

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

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

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

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

565940	A	S	RCS	BGA, Hays	btw L.51 - 52:	02/02 10:27 AM
627710	A	S	RCS	BGA, Hays	btw L.145 - 146:	02/02 10:27 AM

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

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

562764	A	S	RCS	BGA, Diaz de la Portilla	Delete L.88 - 89:	03/02 03:50 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
BUDGET SUBCOMMITTEE ON GENERAL GOVERNMENT
APPROPRIATIONS
Senator Hays, Chair
Senator Benacquisto, Vice Chair

MEETING DATE: Thursday, February 2, 2012

TIME: 8:00 —9:45 a.m.

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

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Review and Discussion of Fiscal Year 2012-2013 Budget Issues:		Not Considered
	Dept. of Agriculture and Consumer Services Dept. of Business and Professional Regulation Dept. of Citrus Dept. of Environmental Protection Dept. of Financial Services Office of Financial Regulation Office of Insurance Regulation Dept. of Lottery		
	Dept. of Management Services Division of Administrative Hearings Human Relations Commission Northwood Shared Resource Center Public Employees Relations Commission Southwood Shared Resource Center Public Service Commission Fish and Wildlife Conservation Commission Dept. of Revenue		
2	SB 724 Diaz de la Portilla (Identical H 989)	Domestic Wastewater Discharged Through Ocean Outfalls; Postponing the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements; providing exceptions; providing that certain utilities that shared a common ocean outfall on a specified date are individually responsible for meeting the reuse requirement; authorizing those utilities to enter into binding agreements to share or transfer responsibility for meeting reuse requirements; revising provisions authorizing the backup discharge of domestic wastewater through ocean outfalls; requiring the Department of Environmental Protection, the South Florida Water Management District, and affected utilities to consider certain information for the purpose of adjusting reuse requirements, etc. EP 01/09/2012 Favorable CA 01/23/2012 Favorable BGA 02/02/2012 Favorable BC	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Budget Subcommittee on General Government Appropriations
Thursday, February 2, 2012, 8:00 —9:45 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 1090 Richter (Identical CS/H 483)	Uniform Commercial Code; Revising and providing provisions of the Uniform Commercial Code relating to secured transactions to conform to the revised Article 9 of the Uniform Commercial Code as prepared by the National Conference of Commissioners on Uniform State Laws; revising provisions relating to control of electronic chattel paper; providing rules that apply to certain collateral to which a security interest attaches; providing rules relating to certain financing statements; revising when a record of a mortgage satisfying the requirements of ch. 697, F.S., is effective as a filing statement; creating part VIII of ch. 679, F.S., relating to transition from prior law under the chapter to law under the chapter as amended by the act, etc. CM 01/19/2012 Favorable BI 01/26/2012 Favorable BGA 02/02/2012 Favorable BC	Favorable Yeas 5 Nays 0
4	SB 1112 Altman (Identical H 4103)	Certification of Minority Business Enterprises; Deleting provisions establishing the Minority Business Certification Task Force, requiring that criteria for the certification of minority business enterprises be approved by the task force, and authorizing the task force to amend the statewide and interlocal agreement for the certification of minority business enterprises, etc. CM 01/26/2012 Favorable BGA 02/02/2012 Favorable BC	Favorable Yeas 5 Nays 0
5	SB 1132 Hays (Compare H 1197)	Beekeeping; Revising definitions relating to the Florida Right to Farm Act to include beekeeping; revising the definition of the term "apiary" and adding a definition for the term "apiculture"; providing that authority to regulate honeybee colonies is preempted to the state, etc. AG 01/23/2012 Favorable BGA 02/02/2012 Fav/CS BC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Budget Subcommittee on General Government Appropriations
Thursday, February 2, 2012, 8:00 —9:45 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1152 Richter (Identical H 4087)	Repeal of a Workers' Compensation Independent Actuarial Peer Review Requirement; Repealing provisions relating to the duty of the Financial Services Commission to contract for a periodic report regarding an actuarial peer review and analysis of the ratemaking process of any licensed rating organization that makes rate filings for workers' compensation insurance, etc. BI 01/19/2012 Not Considered BI 01/26/2012 Favorable BGA 02/02/2012 Favorable BC	Favorable Yeas 5 Nays 0
7	SB 1354 Detert (Identical H 7003)	Environmental Resource Permitting; Requiring the Department of Environmental Protection, in coordination with the water management districts, to adopt statewide environmental resource permitting rules for activities relating to the management and storage of surface waters; preserving an exemption from causes of action under the "Bert J. Harris, Jr., Private Property Rights Protection Act"; requiring counties, municipalities, and delegated local programs to amend ordinances and regulations within a specified timeframe to conform with the rules; providing a presumption of compliance for specified design, construction, operation, and maintenance of certain stormwater management systems; providing exemptions for specified stormwater management systems and permitted activities, etc. EP 01/24/2012 Favorable BGA 02/02/2012 Fav/CS BC	Fav/CS Yeas 5 Nays 0
8	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: SB 724

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Domestic Wastewater Discharged Through Ocean Outfalls

DATE: January 30, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Uchino	Yeatman	EP	Favorable
2.	Uchino	Yeatman	CA	Favorable
3.	Pigott	DeLoach	BGA	Favorable
4.				
5.				
6.				

I. Summary:

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

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

II. Present Situation:

Eliminating Ocean Outfalls and Reuse Requirements

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

¹ Florida Dep't of Environmental Protection, *Implementation of Chapter 2008-232, Laws of Florida Domestic Wastewater Ocean Outfalls* (June 2010), available at <http://www.dep.state.fl.us/water/wastewater/dobill/ocean-outfall-2010.pdf> (last visited 12/16/2011).

of Boynton Beach and Delray Beach largely ceased discharges in early 2009.² Exceptions for this facility are allowed to handle peak wet weather flows, during integrity testing of deep well injection and for emergencies.

Chapter 2008-232, Laws of Florida, prohibits construction of new ocean outfalls and requires that all six ocean outfalls in Florida cease discharging wastewater by December 31, 2025. In addition, wastewater facilities that discharged wastewater through an ocean outfall on July 1, 2008, are required to install a reuse system no later than December 31, 2025. The reuse systems must be capable of providing a minimum of 60 percent of the wastewater facilities actual annual flow for beneficial reuse. The actual annual flow is calculated using the annual average flow through a wastewater facility's ocean outfall from 2003 through 2007.³

Wastewater facilities operating ocean outfalls may receive a significant portion of their annual average flow from other wastewater facilities located outside their direct service areas. SB 550, passed during the 2010 Regular Session,⁴ addressed the possibility of certain facilities not being able to comply with the 60 percent reuse requirement of s. 403.086(9)(c), F.S. The potential existed that flow received from outside their service areas could be diverted to other wastewater facilities that do not discharge through ocean outfalls and, therefore, diverting facilities would not have to comply with the 60 percent beneficial reuse requirement for ocean outfalls. In addition, current law requires discharges of wastewater through ocean outfalls after December 31, 2018, must meet advanced wastewater treatment (AWT) standards or equivalent processes.⁵

Implementation Issues

The first progress report from the DEP was presented to the Governor, President of the Florida Senate and Speaker of the Florida House of Representatives in June 2010.⁶ Although there is general understanding of the existing requirements, some confusion remains about what current and future reuse projects count towards the 60 percent reuse threshold. The DEP reports:

The City of Hollywood and Broward County Office of Environmental Services assumed that reuse projects that were in use during 2003 through 2007 can be applied to the 60 percent reuse requirement. The department has informed all ocean outfall permit holders that such existing reuse projects do not count toward meeting the reuse requirement.⁷

In addition, the Miami-Dade Water and Sewer Department is planning to divert flows from its two ocean outfalls to other facilities to support reuse projects located near those sites.⁸ The DEP has had discussions with utilities personnel that s. 403.086(9)(c), F.S., does not allow existing

² Christine Stapleton, *Delray Beach to stop dumping wastewater in ocean*, The Palm Beach Post, Mar. 31, 2009, available at http://www.palmbeachpost.com/localnews/content/local_news/epaper/2009/03/31/0331_delrayoutfall.html (last visited 12/16/2011).

³ Section 403.086(9)(c), F.S.

⁴ Ch. 2010-205, s. 38, Laws of Fla.

⁵ Section 403.086(9)(b), F.S.

⁶ *Supra* note 2.

⁷ *See supra* note 2, at 17.

⁸ *See supra* note 2, at 18.

reuse projects to count towards meeting the 60 percent reuse requirement, “since one of the primary goals of the Act is to beneficially reuse wastewater flows that are discharged through the outfalls and, therefore, increase the amount of new reuse in Southeast Florida.”⁹

III. Effect of Proposed Changes:

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

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

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

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

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

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

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

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

⁹ See *supra* note 2, at 3.

Finally, the bill requires the DEP, the SFWMD and affected utilities to evaluate the detailed plans and recommend to the Legislature adjustments, if necessary, to the reuse requirements in this bill. The report is due to the Legislature by February 2015.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

In addition, the two-year extension may allow for more favorable economic conditions and bond markets to develop. However, any benefits and risks of this potential are too remote to calculate.

