339.55.
13 (l) To pay the cost of projects on the Florida
14 Strategic Intermodal System created in s. 339.61 ~~To fund the~~
15 ~~Transportation Outreach Program created in s. 339.137~~.
16 (m) To pay other lawful expenditures of the
17 department.
18 (2) ~~(3)~~ Unless specifically provided in the General
19 Appropriations Act or the substantive bill implementing the
20 General Appropriations Act, no moneys in the State
21 Transportation Trust Fund may be used to fund the operational
22 or capital outlay cost for any correctional facility of the
23 Department of Corrections. The department shall, however,
24 enter into contractual arrangements with the Department of
25 Corrections for those specific maintenance functions that can
26 be performed effectively by prison inmates under the
27 supervision of Department of Corrections personnel with
28 technical assistance being provided by the department. The
29 cost of such contracts must not exceed the cost that would be
30 incurred by the department if these functions were to be
31 performed by its personnel or by contract with another entity

1 unless, notwithstanding cost, the department can clearly
2 demonstrate that for reasons of expediency or efficiency it is
3 in the best interests of the department to contract with the
4 Department of Corrections.
5 (3) ~~(4)~~ The department may authorize the investment of
6 the earnings accrued and collected upon the investment of the
7 minimum balance of funds required to be maintained in the
8 State Transportation Trust Fund pursuant to s. 339.135(6)(b).
9 Such investment shall be limited as provided in s.
10 288.9607(7).
11 (4) ~~(5)~~ For the 2003-2004 fiscal year only and
12 notwithstanding the provisions of this section and s.
13 339.09(1), $200 million may be transferred from the State
14 Transportation Trust Fund to the General Revenue Fund in the
15 2003-2004 General Appropriations Act. Such transfer may be
16 comprised of several smaller transfers made during the
17 2003-2004 fiscal year. Notwithstanding ss. 206.46(3) and
18 206.606(2), the total amount transferred shall be reduced from
19 total state revenues deposited into the State Transportation
20 Trust Fund for the calculation requirements of ss. 206.46(3)
21 and 206.606(2). This subsection expires July 1, 2004.
22 Section 8. Paragraph (a) of subsection (4) of section
23 339.135, Florida Statutes, is amended to read:
24 339.135 Work program; legislative budget request;
25 definitions; preparation, adoption, execution, and
26 amendment.--
27 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--
28 (a)1. To assure that no district or county is
29 penalized for local efforts to improve the State Highway
30 System, the department shall, for the purpose of developing a
31 tentative work program, allocate funds for new construction to

1 the districts, except for the turnpike enterprise, based on
2 equal parts of population and motor fuel tax collections.
3 Funds for resurfacing, bridge repair and rehabilitation,
4 bridge fender system construction or repair, public transit
5 projects except public transit block grants as provided in s.
6 341.052, and other programs with quantitative needs
7 assessments shall be allocated based on the results of these
8 assessments. The department may not transfer any funds
9 allocated to a district under this paragraph to any other
10 district except as provided in subsection (7). Funds for
11 public transit block grants shall be allocated to the
12 districts pursuant to s. 341.052. Funds for the intercity bus
13 program provided for under s. 5311(f) of the federal
14 nonurbanized area formula program shall be administered and
15 allocated directly to eligible bus carriers as defined in s.
16 341.031(12) at the state level rather than the district. In
17 order to provide state funding to support the intercity bus
18 program provided for under provisions of the federal 5311(f)
19 program, the department shall allocate an amount equal to the
20 federal share of the 5311(f) program from amounts calculated
21 pursuant to s. 206.46(3).
22 2. Notwithstanding the provisions of subparagraph 1.,
23 the department shall allocate at least 50 percent of any new
24 discretionary highway capacity funds to the Florida Strategic
25 Intermodal System created pursuant to s. 339.61 ~~Florida~~
26 ~~Intrastate Highway System established pursuant to s. 338.001~~.
27 Any remaining new discretionary highway capacity funds shall
28 be allocated to the districts for new construction as provided
29 in subparagraph 1. For the purposes of this subparagraph, the
30 term "new discretionary highway capacity funds" means any
31 funds available to the department above the prior year funding

level for capacity improvements, which the department has the discretion to allocate to highway projects.

Section 9. Section 339.137, Florida Statutes, is repealed.

Section 10. Section 339.1371, Florida Statutes, is amended to read:

339.1371 Mobility 2000; ~~Transportation Outreach Program;~~ funding.--

(1) Beginning in fiscal year 2000-2001 the Department of Transportation shall allocate sufficient funds to implement the Mobility 2000 (Building Roads for the 21st Century) initiative. The department shall develop a plan to expend these revenues and amend the current tentative work program for the time period 2000-2001 through 2004-2005 prior to adoption to include Mobility 2000 projects. In addition, prior to work program adoption, the department shall submit a budget amendment pursuant to s. 339.135(7), requesting budget authority needed to implement the Mobility 2000 initiative. Funds will be used for corridors that link Florida's economic regions to seaports, international airports, and markets to provide connections through major gateways, improved mobility in major urbanized areas, and access routes for emergency evacuation to coastal communities based on analysis of current and projected traffic conditions.

(2) Notwithstanding any other provision of law, in fiscal year 2001-2002 and each year thereafter, the increase in revenue to the State Transportation Trust Fund derived from ss. 1, 2, 3, 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be first used by the Department of Transportation to fund the Mobility 2000 initiative and any remaining funds shall be used to fund the Florida Strategic Intermodal System

1 ~~Transportation Outreach Program~~ created pursuant to s. 339.61
2 ~~339.137~~. Notwithstanding any other law to the contrary, the
3 requirements of ss. 206.46(3) and 206.606(2) shall not apply
4 to the Mobility 2000 initiative.
5 Section 11. Subsection (1) of section 339.61, Florida
6 Statutes, is amended to read:
7 (1) There is hereby created the Florida Strategic
8 Intermodal System. For purposes of funding projects under the
9 system, the department shall allocate from the State
10 Transportation Trust Fund in its program and resource plan a
11 minimum of $60 million each year beginning in fiscal year
12 2004-2005. This allocation of funds is in addition to any
13 funding provided to this system by any other provision of law.
14 Section 12. Subsection (10) and (11) are added to
15 section 332.007, Florida Statutes, to read:
16 332.007 Administration and financing of aviation and
17 airport programs and projects; state plan.--
18 (10) Notwithstanding any other provision of s.
19 332.007, any airport with direct intercontinental passenger
20 service, located in a county of under 400,000 as of the
21 effective date of this act, which has loans from the
22 Department of Transportation due in March 2008, July 2009, and
23 September 2009, will have such loans consolidated and
24 converted to a grant.
25 (11) The department is authorized to fund non-profit
26 organizations that include a majority of Florida's public
27 airports as members, including the Florida Airports Council,
28 to perform aviation planning, evaluation, educational,
29 service, operational and capital projects. Projects may
30 include, but not be limited to, administration of the Secure
31 Airports for Florida's Economy Council as created in chapter