The bill requires the DEP to submit a report to the Legislature by February 15, 2015, containing recommendations for any necessary changes to the reuse requirements. The DEP has indicated this will not have a fiscal impact on the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By Senator Diaz de la Portilla

36-00007A-12

2012724__

A bill to be entitled

An act relating to domestic wastewater discharged through ocean outfalls; amending s. 403.086, F.S.; postponing the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements; providing exceptions; revising the definition of the term "functioning reuse system"; changing the term "facility's actual flow on an annual basis" to "baseline flow"; revising plan requirements for the elimination of ocean outfalls; providing that certain utilities that shared a common ocean outfall on a specified date are individually responsible for meeting the reuse requirement; authorizing those utilities to enter into binding agreements to share or transfer responsibility for meeting reuse requirements; revising provisions authorizing the backup discharge of domestic wastewater through ocean outfalls; requiring a holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall to submit certain information; requiring the Department of Environmental Protection, the South Florida Water Management District, and affected utilities to consider certain information for the purpose of adjusting reuse requirements; requiring the department to submit a report to the Legislature; providing an effective date.

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

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

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Section 1. Subsection (9) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

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

(a) The construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls for this purpose, along with associated pumping and piping systems, are prohibited. Each domestic wastewater ocean outfall shall be limited to the discharge capacity specified in the department permit authorizing the outfall in effect on July 1, 2008, which discharge capacity shall not be increased. Maintenance of existing, department-authorized domestic wastewater ocean outfalls and associated pumping and piping systems is allowed, subject to the requirements of this section. The department is directed to work with the United States Environmental Protection Agency to ensure that the requirements of this subsection are implemented consistently for all domestic

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wastewater facilities in Florida which discharge through ocean outfalls.

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

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operational reuse system comprising 100 percent of the facility's annual average daily flow for reuse activities authorized by the department.

(c) 1. Each ~~utility that had a permit for a~~ domestic wastewater facility that ~~discharged~~ discharges through an ocean outfall on July 1, 2008, ~~must shall~~ install a functioning reuse system by ~~no later than~~ December 31, 2025. For purposes of this subsection, a "functioning reuse system" means an environmentally, economically, and technically feasible system that provides a minimum of 60 percent of a the facility's baseline actual flow or, for utilities operating more than one facility, 60 percent of the utility's entire wastewater system flow on an annual basis on December 31, 2025. Reuse may be on an ~~annual basis~~ for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the department. For purposes of this subsection, the term "baseline flow" ~~"facility's actual flow on an annual basis"~~ means the annual average flow of domestic wastewater discharging through the facility's ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.

2. Flows diverted from facilities to other facilities that provide 100 percent reuse of the diverted flows ~~before prior to~~ December 31, 2025, are ~~shall be~~ considered to contribute to meeting the ~~60-percent~~ reuse requirement. For utilities operating more than one outfall, the reuse requirement may ~~can~~ be apportioned between the ~~met if the combined actual reuse flows from~~ facilities served by the outfalls is at least 60

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percent of the sum of the total actual flows from the facilities, including flows diverted to other facilities for 100 percent reuse ~~before~~ prior to December 31, 2025. Utilities that shared a common ocean outfall for the discharge of domestic wastewater on July 1, 2008, regardless of which utility operates the ocean outfall, are individually responsible for meeting the reuse requirement and may enter into binding agreements to share or transfer such responsibility among the utilities. If in the event treatment in addition to the advanced wastewater treatment and management requirements described in paragraph (b) is needed ~~in order~~ to support a functioning reuse system, the such treatment ~~must~~ shall be fully operational ~~by no later than~~ December 31, 2025.

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

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limitations, the peak flow backup discharges shall be deemed to meet the advanced wastewater treatment and management requirements of this subsection.

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

1. A detailed plan to meet the requirements of this subsection, including the identification of the technical, environmental, and economic feasibility of various reuse options; the an identification of all land acquisition and facilities necessary to provide for reuse of the domestic wastewater; an analysis of the costs to meet the requirements, including the level of treatment necessary to satisfy state water quality requirements and local water quality considerations and a cost comparison of reuse using flows from ocean outfalls and flows from other domestic wastewater sources; and a financing plan for meeting the requirements, including identifying any actions necessary to implement the financing plan, such as bond issuance or other borrowing, assessments, rate increases, fees, other charges, or other financing mechanisms. The plan must evaluate reuse demand in the context of future regional water supply demands, the availability of traditional water supplies, the need for development of alternative water supplies, the degree to which various reuse options offset potable water supplies, and other factors considered in the South Florida Water Management District's Lower East Coast Regional Water Supply Plan. The plan ~~must~~ shall include a detailed schedule for the completion of all necessary

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actions and ~~shall~~ be accompanied by supporting data and other documentation. The plan ~~must~~ shall be submitted by October 1, 2014 no later than July 1, 2013.

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

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

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

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potable water offsets achieved, and identify any obstacles to continued progress, including all instances of substantial noncompliance.

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

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

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

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

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233 to the requirements of this subsection.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2.2.12

Meeting Date

Topic Domestic Water Discharge

Bill Number SB 724
(if applicable)

Name Angela Pico

Amendment Barcode _____
(if applicable)

Job Title Legislative Assistant

Address 21dB Centennial Pl
Tallahassee FL 32308
City State Zip

Phone 850-222-0720

E-mail apico@lawfla.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Diving Equipment & Marketing Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2.2.12

Meeting Date

Topic Domestic Wastewater Discharge Bill Number SB 724
Name Bob Harris Alan Cottrell (if applicable)
Amendment Barcode _____ (if applicable)

Job Title _____

Address 2108 Centennial Pl Phone 222-0720
Tallahassee FL 32308 E-mail bharris@lawfla.com
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Representing Diving Equipment & Marketing Assoc

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic Domestic Wastewater

Bill Number 724

(if applicable)

Name Ryan Matthews

Amendment Barcode

(if applicable)

Job Title Leg. Advocate

Address PO Box 1757

Phone 880 222 9684

Street

Tallahassee

FL

32302

City

State

Zip

E-mail rmatthews@flcities.com

Speaking: ☒ For ☐ Against ☐ Information

Representing FL League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic _____

Bill Number 724
(if applicable)

Name Susan Harbin

Amendment Barcode _____
(if applicable)

Job Title Leg Coordinator

Address 115 S. Andrews Ave
Street

Phone 954-599-8088

Ft. Lauderdale, FL 33301
City State Zip

E-mail sharbin@broward.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Broward County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic OCEAN OUTRAUS

Bill Number 724
(if applicable)

Name STEPHEN M. JAMES

Amendment Barcode _____
(if applicable)

Job Title _____

Address 100 S. MONROE
Street

Phone 922-4300

TALLAHASSEE, FL
City State Zip

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing FLA. ASSOC. OF COUNTIES

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-12

Meeting Date

Topic Ocean outfalls

Bill Number 724
(if applicable)

Name Lee Kithinger

Amendment Barcode _____
(if applicable)

Job Title _____

Address 324 E. Virginia St
Street

Phone 850-322-8907

Tallahassee FL 32301
City State Zip

E-mail lee@anfieldflorida.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida AWWA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb 22 2012

Meeting Date

Topic Ocean Outfalls

Bill Number 724
(if applicable)

Name Edgar Fernandez

Amendment Barcode _____
(if applicable)

Job Title Governmental Affairs

Address 3071 SW 38 Ave
Street

Phone 786 255 5755

Miami FL 33146
City State Zip

E-mail ef@miamidade.gov

Speaking: ☒ For ☐ Against ☐ Information

Representing MIAMI DADE WATER & SEWER

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: SB 1090

INTRODUCER: Senator Richter

SUBJECT: Uniform Commercial Code

DATE: January 30, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Juliachs	Hrdlicka	CM	Favorable
2.	Matiyow	Burgess	BI	Favorable
3.	Betta	DeLoach	BGA	Favorable
4.				
5.				
6.				

I. Summary:

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

This bill amends the following sections: 679.1021, 679.1051, 679.3071, 679.3111, 679.3161, 679.3171, 679.326, 679.4061, 679.4081, 679.5021, 679.5031, 679.5071, 679.515, 679.516, 679.518, 679.607, 680.1031, F.S.

This bill creates: part VIII of ch. 679, F.S. consisting of ss. 679.801, 679.802, 679.803, 679.804, 679.805, 679.806, 679.807. and 679.808, F.S.

II. Present Situation:

Background

The Uniform Commercial Code (UCC) is a set of uniform laws regulating various business transactions and trade. The drafts of the code are developed by the Uniform Law Commissioners (ULC), who are members of the National Conference of Commissioners on Uniform State Laws, a group of scholars and business representatives. "Conference members must be lawyers, qualified to practice law. They are practicing lawyers, judges, legislators and legislative staff and

law professors, who have been appointed by state governments, as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.”¹ The term “uniform” refers to how the separate states of the Union have separately enacted the various parts of the Uniform Commercial Code in laws that are uniform to one another.