1 332.12, and other projects to improve the safety, capacity,
2 economic capability, development, efficiency and viability of
3 Florida's airports.
4 Section 13. Subsection (2) of section 348.753, Florida
5 Statutes, is amended to read:
6 348.753 Orlando-Orange County Expressway Authority.--
7 (2) The governing body of the authority shall consist
8 of six ~~five~~ members. Three members shall be citizens of Orange
9 County, who shall be appointed by the Governor. The fourth
10 member shall be~~,--ex-officio,~~ the chair of the County
11 Commissioners of Orange County, ~~and~~ the fifth member shall be
12 the Mayor of Orlando and the sixth member shall be, ex
13 officio, the district secretary of the Department of
14 Transportation serving in the district that contains Orange
15 County. The term of each appointed member shall be for 4
16 years. Each appointed member shall hold office until his or
17 her successor has been appointed and has qualified. A vacancy
18 occurring during a term shall be filled only for the balance
19 of the unexpired term. Each appointed member of the authority
20 shall be a person of outstanding reputation for integrity,
21 responsibility, and business ability, but no person who is an
22 officer or employee of any city or of Orange County in any
23 other capacity shall be an appointed member of the authority.
24 Any member of the authority shall be eligible for
25 reappointment.
26 Section 14. Paragraph (n) of subsection (2) of section
27 348.754, Florida Statutes, is amended to read:
28 348.754 Purposes and powers.--
29 (2) The authority is hereby granted, and shall have
30 and may exercise all powers necessary, appurtenant, convenient
31 or incidental to the carrying out of the aforesaid purposes,

1 including, but without being limited to, the following rights
2 and powers:
3 (n) With the consent of Orange County and the county
4 within whose jurisdiction the following activities occur, the
5 authority shall have the right to construct, operate, and
6 maintain roads, bridges, avenues of access, thoroughfares, and
7 boulevards outside the jurisdictional boundaries of Orange
8 County, together with the right to construct, repair, replace,
9 operate, install, and maintain electronic toll payment systems
10 thereon, with all necessary and incidental powers to
11 accomplish the foregoing.
12 Section 15. Paragraph (m) of subsection (2) of section
13 348.0004, Florida Statutes, is repealed.
14 Section 16. Subsection (9) is added to section
15 348.0004, Florida Statutes, to read:
16 348.0004 Purposes and powers.--
17 (9) The Legislature declares that there is a public
18 need for rapid construction of safe and efficient
19 transportation facilities for travel within the state and that
20 it is in the public's interest to provide for public-private
21 partnership agreements to effectuate the construction of
22 additional safe, convenient, and economical transportation
23 facilities.
24 (a) Notwithstanding any other provision of the Florida
25 Expressway Authority Act, any expressway authority may receive
26 or solicit
27
28 (Redesignate subsequent sections.)
29
30
31

1 ========== T I T L E A M E N D M E N T ==========
2 And the title is amended as follows:
3 On page 1, line 28, after the semicolon
4
5 insert:
6 amending s. 338.001, F.S., relating to the
7 Florida Intrastate Highway System Plan;
8 establishing a minimum annual allocation;
9 amending s. 339.08, F.S.; revising provisions
10 for use of moneys in the State Transportation
11 Trust Fund; providing for use of such funds for
12 projects on the Strategic Intermodal System;
13 amending s. 339.135, F.S.; revising provisions
14 for use of new discretionary highway capacity
15 funds; providing for allocation of such funds
16 to the Strategic Intermodal System; repealing
17 s. 339.137, F.S., relating to the
18 Transportation Outreach Program; amending s.
19 339.1371, F.S.; removing provisions to fund the
20 Transportation Outreach Program, adding
21 provisions to fund the Florida strategic
22 Intermodal System; amending s. 339.61, F.S.,
23 relating to the Florida Strategic Intermodal
24 System, establishing a minimum annual
25 allocation; providing authority to fund
26 non-profit organizations for aviation
27 administration purposes; amending s. 332.007,
28 F.S., providing for the consolidation and
29 conversion of loans to certain airports;
30
31

SENATE AMENDMENT

Bill No. CS for SB 2020

Amendment No. 1 683360

CHAMBER ACTION

Senate | House

The Committee on Agriculture recommended the following amendment:

Senate Amendment

On page 2, line 12, and on page 3, line 15, delete the phrase "Guy Harvey Research Foundation"

and insert: Guy Harvey Research Institute of the Nova Southeastern University Oceanographic Center

for SB 2340

Amendment No. 2 741366

CHAMBER ACTION

Senate House

Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

On page 3, lines 5-11, delete those lines

and insert: by reference in a rule noticed pursuant to s. 120.54(3)(a) after December 31, 2005, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

(b) Electronically publish on an Internet website, managed by the department, a weekly publication entitled the "Florida Administrative Weekly," which shall serve as the official Internet website for such publication and shall contain:

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

And the title is amended as follows:

On page 1, lines 8 and 9, delete those lines

and insert:

State; prescribing content and

Bill No. CS for SB 2340

Amendment No. 3 560544

CHAMBER ACTION

Senate House

Senator Sebesta moved the following amendment:

Senate Amendment

On page 5, line 7 and 8, delete those lines

and insert:

(d) View agency forms incorporated by reference in proposed rules.