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

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

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

Issues Concerning Filing

Identifying the Debtor

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

¹ Information provided at: <http://www.nccusl.org/Update/DesktopDefault.aspx?tabindex=0&tabid=9> (last visited January 17, 2012).

² 2008 *Commission Annual Report*, p.10, available online: http://www.nccusl.org/nccusl/docs/AnnReport_08_web.pdf (last visited January 17, 2012).

³ 2009 *Annual Report of the Florida Commissioners to the National Conference on Uniform State Laws*, (January 2010) (report prepared by the Office of Legislative Services for submission to the Governor and both houses of the Legislature through their respective presiding officers.).

⁴ Black’s Law Dictionary (9th ed. 2009).

⁵ Article is codified in Florida law in ch. 679, F.S. It was adopted in 2001 by ch. 2001-198 L.O.F.

⁶ Information provided at: <http://www.nccusl.org/Act.aspx?title=UCC Article 9 Amendments> (last visited January 17, 2012) (pending legislation in Washington D.C., Kentucky, Massachusetts, Oklahoma, and Puerto Rico).

⁷ See *Matter of Glasco, Inc.*, 642 F.2d 793, 795 (5th Cir. 1981).

⁸ Black’s Law Dictionary (9th ed. 2009).

therefore, an individual looking for a specific financing statement will search for it under the debtor's name.

Section 679.5031(1), F.S., explains what constitutes the debtor's name for purposes of a financing statement where the debtor is a registered organization,⁹ a decedent's estate, or a trust or trustee acting with regard to property held in trust. Under current law, a financing statement sufficiently provides the name of a debtor that is a registered organization if it provides the name as indicated on the public record of the jurisdiction where the debtor organized. If the debtor is a decedent's estate, the financing statement must provide the decedent's name and indicate that the debtor is an estate. If the debtor is a trust or trustee acting with regard to property held in trust, the financing statement must:

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

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

Claim Concerning Inaccurate or Wrongfully Filed Record

Current law authorizes the debtor to file a correction statement: a claim that a financing statement filed against it was in fact unauthorized.¹⁰ While this filing has no legal effect on the underlying claim, it does put in the public record the debtor's claim that the financing statement was wrongfully filed.

Perfection of Security Interests

"Perfection of a security interest gives constructive notice to the world of the claim or interest of the one asserting it."¹¹ Article 9 provides guidelines for the continued perfection of security interests that have been perfected according to the law of another jurisdiction.¹² Generally, a security interest perfected according to another jurisdiction's or state's law is not automatically "unperfected." Current law provides that a security interest perfected by filing continues for 4 months after the jurisdiction in which the debtor is located changes. However, this temporary period of perfection applies only with respect to collateral owned by the debtor at the time of the change. Even if the security interest attaches to after-acquired collateral, there is currently no perfection with respect to such new collateral, unless and until the secured party perfects pursuant to the law of the new jurisdiction.

⁹ Current law provides that a registered organization is "an organization organized solely under the law of a single state or the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized." See. S. 679.1021(1)(qqq), F.S.

¹⁰ Section 679.518, F.S.

¹¹ *Bay Co. Sheriff's Office v. Tyndall Fed. Credit Union*, 738 So. 2d 456, 458 (Fla. 1st DCA 1999).

¹² Section 679.3161, F.S.

Control of Electronic Chattel Paper

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

III. Effect of Proposed Changes:

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

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

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

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

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

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

¹³ Section 679.1021(1)(k), F.S.

¹⁴ Section 679.1021(1)(ee), F.S.

¹⁵ See s. 679.1051, F.S.

Section 3 amends s. 679.3071, F.S., to specify that an organization may designate its state of location by designating its main office, home office, or other comparable office.

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

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

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

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

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

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

Section 7 amends s. 679.326, F.S., to provide that a security interest that is created by a new debtor in collateral for which the new debtor has or acquires rights and is perfected by a filed financing statement that would be ineffective to perfect the security interest but for the

application of some other specified statute found in this chapter is subordinate to a security interest in the same collateral that is perfected other than by such a filed financing statement.

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

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

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

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

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

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

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

persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

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

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

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

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

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

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

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

Section 16 amends s. 679.607, F.S., to specify that a secured party’s sworn affidavit in recordable form stating that a default has occurred with respect to the obligation secured by the

mortgage, among other things, is required in order to enforce a mortgage nonjudicially outside this state.

Section 17 creates Part VIII of ch. 679, F.S., consisting of ss. 679.801, 679.802, 679.803, 679.804, 679.805, 679.806, 679.807. and 679.808, F.S.

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

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

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

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

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

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

The filing of a continuation statement on or after July 1, 2013, does not continue the effectiveness of the financing statement filed before July 1, 2013. However, on the timely filing of a continuation statement on or after July 1, 2013, and in accordance with the law of the

jurisdiction governing perfection, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2013, continues for the period provided by the law of that jurisdiction.

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

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

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

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

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

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

that satisfies s. 679.805(3), F.S., or an initial financing statement that provides the information as amended and satisfies s. 679.805(3), F.S., is filed in the office.

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

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

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

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.

By Senator Richter

37-00774A-12

20121090__

1 A bill to be entitled
 2 An act relating to the Uniform Commercial Code;
 3 revising and providing provisions of the Uniform
 4 Commercial Code relating to secured transactions to
 5 conform to the revised Article 9 of the Uniform
 6 Commercial Code as prepared by the National Conference
 7 of Commissioners on Uniform State Laws; amending s.
 8 679.1021, F.S.; revising and providing definitions;
 9 amending s. 679.1051, F.S.; revising provisions
 10 relating to control of electronic chattel paper;
 11 amending s. 679.3071, F.S.; revising provisions
 12 relating to the location of debtors; amending s.
 13 679.3111, F.S.; making editorial changes; amending s.
 14 679.3161, F.S.; providing rules that apply to certain
 15 collateral to which a security interest attaches;
 16 providing rules relating to certain financing
 17 statements; amending s. 679.3171, F.S.; revising
 18 provisions relating to interests that take priority
 19 over or take free of a security interest or
 20 agricultural lien; amending s. 679.326, F.S.; revising
 21 priority of security interests created by a new
 22 debtor; amending ss. 679.4061 and 679.4081, F.S.;
 23 revising application; amending s. 679.5021, F.S.;
 24 revising when a record of a mortgage satisfying the
 25 requirements of ch. 697, F.S., is effective as a
 26 filing statement; amending s. 679.5031, F.S.; revising
 27 when a financing statement sufficiently provides the
 28 name of the debtor; amending s. 679.5071, F.S.;
 29 revising the effect of certain events on the

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

37-00774A-12

20121090__

30 effectiveness of a financing statement; amending s.
 31 679.515, F.S.; revising the duration and effectiveness
 32 of a financing statement; amending s. 679.516, F.S.;
 33 revising instances when filing does not occur with
 34 respect to a record that a filing office refuses to
 35 accept; amending s. 679.518, F.S.; revising
 36 requirements for claims concerning an inaccurate or
 37 wrongfully filed record; amending s. 679.607, F.S.;
 38 revising recording requirements for the enforcement of
 39 mortgages nonjudicially outside this state; creating
 40 part VIII of ch. 679, F.S., relating to transition
 41 from prior law under the chapter to law under the
 42 chapter as amended by the act; creating s. 679.801,
 43 F.S.; providing scope of application and limitations;
 44 creating s. 679.802, F.S.; providing that security
 45 interests perfected under prior law that also satisfy
 46 the requirements for perfection under the act remain
 47 effective; creating s. 679.803, F.S.; providing that
 48 security interests unperfected under prior law but
 49 that satisfy the requirements for perfection under
 50 this act will become effective July 1, 2013; creating
 51 s. 679.804, F.S.; providing when financing statements
 52 effective under prior law in a different jurisdiction
 53 remain effective; creating s. 679.805, F.S.; requiring
 54 the recording of a financing statement in lieu of a
 55 continuation statement under certain conditions;
 56 providing for the continuation of the effectiveness of
 57 a financing statement filed before the effective date
 58 of the act under certain conditions; creating s.

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

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679.806, F.S.; providing requirements for the amendment of financing statements filed before the effective date of the act; providing requirements for financing statements prior to amendment; creating s. 679.807, F.S.; providing person entitled to file initial financing statement or continuation statement; creating s. 679.808, F.S.; providing priority of conflicting claims to collateral; amending s. 680.1031, F.S.; conforming a cross-reference; providing a directive to the Division of Statutory Revision; providing an effective date.

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

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

679.1021 Definitions and index of definitions.—

(1) In this chapter, the term:

(g) "Authenticate" means:

1. To sign; or

2. ~~To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part,~~ With the present intent ~~of the authenticating person to identify the person and~~ adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.

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

(xx) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(ooo) "Public organic record" means a record that is available to the public for inspection and that is:

1. A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States that amends or restates the initial record;

2. An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state that amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

3. A record consisting of legislation enacted by the Legislature of a state or the Congress of the United States that forms or organizes an organization, any record amending the

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legislation, and any record filed with or issued by the state or the United States that amends or restates the name of the organization.

~~(rrr)(ggg)~~ "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by and as to which the state or the United States ~~must maintain a public record showing the organization to have been organized. The term includes a business trust that is~~ formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

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

679.1051 Control of electronic chattel paper.—

(1) A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

(2) A system satisfies subsection (1), and a secured party has control of electronic chattel paper, if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

(a)(1) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in paragraphs (d), (e), and (f) subsections (4), (5), and (6), unalterable;

(b)(2) The authoritative copy identifies the secured party

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as the assignee of the record or records;

~~(c)(3)~~ The authoritative copy is communicated to and maintained by the secured party or its designated custodian;

~~(d)(4)~~ Copies or ~~amendments~~ revisions that add or change an identified assignee of the authoritative copy can be made only with the consent ~~participation~~ of the secured party;

~~(e)(5)~~ Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

~~(f)(6)~~ Any amendment ~~revision~~ of the authoritative copy is readily identifiable as ~~an~~ authorized or unauthorized ~~revision~~.

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

679.3071 Location of debtor.—

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

(a) In the state that the law of the United States designates, if the law designates a state of location;

(b) In the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location, including by designating its main office, home office, or other comparable office; or

(c) In the District of Columbia, if neither paragraph (a) nor paragraph (b) applies.

Section 4. Paragraph (c) of subsection (1) of section

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679.3111, Florida Statutes, is amended to read:

679.3111 Perfection of security interests in property subject to certain statutes, regulations, and treaties.—

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

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

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

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

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

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

(b) If a security interest that is perfected by a financing statement that is effective under paragraph (a) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become

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

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

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

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

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Section 6. Subsections (2) and (4) of section 679.3171, Florida Statutes, are amended to read:

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

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

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

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

679.326 Priority of security interests created by new debtor.—

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

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subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement ~~that is effective solely under s. 679.508.~~

(2) The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements described in subsection (1) ~~that are effective solely under s. 679.508.~~ However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

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

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

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

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

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

(2) Subsection (1) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or

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promissory note, other than a sale pursuant to a disposition
under s. 679.610 or an acceptance of collateral under s.
679.620.

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

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

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

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

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

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

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

2. The record of a mortgage sufficiently provides the name
of a debtor who is an individual if it provides the individual
name of the debtor or the surname and first personal name of the
debtor, even if the debtor is an individual to whom s.

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679.5031(1) (d) or (e) applies; and

(d) The record of a mortgage is recorded as required by
chapter 697.

Section 11. Subsections (1) and (2) of section 679.5031,
Florida Statutes, are amended, and subsections (6), (7), and (8)
are added to that section, to read:

679.5031 Name of debtor and secured party.—

(1) A financing statement sufficiently provides the name of
the debtor:

(a) Except as otherwise provided in paragraph (c), if the
debtor is a registered organization or the collateral is held in
a trust that is a registered organization, only if the financing
statement provides the name that is stated to be the registered
organization's name of the debtor indicated on the public
organic record most recently filed with or issued or enacted by
of the registered organization's debtor's jurisdiction of
organization that purports to state, amend, or restate the
registered organization's name which shows the debtor to have
been organized;

(b) Subject to subsection (6), if the collateral is being
administered by the personal representative of a decedent debtor
is a decedent's estate, only if the financing statement
provides, as the name of the debtor, the name of the decedent
and, in a separate part of the financing statement, indicates
that the collateral is being administered by a personal
representative debtor is an estate;

(c) If the collateral debtor is held in a trust that is not
a registered organization or a trustee acting with respect to
property held in trust, only if the financing statement:

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349 1. Provides, as the name of the debtor:
 350 a. If the organic record of the trust specifies a name, if
 351 any, specified for the trust, the in its organic documents or,
 352 if no name so is specified; or
 353 b. If the organic record of the trust does not specify a
 354 name for the trust, provides the name of the settlor or testator
 355 and additional information sufficient to distinguish a debtor
 356 from other trusts having one or more of the same settlors; and
 357 2. In a separate part of the financing statement:
 358 a. If the name is provided in accordance with sub-
 359 paragraph 1.a., indicates, in the debtor's name or otherwise,
 360 that the collateral debtor is held in a trust or is a trustee
 361 acting with respect to property held in trust; or
 362 b. If the name is provided in accordance with sub-
 363 paragraph 1.b., provides additional information sufficient to
 364 distinguish the trust from other trusts having one or more of
 365 the same settlors or the same testator and indicates that the
 366 collateral is held in a trust, unless the additional information
 367 so indicates;
 368 (d) Subject to subsection (7), if the debtor is an
 369 individual to whom this state has issued a driver license that
 370 has not expired or to whom the agency of this state that issues
 371 driver licenses has issued, in lieu of a driver license, a
 372 personal identification card that has not expired, only if the
 373 financing statement provides the name of the individual that is
 374 indicated on the driver license or personal identification card;
 375 (e) If the debtor is an individual to whom paragraph (d)
 376 does not apply, only if the financing statement provides the
 377 individual name of the debtor or the surname and first personal

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378 name of the debtor; and
 379 (f)(d) In other cases:
 380 1. If the debtor has a name, only if it provides the
 381 ~~individual or~~ organizational name of the debtor; and
 382 2. If the debtor does not have a name, only if it provides
 383 the names of the partners, members, associates, or other persons
 384 comprising the debtor, in a manner that each name provided would
 385 be sufficient if the person named were the debtor.
 386 (2) A financing statement that provides the name of the
 387 debtor in accordance with subsection (1) is not rendered
 388 ineffective by the absence of:
 389 (a) A trade name or other name of the debtor; or
 390 (b) Unless required under subparagraph (1)(f)2. (1)(d)2.,
 391 names of partners, members, associates, or other persons
 392 comprising the debtor.
 393 (6) The name of the decedent indicated on the order
 394 appointing the personal representative of the decedent issued by
 395 the court having jurisdiction over the collateral is sufficient
 396 as the name of the decedent under paragraph (1)(b).
 397 (7) If this state has issued to an individual more than one
 398 driver license or, if none, more than one identification card,
 399 of a kind described in paragraph (1)(d), the driver license or
 400 identification card, as applicable, that was issued most
 401 recently is the one to which paragraph (1)(d) refers.
 402 (8) As used in this section, the term "name of the settlor
 403 or testator" means:
 404 (a) If the settlor is a registered organization, the name
 405 of the registered organization indicated on the public organic
 406 record filed with or issued or enacted by the registered

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organization's jurisdiction of organization; or

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

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

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

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

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

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

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

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

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

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Section 14. Subsection (2) of section 679.516, Florida Statutes, is amended to read:

679.516 What constitutes filing; effectiveness of filing.—

(2) Filing does not occur with respect to a record that a filing office refuses to accept because:

(a) The record is not communicated by a method or medium of communication authorized by the filing office;

(b) An amount equal to or greater than the applicable processing fee is not tendered;

(c) The filing office is unable to index the record because:

1. In the case of an initial financing statement, the record does not provide an organization's name or, if an individual, the individual's last name and first name;

2. In the case of an amendment or information ~~correction~~ statement, the record:

a. Does not correctly identify the initial financing statement as required by s. 679.512 or s. 679.518, as applicable; or

b. Identifies an initial financing statement the effectiveness of which has lapsed under s. 679.515;

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

4. In the case of a record filed or recorded in the filing

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office described in s. 679.5011(1)(a), the record does not provide a sufficient description of the real property to which it relates;

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

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

1. Provide a mailing address for the debtor; or
2. Indicate whether the name provided as the name of the debtor is the name of an individual or an organization; ~~or~~
3. ~~If the financing statement indicates that the debtor is an organization, provide:~~
 - a. ~~A type of organization for the debtor;~~
 - b. ~~A jurisdiction of organization for the debtor; or~~
 - c. ~~An organizational identification number for the debtor~~
- ~~or indicate that the debtor has none;~~

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

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

(h) In the case of an initial financing statement or an

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amendment, which amendment requires the inclusion of a collateral statement but the record does not provide any, the record does not provide a statement of collateral; or

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

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

679.518 Claim concerning inaccurate or wrongfully filed record.—

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

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

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

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

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

(3) A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing

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 statement to which the record relates and believes that the
 person that filed the record was not entitled to do so under s.
 679.509(3).

(4) An information statement under subsection (3) must:

(a) Identify the record to which it relates by file number
 assigned to the initial financing statement to which the record
 relates;

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

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

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

Section 16. Subsection (2) of section 679.607, Florida
 Statutes, is amended to read:

679.607 Collection and enforcement by secured party.—

(2) If necessary to enable a secured party to exercise
 under paragraph (1)(c) the right of a debtor to enforce a
 mortgage nonjudicially outside this state, the secured party may
 record in the office in which a record of the mortgage is
 recorded:

(a) A copy of the security agreement that creates or
 provides for a security interest in the obligation secured by
 the mortgage; and

(b) The secured party's sworn affidavit in recordable form
 stating that:

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1. A default has occurred with respect to the obligation
 secured by the mortgage; and

2. The secured party is entitled to enforce the mortgage
 nonjudicially outside this state.

Section 17. Part VIII of chapter 679, Florida Statutes,
 consisting of sections 679.801, 679.802, 679.803, 679.804,
 679.805, 679.806, 679.807, and 679.808, Florida Statutes, is
 created to read:

679.801 Saving clause.—

(1) Except as otherwise provided in this part, this part
 applies to a transaction or lien within its scope, even if the
 transaction or lien was entered into or created before July 1,
 2013.