Bill No. CS for SB 2340

Amendment No. 4 663476

CHAMBER ACTION

Senate | House

Senator Sebesta moved the following amendment:

Senate Amendment

On page 8, line 16, delete that line

and insert: this act, this act shall take effect July 1, 2004.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

Daniel Webster, Chair

LATE FILED AMENDMENTS

Tuesday, April 13, 2004
9:15 a.m. – 11:15 a.m.
117 Knott Bldg

(Please bring this packet to the committee meeting. Duplicate materials will not be available.)

Bill No. CS for SB 1456

Amendment No. 4 210384

CHAMBER ACTION

Senate | House

LATE FILED

Senator Webster moved the following amendment:

Senate Amendment

On page 7, line 31, delete the word "may"

and insert: shall

Bill No. CS for SB 1456

Amendment No. 5 934836

CHAMBER ACTION

Senate | House

LATE FILED

Senator Diaz de la Portilla moved the following amendment:

Senate Amendment (with title amendment)

On page 15, between lines 22 and 23,

insert:

Section 8. Subsection (2) of section 2 of chapter 88-418, Laws of Florida, as amended by section 99 of chapter 2002-20, Laws of Florida, is amended to read:

Section 2. Crandon Boulevard is hereby designated as a state historic highway. No public funds shall be expended for:

(2) The alteration of the physical dimensions or location of Crandon Boulevard, the median strip thereof, or the land adjacent thereto, except for:

(a) The routine or emergency utilities maintenance activities necessitated to maintain the road as a utility corridor serving the village of Key Biscayne; ~~or~~

(b) The modification or improvements made to provide for vehicular ingress and egress of governmental public safety vehicles; or~~.~~

1 (c) Alterations, modifications, or improvements made
2 for the purpose of enhancing life safety vehicular use or
3 pedestrian use of Crandon Boulevard, or both, so long as such
4 alterations, modifications, or improvements are heard in a
5 public hearing and subsequently approved by the Village
6 Council of the Village of Key Biscayne.
7
8 (Redesignate subsequent sections.)
9
10
11 ========== T I T L E A M E N D M E N T ==========
12 And the title is amended as follows:
13 On page 2, line 19, following the semicolon
14
15 insert:
16 amending s. 2 of chapter 88-418, Laws of
17 Florida, as amended, relating to Crandon
18 Boulevard; allowing expenditure of public funds
19 for certain modifications to enhance life
20 safety vehicular or pedestrian use under
21 certain circumstances;
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Bill No. CS for SB 2020

Amendment No. 1 434126

CHAMBER ACTION

Senate | House

LATE FILED

Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraphs (ss), (tt), (uu), (vv), (ww), (xx), (yy), (zz), (aaa), (bbb), and (ccc) are 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:

(ss) Save Our Seas license plate, $25, except that for an owner purchasing the specialty license plate for more than 10 vehicles registered to that owner, the annual use fee shall be $10 per plate.

(tt) Aquaculture license plate, $25, except that for an owner purchasing the specialty license plate for more than 10 vehicles registered to that owner, the annual use fee shall be $10 per plate.

1 (uu) Family First license plate. $25.
2 (vv) Sportsmen's National Land Trust license plates,
3 $25.
4 (ww) Live the Dream license plate, $25.
5 (xx) Florida Food Banks license plate, $25.
6 (yy) Discover Florida's Oceans license plate, $25.
7 (zz) Family Values license plate, $25.
8 (aaa) Parents Make A Difference license plate, $25.
9 (bbb) Support Soccer license plate, $25.
10 (ccc) Kids Deserve Justice license plate, $25.
11 Section 2. Subsections (45), (46), (47), (48), (49),
12 (50), (51), (52), (53), (54), and (55) are added to section
13 320.08058, Florida Statutes, to read:
14 320.08058 Specialty license plates.--
15 (45) SAVE OUR SEAS LICENSE PLATES.--
16 (a) The department shall develop a Save Our Seas
17 license plate as provided in this section. Save Our Seas
18 license plates must bear the colors and design approved by the
19 department. The word "Florida" must appear at the top of the
20 plate, and the words "Save Our Seas" must appear at the bottom
21 of the plate.
22 (b) The annual use fees shall be distributed to the
23 Harbor Branch Oceanographic Institution, Inc. After
24 reimbursement for documented costs expended for establishing
25 the license plate, the Harbor Branch Oceanographic
26 Institution, Inc., shall use the remaining funds for marine
27 science research and education programs as follows:
28 1. Ten percent of the funds shall be distributed to
29 the Guy Harvey Research Foundation to conduct fisheries and
30 shark research in the state.
31 2. Up to 15 percent of the funds may be used for

1 administrative costs directly associated with the Harbor
2 Branch Oceanographic Institution's marine science and marine
3 education programs and administrative costs associated with
4 the Save Our Seas license plate.
5 3. Up to 10 percent of the funds may be used for
6 continuing promotion and marketing of the license plate.
7 4. The remaining funds shall be used to conduct
8 scientific research and education on marine plants and animals
9 and coastal oceanography in state marine waters; to collect
10 and analyze long-term data sets on the state's critical marine
11 habitats; to determine changes in populations and communities
12 of marine organisms and their impacts on the use of the
13 state's marine resources; to maintain reference collections of
14 scientific specimens and photographic archives of the state's
15 marine plants and animals; and to conduct scientific
16 conferences of relevance to the state's marine resources and
17 their management, utilization, and conservation.
18 (46) AQUACULTURE LICENSE PLATES.--
19 (a) The department shall develop an Aquaculture
20 license plate as provided in this section. Aquaculture license
21 plates must bear the colors and design approved by the
22 department. The word "Florida" must appear at the top of the
23 plate, and the word "Aquaculture" must appear at the bottom of
24 the plate.
25 (b) The annual use fees shall be distributed to the
26 Harbor Branch Oceanographic Institution, Inc. After
27 reimbursement for documented costs expended for establishing
28 the license plate, the Harbor Branch Oceanographic
29 Institution, Inc., shall use the remaining funds for
30 aquaculture research and education programs as follows:
31 1. Ten percent of the funds shall be distributed to

1 the Guy Harvey Research Foundation to conduct outreach and
2 education regarding aquaculture in the state.
3 2. Up to 15 percent of the funds may be used for
4 administrative costs directly associated with the Harbor
5 Branch Oceanographic Institution's aquaculture programs and
6 administrative costs associated with the Aquaculture license
7 plate.
8 3. Up to 10 percent of the funds may be used for
9 continuing promotion and marketing of the license plate.
10 4. The remaining funds shall be used to conduct
11 scientific research on environmentally responsible and
12 sustainable methods of farming freshwater and saltwater
13 organisms such as fish, shellfish, and crustaceans for food;
14 biomedical species for pharmaceutical and nutriceutical
15 compounds; and marine ornamentals for the aquarium trade.
16 These funds shall also be used to expand the institution's
17 educational programs that include secondary school field
18 experiences, college degree programs, and intensive courses in
19 order to further the objective of increasing aquaculture's
20 contribution to the state's economy.
21 (47) FAMILY FIRST LICENSE PLATES.--
22 (a) The department shall develop a Family First
23 license plate as provided in this section. The word "Florida"
24 must appear at the top of the plate, and the words "Family
25 First" must appear at the bottom of the plate.
26 (b) The annual use fees shall be distributed to Family
27 First to fund programs, projects, seminars, events, and family
28 resources that promote principles for building marriages,
29 guiding parents, and raising children. Family First shall
30 retain all revenues from the sale of the plate until its
31 startup costs for developing and establishing the plate have