(2) The amendments to this chapter by this act do not
 affect an action, case, or proceeding commenced before July 1,
 2013.

679.802 Security interest perfected before effective date.—

(1) A security interest that is a perfected security
 interest immediately before July 1, 2013, is a perfected
 security interest under this chapter, as amended by this act, on
 July 1, 2013, if the applicable requirements for attachment and
 perfection under this chapter, as amended by this act, are
 satisfied without further action.

(2) Except as otherwise provided in s. 679.804, if a
 security interest is a perfected security interest immediately
 before July 1, 2013, but the applicable requirements for
 perfection under this chapter, as amended by this act, are not
 satisfied on July 1, 2013, the security interest remains
 perfected thereafter only if the applicable requirements for

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perfection under this chapter, as amended by this act, are satisfied no later than July 1, 2014.

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

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

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

679.804 Effectiveness of action taken before effective date.—

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

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

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

(b) If the financing statement is filed in another

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jurisdiction, at the earlier of:

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

2. By June 30, 2018.

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

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

(5) A financing statement that includes a financing statement filed before July 1, 2013, or a continuation statement filed on or after July 1, 2013, is effective only to the extent that it satisfies the requirements of part V, as amended by this act, for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates

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639 that the collateral is being administered by a personal
 640 representative within the meaning of s. 679.5031(1)(b), as
 641 amended by this act. A financing statement that indicates that
 642 the debtor is a trust or is a trustee acting with respect to
 643 property held in trust indicates that the collateral is held in
 644 a trust within the meaning of s. 679.5031(1)(c), as amended by
 645 this act.

646 679.805 When initial financing statement suffices to
 647 continue effectiveness of financing statement.-

648 (1) The filing of an initial financing statement in the
 649 office specified in s. 679.5011 continues the effectiveness of a
 650 financing statement filed before July 1, 2013, if:

651 (a) The filing of an initial financing statement in that
 652 office would be effective to perfect a security interest under
 653 this chapter, as amended by this act;

654 (b) The financing statement filed before July 1, 2013, was
 655 filed in an office in another state; and

656 (c) The initial financing statement satisfies subsection
 657 (3).

658 (2) The filing of an initial financing statement under
 659 subsection (1) continues the effectiveness of the financing
 660 statement filed before July 1, 2013, if:

661 (a) The initial financing statement is filed before July 1,
 662 2013, for the period provided in s. 679.515, as it existed
 663 before its amendment by this act, with respect to an initial
 664 financing statement; and

665 (b) The initial financing statement is filed on or after
 666 July 1, 2013, for the period provided in s. 679.515, as amended
 667 by this act, with respect to an initial financing statement.

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668 (3) To be effective for purposes of subsection (1), an
 669 initial financing statement must:

670 (a) Satisfy the requirements of part IV, as amended by this
 671 act, for an initial financing statement;

672 (b) Identify the financing statement filed before July 1,
 673 2013, by indicating the office in which the financing statement
 674 was filed and providing the dates of filing and file numbers, if
 675 any, of the financing statement and of the most recent
 676 continuation statement filed with respect to the financing
 677 statement; and

678 (c) Indicate that the financing statement filed before July
 679 1, 2013, remains effective.

680 679.806 Amendment of financing statement filed before July
 681 1, 2013.-

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

691 (2) Except as otherwise provided in subsection (3), if the
 692 law of this state governs perfection of a security interest, the
 693 information in a financing statement filed before July 1, 2013,
 694 may be amended after July 1, 2013, only if:

695 (a) The financing statement filed before July 1, 2013, and
 696 an amendment are filed in the office specified in s. 679.5011;

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697 (b) An amendment is filed in the office specified in s.
 698 679.5011 concurrently with, or after the filing in that office
 699 of, an initial financing statement that satisfies s. 679.805(3);
 700 or
 701 (c) An initial financing statement that provides the
 702 information as amended and satisfies s. 679.805(3) is filed in
 703 the office specified in s. 679.5011.
 704 (3) If the law of this state governs perfection of a
 705 security interest, the effectiveness of a financing statement
 706 filed before July 1, 2013, may be continued only under s.
 707 679.804(3) and (5) or s. 679.805.
 708 (4) Whether or not the law of this state governs perfection
 709 of a security interest, the effectiveness of a financing
 710 statement filed in this state before July 1, 2013, may be
 711 terminated on or after July 1, 2013, by filing a termination
 712 statement in the office in which the financing statement filed
 713 before July 1, 2013, is filed, unless an initial financing
 714 statement that satisfies s. 679.805(3) has been filed in the
 715 office specified by the law of the jurisdiction governing
 716 perfection as provided in this chapter, as amended by this act,
 717 as the office in which to file a financing statement.
 718 679.807 Person entitled to file initial financing statement
 719 or continuation statement.—A person may file an initial
 720 financing statement or a continuation statement under this part
 721 if:
 722 (1) The secured party of record authorizes the filing; and
 723 (2) The filing is necessary under this part:
 724 (a) To continue the effectiveness of a financing statement
 725 filed before July 1, 2013; or

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726 (b) To perfect or continue the perfection of a security
 727 interest.
 728 679.808 Priority.—This part and the amendments to this
 729 chapter made by this act determine the priority of conflicting
 730 claims to collateral. However, if the relative priorities of the
 731 claims were established before July 1, 2013, this chapter as it
 732 existed before July 1, 2013, determines priority.
 733 Section 18. Paragraph (m) of subsection (3) of section
 734 680.1031, Florida Statutes, is amended to read:
 735 680.1031 Definitions and index of definitions.—
 736 (3) The following definitions in other chapters of this
 737 code apply to this chapter:
 738 (m) "Pursuant to a commitment," s. 679.1021(1) (ppp)
 739 679.1021(1) (eee).
 740 Section 19. The Division of Statutory Revision is directed
 741 to replace the phrase "this act" wherever it occurs in sections
 742 679.801, 679.802, 679.803, 679.804, 679.805, 679.806, 679.807,
 743 and 679.808, Florida Statutes, with the assigned chapter number
 744 of this act.
 745 Section 20. This act shall take effect July 1, 2013.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Budget
Budget - Subcommittee on Health and Human Services
Appropriations
Community Affairs
Judiciary
Rules
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission

SENATOR GARRETT RICHTER
37th District

January 27, 2012

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

Dear Chairman Hays:

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

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter", written over a horizontal line.

Garrett Richter

cc: Jamie DeLoach, Staff Director

REPLY TO:

- ☐ 3299 East Tamiami Trail, Suite 203, Naples, Florida 34112 (239) 417-6205
- ☐ 1039 S.E. 9th Place, Room 310, Cape Coral, Florida 33990 (239) 338-2777
- ☐ 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5124

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-2012

Meeting Date

Topic UCC

Bill Number SB 1090
(if applicable)

Name BILL WILEY

Amendment Barcode _____
(if applicable)

Job Title ATTORNEY

Address 3647 LETITIA LANE
Street

Phone 850-545-9438

TALLAHASSEE FL 32312
City State Zip

E-mail wbwiley@billwileylaw.com

Speaking: ☒ For ☐ Against ☐ Information

Representing BUSINESS LAW SECTION, THE FLORIDA BAR

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic 1090-UCC Art. 9

Bill Number 1090
(if applicable)

Name Kim Siomkos

Amendment Barcode _____
(if applicable)

Job Title Asst. VP of Gov Relations

Address 1001 Thomasville Rd Suite 201

Phone 861 317 4704

Street

Tallahassee FL 32302

City

State

Zip

E-mail KSiomkos@FloridaBankers.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Bankers Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: SB 1112

INTRODUCER: Senator Altman

SUBJECT: Certification of Minority Business Enterprises

DATE: January 30, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Philo	Hrdlicka	CM	Favorable
2.	Betta	DeLoach	BGA	Favorable
3.				
4.				
5.				
6.				

I. Summary:

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

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

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

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

II. Present Situation:

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

¹ See ss. 11.901-11.920, F.S. (2010). The Florida Government Accountability Act was repealed during the 2011 Regular Session. See ch. 2011-34, L.O.F. (2011).

² See s. 11.905, F.S. (2010).

The act previously subjected most state agencies to a sunset review process to determine whether the agency should be retained, modified, or abolished. Part of that review included an examination of agency advisory committees.³

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

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

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

The task force has fulfilled its statutory responsibility to propose uniform minority business certification criteria. DMS placed the criteria in the Florida Administrative Code over 14 years ago.⁷ According to the Office of Supplier Diversity, the task force has not met in recent years primarily because the use of reciprocal agreements (agreements to accept a business's certified minority enterprise status issued by other entities) ended in 2003.⁸ Although the Secretary of DMS wishes to reestablish reciprocal agreements with other certification entities, such as cities

³ See s. 11.906, F.S. (2010).