been recovered. Up to 5 percent of the funds received by Family First may be expended for administrative costs directly associated with the operations of Family First. Up to 20 percent of the funds received by Family First may be expended for promoting and marketing the license plate. Family First may expend all remaining funds for programs.

(48) SPORTSMEN'S NATIONAL LAND TRUST LICENSE PLATES.--

(a) The department shall develop a Sportsmen's National Land Trust license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Sportsmen's National Land Trust" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to Sportsmen's National Land Trust to fund programs and projects, preserve open space and wildlife habitat, promote conservation, improve wildlife habitat, and establish open space for the perpetual use of the public.

(c) Sportsmen's National Land Trust may retain all revenues from the sale of the plate until all startup costs for developing and establishing the plate have been recovered. Up to 25 percent of the funds received by Sportsmen's National Land Trust may be expended for promotion, marketing, and administrative costs directly associated with operations of the Sportsmen's National Land Trust. Sportsmen's National Land Trust may expend all remaining funds for programs.

(49) LIVE THE DREAM LICENSE PLATES.--

(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Live the Dream" must appear at the

1 bottom of the plate.
2 (b) The proceeds of the annual use fee shall be
3 distributed to the Dream Foundation, Inc. The Dream
4 Foundation, Inc., shall retain the first $60,000 in proceeds
5 from the annual use fees as reimbursement for administrative
6 costs, startup costs, and costs incurred in the approval
7 process. Thereafter, up to 25 percent shall be used for
8 continuing promotion and marketing of the license plate and
9 concept. The remaining funds shall be used in the following
10 manner:
11 1. Twenty-five percent shall be distributed as grants
12 for programs that provide research, care, and treatment for
13 sickle cell disease.
14 2. Twenty-five percent shall be distributed to the
15 Florida chapter of the March of Dimes for programs and
16 services that improve the health of babies through the
17 prevention of birth defects and infant mortality.
18 3. Ten percent shall be distributed to the Florida
19 Association of Healthy Start Coalitions to decrease racial
20 disparity in infant mortality and to increase healthy birth
21 outcomes. Funding will be used by local Healthy Start
22 Coalitions to provide services and increase screening rates
23 for high-risk pregnant women, children under 4 years of age,
24 and women of childbearing age.
25 4. Ten percent shall be distributed to the Community
26 Partnership for Homeless, Inc., for programs that provide
27 relief from poverty, hunger, and homelessness.
28 5. Five percent of the proceeds shall be used by the
29 foundation for administrative costs directly associated with
30 operations as they relate to the management and distribution
31 of the proceeds.

1 (50) FLORIDA FOOD BANKS LICENSE PLATES.--
2 (a) The department shall develop a Florida Food Banks
3 license plate as provided in this section. The word "Florida"
4 must appear at the bottom of the plate, and the word "Imagine"
5 must appear at the top of the plate.
6 (b) The annual use fees shall be distributed to the
7 Florida Association of Food Banks, Inc., which may use up to
8 25 percent of the proceeds to market the association's concept
9 and the license plate. The balance of the proceeds shall be
10 used by the association to fund programs to end hunger in this
11 state.
12 (c) An advisory board, composed of a representative of
13 each member food bank of the Florida Association of Food
14 Banks, Inc., shall review the distribution of funds by the
15 association.
16 (51) DISCOVER FLORIDA'S OCEANS LICENSE PLATES.--
17 (a) The department shall develop a Discover Florida's
18 Oceans license plate as provided in this section. The word
19 "Florida" must appear at the top of the plate, and the words
20 "Discover Florida's Oceans" must appear at the bottom of the
21 plate.
22 (b) The annual use fees shall be distributed to the
23 Hubbs Florida Ocean Fund, Inc., which shall administer the
24 fees as follows:
25 1. Twenty percent of the funds shall be distributed to
26 the Wildlife Foundation of Florida, Inc., to be used for
27 ocean, estuarine, or coastal scientific research,
28 conservation, and education projects.
29 2. Up to 10 percent of the funds may be used for
30 administrative costs directly associated with research,
31 conservation, and education programs of the Hubbs-SeaWorld