⁴ The Office of Supplier Diversity's function is to improve business and economic opportunities for Florida minority, women, and service-disabled veteran business enterprises. To accomplish this goal the primary functions of the office include certification of business enterprises, advocacy and outreach, and matchmaking activities. See DMS website for information on the responsibilities of the office at http://www.dms.myflorida.com/other_programs/office_of_supplier_diversity_osd.

⁵ See ch. 94-322, L.O.F.

⁶ Pursuant to s. 20.03(8), F.S., a task force created by specific statutory enactment is, by definition, limited to "a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment."

⁷ Office of Program Policy Analysis & Government Accountability Sunset Review Report, *Department of Management Services Advisory Committees Assessment*, Report No. 08-S11 (Dec. 2008) (OPPAGA Sunset Review Report), at 4 (available online at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/08-S11.pdf>, and on file with the Senate Commerce and Tourism Committee).

⁸ *Id.* This information was also confirmed by Mr. Thad Fortune, Certification Administrator (Senior Manager), Office of Supplier Diversity, DMS, via telephone on January 13, 2012.

and school districts, it is not necessary to reconvene the task force to pursue such agreements. Instead, the Florida Advisory Council on Small and Minority Business Development can pursue reciprocal agreements with other certification entities under its existing statutory authority to advise and assist DMS in this general context.⁹

Abolishing the task force was recommended by the Office of Program Policy Analysis & Government Accountability as part of its sunset review of DMS.¹⁰

III. Effect of Proposed Changes:

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁹ See s. 287.0947, F.S.; OPPAGA Sunset Review Report, at 4.

¹⁰ OPPAGA Sunset Review Report, at 4.

¹¹ According to the Office of Supplier Diversity, the office has begun reaching out to local governments for reciprocal agreements, now referred to as certification agreements. The office has already received some guidance from the Florida Advisory Council on Small and Minority Business Development relating to reciprocal agreements. This information was confirmed by Mr. Thad Fortune at DMS via telephone on January 13, 2012. Mr. Fortune advised that the renewal of use of the task force had been discussed but not pursued by DMS.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By Senator Altman

24-00933-12

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A bill to be entitled

An act relating to the certification of minority business enterprises; amending s. 287.0943, F.S.; deleting provisions establishing the Minority Business Certification Task Force, requiring that criteria for the certification of minority business enterprises be approved by the task force, and authorizing the task force to amend the statewide and interlocal agreement for the certification of minority business enterprises; conforming provisions; providing an effective date.

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

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

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

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

~~1. The Florida League of Cities, Inc.~~

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~~2. The Florida Association of Counties.~~

~~3. The Florida School Boards Association, Inc.~~

~~4. The Association of Special Districts.~~

~~5. The Florida Association of Minority Business Enterprise Officials.~~

~~6. The Florida Association of Government Purchasing Officials.~~

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

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

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

~~(a)(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:~~

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

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

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spouse of such parent residing in the same house or living unit.

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

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

(c) (g) The certification criteria ~~approved by the task force and~~ adopted by the Department of Management Services shall be included in a statewide and interlocal agreement as defined in s. 287.09431 and, in accordance with s. 163.01, shall be

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executed according to the terms included therein.

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

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

~~(j)~~ The statewide and interlocal agreement shall be guided

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

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

(3)

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: CS/SB 1132

INTRODUCER: Budget Subcommittee on General Government Appropriations; Senators Hays and Montford

SUBJECT: Agriculture

DATE: February 2, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Buford	AG	Favorable
2.	Blizzard	DeLoach	BGA	Fav/CS
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

This bill revises definitions¹ in the Florida Right to Farm Act for “farm operation” and “farm product” so that the definitions include honeybee and aquaculture activities and the placement and operation of an apiary. It revises the definition of “apiary” to allow honeybee hives to be placed on agricultural land or land integral to a beekeeping operation, and creates a definition for “apiculture.” The bill grants the Department of Agriculture and Consumer Services (DACS) exclusive authority to regulate, inspect, permit, and determine placement of managed honeybee colonies and authorizes the DACS to adopt rules for this purpose after consulting with local governments and other affected stakeholders.

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

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

¹ See s. 823.14(3), F.S., for definitions.

II. Present Situation:

Beekeeping

The Bureau of Plant & Apiary Inspection of the DACS plays a vital role in Florida agriculture as inspectors work to prevent the introduction and establishment of honey bee pests and diseases. Florida's honey industry ranks among the top five in the nation with an annual worth of \$13 million. Seventeen million pounds of honey are produced in Florida each year. Additionally, honeybee operations benefit the state's fruit and vegetable industry by providing an estimated \$20 million in increased production numbers created by managed pollination services for over 100 varieties of popular fruits and vegetables. Florida Apiary Inspectors certify movement of honey bee colonies throughout the state and the nation. The DACS has the most comprehensive state program (e.g., number of inspectors and traps) to prevent the accidental introduction of the unwanted Africanized honey bee.²

The Florida Legislature first provided for inspection and "certification of honey" in 1953 by authorizing the then Commissioner of Agriculture to establish standards of grade and quality to qualify for the label of "certified honey" and further gave the commissioner authority to make rules and regulations as necessary to implement a certification program.³ This function was transferred to the DACS upon its creation in a 1969 reorganization of the executive branch of government.⁴ The laws regulating honey certification were substantially reworded in 1986 and expanded to include regulation of honeybees and honeybee products at which time the Honeybee Technical Council was also created.⁵ Currently, chapter 586, F.S., gives the DACS the powers and duties to regulate honeybees, honeybee pests, honeybee products, and beekeeping equipment. Beekeepers are required to register their hives and submit to an annual inspection. Based on inspection programs and inspection results, the DACS also has authority to regulate the certification and labeling of Florida-produced honey and the issuance of certificates of registration and inspection.

Researchers at the University of Florida's Institute of Food and Agriculture Sciences estimate that as much as 30 percent of all foods in the human diet depend upon pollination by honey bees. In addition, these insects pollinate livestock forage crops such as alfalfa and clover and are also important for dairy, poultry and swine production for that reason.⁶

Florida Right to Farm Act

The Florida Right to Farm Act⁷ (act) makes legislative findings that agricultural production is a major contributor to the economy of the state and that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of farm land from agricultural use. The act also prohibits local government from adopting any ordinance, regulation, rule, or

² Retrieved from <http://www.freshfromflorida.com/pi/plantinsp/apiary/apiary.html>. Site last visited April 17, 2012.

³ L.O.F. 28167.

⁴ L.O.F. 69-106.

⁵ L.O.F. 86-62

⁶ G. B. Crawford, "The buzz about bees," *Florida Agriculture, The Voice of Agriculture in Florida*, Vol. 71, No. 10, October 2011.

⁷ Section 823.14, F.S.

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

Some local governments greatly restrict or ban honey bee colony placement within their jurisdictions with the consequence of reducing pollination of plants and creating a more favorable environment for unwanted, more aggressive African honey bees to colonize.⁸ Additionally, honey bees, honey bee products, and aquaculture products are being produced in farming operations but may not be included in the current law as farm products.⁹

Farm Signs

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

III. Effect of Proposed Changes:

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

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

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

⁸ DACS bill analysis for SB 1132, January 10, 2012, on file with the Senate Agriculture Committee.

⁹ *Id.*

¹⁰ Section 823.14, F.S.

DACS's enumerated powers and duties mandatory and gives the DACS authority to adopt rules to implement this section after consulting with local governments and other affected stakeholders.

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

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

B. Private Sector Impact:

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

C. **Government Sector Impact:**

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

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

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

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

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

B. **Amendments:**

None.



565940

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on General Government
Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Between lines 51 and 52
insert:

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

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

And the title is amended as follows:

Delete line 9

and insert:

to the state; requiring that the Department of



565940

13
14
15

Agriculture and Consumer Services adopt rules after
consulting with local governments and other affected
stakeholders; providing an effective date.



627710

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on General Government
Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Between lines 145 and 146
insert:

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

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

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



627710

13 local, state, or federal floodplain management regulations.

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

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

24 (a)~~(b)~~ "Farm" has the same meaning as provided in s.
25 823.14.

26 (b) "Farm sign" means a sign erected, used, or maintained
27 on a farm by the owner or lessee of the farm which relates
28 solely to farm produce, merchandise, or service sold, produced,
29 manufactured, or furnished on the farm.

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete lines 2 - 9

34 and insert:

35 An act relating to agriculture; amending s. 823.14,
36 F.S.; revising definitions relating to the Florida
37 Right to Farm Act to include beekeeping; amending s.
38 586.02, F.S.; revising the definition of the term
39 "apiary" and adding a definition for the term
40 "apiculture"; amending s. 586.10, F.S.; providing that
41 authority to regulate honeybee colonies is preempted



627710

42 to the state; reordering and amending s. 604.50, F.S.;
43 providing an exemption from the Florida Building Code
44 for farm signs; providing an effective date.

By Senator Hays

20-00729C-12

20121132__

A bill to be entitled

An act relating to beekeeping; amending s. 823.14, F.S.; revising definitions relating to the Florida Right to Farm Act to include beekeeping; amending s. 586.02, F.S.; revising the definition of the term "apiary" and adding a definition for the term "apiculture"; amending s. 586.10, F.S.; providing that authority to regulate honeybee colonies is preempted to the state; providing an effective date.

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

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

823.14 Florida Right to Farm Act.—

(3) DEFINITIONS.—As used in this section:

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

(c) "Farm product" means any plant, as defined in s. 581.011, or animal or insect useful to humans and includes, but

20-00729C-12

20121132__

is not limited to, any product derived therefrom.

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

586.02 Definitions.—As used in this chapter:

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

(2) "Apiculture" means the raising, caring, and breeding of honeybees.

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

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

(1) Administer and enforce the provisions of this chapter.

(2) Adopt ~~Promulgate~~ rules necessary to the enforcement of this chapter.

(3) Adopt ~~Promulgate~~ rules relating to standard grades for honey and other honeybee products.

(4) Enter upon any public or private premise or carrier during regular business hours for the purpose of inspection,

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20121132

59 quarantine, destruction, or treatment of honeybees, used
60 beekeeping equipment, unwanted races of honeybees, or regulated
61 articles.

62 (5) Declare a honeybee pest or unwanted race of honeybees
63 to be a nuisance to the beekeeping industry as well as any
64 honeybee or other ~~article~~ infested or infected article ~~therewith~~
65 ~~or~~ that has been exposed to infestation or infection in a manner
66 believed likely to communicate the infection or infestation.

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

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

20-00729C-12

20121132

88 or eradication of honeybee pests and unwanted races of
89 honeybees, and contribute a share of the expenses incurred under
90 such arrangements.

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

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

98 (a) Name of the apiary.

99 (b) Name of the owner of the apiary.

100 (c) Mailing address of the apiary owner.

101 (d) Location of the apiary.

102 (e) Number of hives in the apiary.

103 (f) Pest problems associated with the apiary.

104 (g) Brands used by beekeepers where applicable.

105 (10) Collect or accept from other agencies or individuals
106 specimens of arthropods, nematodes, fungi, bacteria, or other
107 organisms for identification.

108 (11) Confiscate, destroy, or make use of abandoned beehives
109 or beekeeping equipment.

110 (12) Require the identification of ownership of apiaries.

111 (13) Enter into a compliance agreement with any person
112 engaged in purchasing, assembling, exchanging, processing,
113 utilizing, treating, or moving beekeeping equipment or
114 honeybees.

115 (14) Make and issue to beekeepers certificates of
116 registration and inspection, following proper inspection and

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certification of their honeybee colonies.

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

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

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

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

20-00729C-12

20121132__

146 Section 4. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic BEE KEEPING

Bill Number SB 1132
(if applicable)

Name KEYNA CORY

Amendment Barcode _____
(if applicable)

Job Title SENIOR LOBBYIST

Address 110 E. COLLEGE AVE

Phone 850 681-1065

Street

TALLAHASSEE FL 32301

City

State

Zip

E-mail Keynacory@paconsultants.com

Speaking: ☐ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/2/2012
Meeting Date

Topic Beekeeping

Bill Number 1132
(if applicable)

Name Ben Parks

Amendment Barcode _____
(if applicable)

Job Title Legislative Director

Address 315 South Calhoun St. #850

Phone 222-2557

Tallahassee FL 32301
City State Zip

E-mail bgparks@hotmail.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Farm Bureau

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic Buckkeeping

Bill Number 1132
(if applicable)

Name Ryan Matthews

Amendment Barcode _____
(if applicable)

Job Title Leg Advocate

Address PO Box 1757

Phone 850 272 9684

Street

Tallahassee FL 32302

City

State

Zip

E-mail rmathews@flcities.com

Speaking: ☐ For ☐ Against ☒ Information

Representing FL League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: SB 1152

INTRODUCER: Senator Richter

SUBJECT: Repeal of Workers' Compensation Actuarial Peer Review Requirement

DATE: January 30, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rubio	Burgess	BI	Favorable
2.	Betta	DeLoach	BGA	Favorable
3.				
4.				
5.				
6.				

I. Summary:

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

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

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

II. Present Situation:

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

¹ Section 627.285, F.S.

2003 and a fifth is due on February 1, 2012.² The costs of the independent actuarial peer reviews are paid from the Workers' Compensation Administration Trust Fund and have ranged in costs from \$104,000 for the 2004 report to \$35,000 for the 2010 report.³

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

III. Effect of Proposed Changes:

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

The repeal would take effect on July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

² Florida Office of Insurance Regulation Bill Analysis, January 10, 2012.

³ Florida Office of Insurance Regulation Bill Analysis, January 10, 2012.

⁴ Florida Office of Insurance Regulation Bill Analysis, January 10, 2012.

⁵ Florida Office of Insurance Regulation Bill Analysis, January 10, 2012.

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

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.

By Senator Richter

37-01231-12

20121152__

A bill to be entitled

An act relating to repeal of a workers' compensation independent actuarial peer review requirement; repealing s. 627.285, F.S., relating to the duty of the Financial Services Commission to contract for a periodic report regarding an actuarial peer review and analysis of the ratemaking process of any licensed rating organization that makes rate filings for workers' compensation insurance; providing an effective date.

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

Section 1. Section 627.285, Florida Statutes, is repealed.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Budget
Budget - Subcommittee on Health and Human Services
Appropriations
Community Affairs
Judiciary
Rules
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission

SENATOR GARRETT RICHTER
37th District

January 27, 2012

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

Dear Chairman Hays:

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

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter", is written over a horizontal line.

Garrett Richter

cc: Jamie DeLoach, Staff Director

REPLY TO:

- ☐ 3299 East Tamiami Trail, Suite 203, Naples, Florida 34112 (239) 417-6205
- ☐ 1039 S.E. 9th Place, Room 310, Cape Coral, Florida 33990 (239) 338-2777
- ☐ 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5124

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: CS/SB 1354

INTRODUCER: Budget Subcommittee on General Government Appropriations and Senator Detert

SUBJECT: Environmental Resource Permitting

DATE: February 2, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Uchino	Yeatman	EP	Favorable
2.	Pigott	DeLoach	BGA	Fav/CS
3.				
4.				
5.				
6.				

I. Summary:

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

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

II. Present Situation:

Current ERP Program in Florida

Florida’s water resources are regulated by the ERP program. The program covers virtually all alterations to the landscape, including all tidal and freshwater wetlands and other surface waters (including isolated wetlands also subject to U.S. Army Corps of Engineers jurisdiction) and uplands. The ERP program regulates dredging and filling in wetlands and other surface waters,

stormwater runoff quality and quantity, runoff resulting from alterations of uplands, and direct, secondary and cumulative impacts.¹ Certain permitting thresholds exist within the WMDs and exemptions may be granted by rule or statute.² A permitting threshold is the level of impact that triggers the requirement to apply for a permit. Common exemptions exist for agricultural, silviculture, floriculture and horticulture activities as long as the alterations are not for the sole or predominant purpose of impounding or obstructing surface waters.

The department's issuance of an ERP also constitutes a water quality certification or waiver of such under section 401 of the federal Clean Water Act.³ In addition, issuance of an ERP in coastal counties constitutes a finding of consistency under the Florida Coastal Zone Management Program under Section 307 of the federal Coastal Zone Management Act.⁴ Proposed projects must meet all permit conditions and a public interest balancing test.⁵

General ERP Administration in Florida

The DEP and the WMDs jointly implement the ERP program. It is independent and in addition to federal regulatory permitting programs. ERPs are regulated under part IV of ch. 373, F.S., and through individual WMD rules and guidance documents. The program was adopted in 1995 in all WMDs except for Northwest Florida. In 2006, the Legislature directed the Northwest Florida WMD and the DEP to jointly develop and implement the ERP program in two phases, which are now fully implemented.⁶

The ERP program rules consist of rules adopted separately by the DEP and four of the five WMDs. The Suwannee River, St. Johns River, Southwest Florida and South Florida WMDs have each adopted their own set of implementing rules, which in turn have been adopted and incorporated by reference by the department for use within each WMD. Each WMD also has an Applicant's Handbook or Basis of Review that explains how those rules are implemented. The DEP incorporates those rules and handbooks by reference but also has separate procedural and noticed general permit rules.⁷

Because of the ERP program's joint regulatory structure, the department and the WMDs have executed individual operating agreements to administer the program. The agreements set out who has regulatory authority for implementing the ERP program based on the type of permitted activity. The division of responsibilities contained in the operating agreements ensures that applicants need only apply for permits from the DEP or the individual WMD, not both.⁸ The DEP generally reviews permit applications that involve:⁹

¹ DEP, *Summary of the Wetland and Other Surface Water Regulatory and Proprietary Programs in Florida* (2011), available at <http://www.dep.state.fl.us/water/wetlands/docs/erp/overview.pdf> (last visited Jan. 19, 2012).

² *Id.* at 4-5.