1 Research Institute and with the license plate.
2 3. Up to 15 percent of the funds may be used for
3 continuing promotion and marketing of the license plate.
4 4. The remainder of the funds shall be used to
5 collect, analyze, archive, and publish scientific data
6 regarding the state's ocean, estuary, and coastal habitats and
7 the species that inhabit, use, or migrate in state waters or
8 along the state's coastal areas; to provide response, care,
9 assistance, and research as part of the Hubbs-SeaWorld
10 Research Institute's role in responding to and archiving data
11 on stranded marine species; to construct and maintain a marine
12 and coastal research center in association with the Archie
13 Carr National Wildlife Refuge on lands donated to the
14 Hubbs-SeaWorld Research Institute by the Richard King Mellon
15 Foundation; to train teachers and students to enhance
16 scientific literacy, research competency, and technology
17 development; to conduct ocean-space aquatic research and
18 scientific research focused on ocean observations from space;
19 to conduct research on economic benefits of the state's ocean,
20 estuary, and coastal resources and public use of those
21 resources; to create research and education programs that
22 contribute to the development of the state's knowledge and
23 diversify the economy; and to implement programs that seek
24 objective, common-sense, scientific solutions to the complex
25 marine and coastal ecological problems facing the state.
26 (52) FAMILY VALUES LICENSE PLATES.--
27 (a) The department shall develop a Family Values
28 license plate as provided in this section. Family Values
29 license plates must bear the colors and design approved by the
30 department. The words "Family Values" must appear at the top
31 of the plate, and the word "Florida" must appear at the bottom

1 of the plate.

2 (b) The annual use fees shall be distributed to

3 Sheridan House, Inc., to be used in the following manner:

4 1. Sheridan House, Inc., shall retain all revenues

5 from the sale of Family Values license plates until all

6 startup costs for developing and establishing the plates have

7 been recovered.

8 2. Up to 5 percent of the funds received by Sheridan

9 House, Inc., shall be expended for administrative costs

10 directly associated with the operations of Sheridan House,

11 Inc., and up to 20 percent of the funds received shall be

12 expended for promotion and marketing of the license plate.

13 3. All remaining funds shall be expended by Sheridan

14 House, Inc., to fund residential care programs, family

15 counseling, social services for single parents and their

16 children, resources materials, and facility construction.

17 (53) PARENTS MAKE A DIFFERENCE LICENSE PLATES.--

18 (a) The department shall develop a Parents Make A

19 Difference license plate as provided in this section. The

20 words "Parents Make A Difference" must appear at the top of

21 the plate, and the word "Florida" must appear at the bottom of

22 the plate.

23 (b) The annual use fees shall be distributed to The

24 Gathering/USA, Inc., to fund personal counseling for parents,

25 marriage seminars, Dads and Moms That Make A Difference

26 seminars, father-and-son retreats, mother-and-daughter

27 retreats, and personal parenting behavioral assessments. The

28 Gathering/USA, Inc., shall distribute the Parents Make A

29 Difference license plate annual use fees in the following

30 manner:

31 1. The Gathering/USA, Inc., shall retain all revenues

1 from the sale of such plates until all startup costs for
2 developing and establishing the plate have been recovered.
3 2. Up to 5 percent of the funds received by The
4 Gathering/USA, Inc., shall be expended for administrative
5 costs directly associated with the operations of The
6 Gathering/USA, Inc., and up to 20 percent of the funds
7 received shall be expended for promotion and marketing of the
8 license plate.
9 3. All remaining funds shall be expended by The
10 Gathering/USA, Inc., for programs.
11 (54) SUPPORT SOCCER LICENSE PLATES.--
12 (a) The department shall develop a Support Soccer
13 license plate as provided in this section. Support Soccer
14 license plates must bear the colors and design approved by the
15 department. The word "Florida" must appear at the top of the
16 plate, and the words "Support Soccer" must appear at the
17 bottom of the plate.
18 (b) The annual use fees shall be distributed to the
19 Lighthouse Soccer Foundation, Inc., which shall retain the
20 initial revenues from the sale of such plates until all
21 startup costs for developing and establishing the plate have
22 been recovered, not to exceed $85,000. Thereafter, the
23 proceeds of the annual use fee shall be used in the following
24 manner:
25 1. Up to 25 percent of the proceeds may be used by the
26 Lighthouse Soccer Foundation, Inc., for continuing promotion
27 and marketing of the license plate and concept.
28 2. Twenty percent shall be distributed to the Florida
29 Youth Soccer Association for programs and services that foster
30 the physical, mental, and emotional growth and development of
31 Florida's youth through the sport of soccer at all levels of

1 age and competition, including a portion to be determined by
2 the Florida Youth Soccer Association for the TOPSoccer program
3 to promote participation by the physically and mentally
4 disadvantaged.
5 3. Twenty percent shall be distributed as grants for
6 programs that promote participation by the economically
7 disadvantaged and to support soccer programs where none
8 previously existed.
9 4. Ten percent shall be distributed to the Florida
10 State Soccer Association to promote the sport of soccer and
11 the long-term development of the sport.
12 5. Ten percent shall be distributed as grants for
13 programs that promote and support the construction of fields
14 and soccer-specific infrastructure.
15 6. Ten percent shall be distributed as grants for
16 programs that foster and promote health, physical fitness, and
17 educational opportunities through soccer.
18 7. Five percent shall be expended by the Lighthouse
19 Soccer Foundation, Inc., for administrative costs directly
20 associated with the foundation's operations as they relate to
21 the management and distribution of the proceeds.
22 (55) KIDS DESERVE JUSTICE LICENSE PLATES.--
23 (a) The department shall develop a Kids Deserve
24 Justice license plate as provided in this section. The word
25 "Florida" must appear at the top of the plate, and the words
26 "Kids Deserve Justice" must appear at the bottom of the plate.
27 (b) The annual use fees shall be distributed to the
28 Florida Bar Foundation, Inc., which shall use the funds to
29 operate a grant award process to fund legal services programs
30 for children, including legal services programs, programs to
31 obtain federal benefits for disabled children, programs to

1 obtain testing and services required by law for
2 learning-disabled children, and programs to obtain permanent
3 placement for abused and neglected children. The foundation
4 may retain all proceeds until all costs for developing the
5 plate have been recovered.
6 Section 3. This act shall take effect July 1, 2004.
7
8
9 ========== T I T L E A M E N D M E N T ==========
10 And the title is amended as follows:
11 Delete everything before the enacting clause
12
13 and insert:
14 A bill to be entitled
15 An act relating to specialty license plates;
16 amending ss. 320.08056 and 320.08058, F.S.;
17 creating the Save Our Seas license plate;
18 creating the Aquaculture license plate;
19 creating a Family First license plate; creating
20 a Sportsmen's National Land Trust license
21 plate; creating the Live the Dream license
22 plate; creating a Florida Food Banks license
23 plate; creating a Discover Florida's Oceans
24 license plate; creating the Family Values
25 license plate; creating the Parents Make A
26 Difference license plate; creating the Support
27 Soccer license plate; creating a Kids Deserve
28 Justice license plate; providing for the
29 distribution of annual use fees received from
30 the sale of such plates; providing an effective
31 date.