³ See 33 U.S.C. s. 1341.

⁴ See 16 U.S.C. s. 1456.

⁵ See s. 373.414(1)(a), F.S.

⁶ Chapter 2006-228, Laws of Fla.

⁷ See rules 62-343 and 62-341, F.A.C., respectively.

⁸ DEP, *Environmental Resource Permitting (ERP) and Sovereign Submerged Lands (SSL) Rules*, <http://www.dep.state.fl.us/water/wetlands/erp/wmd.htm> (last visited Jan. 19, 2012). The webpage includes links to all five WMD operating agreements.

⁹ *Id.*

- Solid, hazardous, domestic and industrial waste facilities,
- Mining, except borrow pits,
- Power plants, transmission and communication cables and lines, and oil and gas activities,
- Certain docking facilities and structures, and dredging that is not part of a larger development plan,
- Navigational dredging by government entities that is not part of a larger project permitted by a WMD,
- Certain types of systems located seaward of the coastal construction control line or those serving a single family dwelling unit or residential unit,
- Seaports, and
- Smaller, separate water-related activities not part of a larger development plan.

The WMDs review all other ERP applications.

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

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

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

ERP Administration in the Northwest Florida WMD

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

¹⁰ Telephone interview with Shelley Yaun, Program Administrator, Water Resources Management, DEP, in Tallahassee, FL. (Aug. 15, 2011).

¹¹ See generally ch. 40, F.A.C. Northwest Florida is designated as "A," Suwannee River as "B," St. Johns River as "C," Southwest Florida as "D" and South Florida as "E."

¹² See chs. 62-343 and 62-341, F.A.C., respectively.

and procedural ERP rule, noticed general permit rule and Applicant's Handbook.¹³ The Legislature directed the DEP and the Northwest Florida WMD to jointly develop rules for the ERP program in the district. The DEP was further directed to initiate rulemaking to implement the ERP program. Unlike the other four WMDs, the Legislature specifically authorized the Northwest Florida WMD to implement the jointly developed rules.¹⁴ Consequently, both the DEP and the Northwest Florida WMD regulate ERPs under a unified rule and Applicant's Handbook. Any changes or amendments to the rule or Applicant's Handbook may be adopted by the DEP under the normal rulemaking process. The Northwest Florida WMD may then begin implementing any such changes without rulemaking.

ERP Rule Inconsistencies Between WMDs

ERP rules are critical to each WMD and the DEP. They identify:¹⁵

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

While the environmental criteria, conditions for issuance, and noticed general permits are substantively the same in all of the WMDs, differences exist in rule text and implementation requirements between each WMD and the department. Some of those differences are needed to address differing physical and natural characteristics within each district, particularly regarding water quantity, stormwater quality, and special basins. In other instances, the rule language is substantially similar, yet the Applicant's Handbook or Basis of Review differs in its interpretation of the rule. Among the WMDs, regulation of wetlands and other surface waters is essentially identical. Stormwater management (water quality) differs significantly in both actual rule language and interpretation between districts and often has no clear relationship to the unique water, topographical or geological characteristics unique to each district. Water quantity and flood protection differ between districts but are directly related to each district's physical characteristics.¹⁶

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

¹³ See generally rule 62-346, F.A.C.

¹⁴ Section 373.4145(1), F.S.

¹⁵ *Supra* note 11.

¹⁶ Email from Jon Stevenson, Special Counsel on Policy and Legislative Affairs, DEP (July 12, 2011) (on file with the Committee on Environmental Preservation and Conservation).

Another example of inconsistent statewide application is the implementation and administration of the Uniform Mitigation and Assessment Method (UMAM). Subsection 373.414(18), F.S., directed the DEP and WMDs, in cooperation with local governments and relevant federal agencies, to develop a statewide method to determine the amount of mitigation required for regulatory permits. The UMAM rule became effective in February 2004.¹⁷ Although only the DEP was required to adopt the method by rule, it is now the sole means for all state and local government entities to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters. It is also used to determine how to debit and credit mitigation bank credits.¹⁸ Stakeholders in the regulated community have expressed concerns over interpretations of the UMAM by some of the WMDs. Although the method is intended to create uniform outcomes statewide, the method is applied differently in each WMD based in part on interpretations of the rule.

Interim Report 2012-121 – Statewide ERP

Staff of the Senate Committee on Environmental Preservation and Conservation conducted a study of the issues surrounding current ERP administration in Florida and the potential impacts of development of a statewide ERP.¹⁹ The report includes several recommendations that have been incorporated into the bill, including:

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

III. Effect of Proposed Changes:

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

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

¹⁷ See rule 62-345, F.A.C.

¹⁸ *Id.*

¹⁹ Comm. on Environmental Preservation and Conservation, The Florida Senate, *Statewide Environmental Resource Permit* (Interim Report 2012-121) (Sep. 2011).

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

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

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

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

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

The bill authorizes the WMDs, with the DEP oversight, to continue to adopt rules governing design and performance standards for stormwater management. The DEP may incorporate those standards by reference for use within the geographic area of each WMD. The bill specifies that if a stormwater management system is designed, constructed, operated and maintained in accordance with adopted criteria and requirements and a valid permit or exemption, it is presumed not to cause or contribute to violations of applicable state water quality standards.

The bill provides a “grandfather clause” for the following activities unless an applicant requests review under the adopted statewide ERP rules:

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

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

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

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

Other Potential Implications:

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

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

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

VI. Technical Deficiencies:

It should be noted that this bill creates s. 373.4131, F.S., which is the same section created by CS/SB 602. If both bills were to pass and be signed into law, one of the sections would require a different number within part IV, ch. 373, F.S.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

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

- Clarifies that current law and rule allow for stricter local government standards if they do not conflict with the state rule.

B. Amendments:

None.

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



562764

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on General Government
Appropriations (Diaz de la Portilla) recommended the following:

Senate Amendment (with title amendment)

Delete lines 88 - 89
and insert:
districts shall implement the

Delete lines 93 - 94
and insert:
management districts. The

Delete lines 100 - 117
and insert:



562764

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

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

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

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

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

And the title is amended as follows:

Delete lines 13 - 18

and insert:

water management districts; requiring counties,
municipalities, and delegated local pollution control
programs to incorporate by reference certain rules;
requiring counties, municipalities, and delegated



562764

42 local pollution control programs to amend ordinances
43 and regulations within a specified timeframe to
44 incorporate applicable rules; allowing counties,
45 municipalities, and delegated local pollution control
46 programs to have stricter regulations; requiring
47 reconciliation of duplicative permitting processes;
48 authorizing water

By Senator Detert

23-00828B-12

20121354

1 A bill to be entitled
 2 An act relating to environmental resource permitting;
 3 creating s. 373.4131, F.S.; requiring the Department
 4 of Environmental Protection, in coordination with the
 5 water management districts, to adopt statewide
 6 environmental resource permitting rules for activities
 7 relating to the management and storage of surface
 8 waters; providing rule requirements; preserving an
 9 exemption from causes of action under the "Bert J.
 10 Harris, Jr., Private Property Rights Protection Act";
 11 providing an exemption from the rulemaking provisions
 12 of ch. 120, F.S., for implementation of the rules by
 13 water management districts and delegated local
 14 programs; requiring counties, municipalities, and
 15 delegated local programs to amend ordinances and
 16 regulations within a specified timeframe to conform
 17 with the rules; providing for applicability, effect,
 18 and repeal of specified rules; authorizing water
 19 management districts to adopt and retain specified
 20 rules; authorizing the department to incorporate
 21 certain rules; providing a presumption of compliance
 22 for specified design, construction, operation, and
 23 maintenance of certain stormwater management systems;
 24 providing exemptions for specified stormwater
 25 management systems and permitted activities; requiring
 26 the department to conduct or oversee staff assessment
 27 and training; reenacting s. 70.001(12), F.S., relating
 28 to the "Bert J. Harris, Jr., Private Property Rights
 29 Protection Act," for purposes of a cross-reference in

Page 1 of 7

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

23-00828B-12

20121354

30 s. 373.4131, F.S.; providing an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Section 373.4131, Florida Statutes, is created
 35 to read:
 36 373.4131 Statewide environmental resource permitting
 37 rules.—
 38 (1)(a) No later than October 1, 2012, the department shall
 39 initiate rulemaking to adopt, in coordination with the water
 40 management districts, statewide environmental resource
 41 permitting rules governing the construction, alteration,
 42 operation, maintenance, repair, abandonment, and removal of any
 43 stormwater management system, dam, impoundment, reservoir,
 44 appurtenant work, works, or any combination thereof, under this
 45 part.
 46 (b) The rules shall provide for statewide, consistent
 47 regulation of activities under this part and shall include, at a
 48 minimum:
 49 1. Criteria and thresholds for requiring permits.
 50 2. Types of permits.
 51 3. Procedures governing the review of applications and
 52 notices, duration and modification of permits, operational
 53 requirements, transfers of permits, provisions for emergencies,
 54 and provisions for abandonment and removal of systems.
 55 4. Exemptions and general permits that do not allow
 56 significant adverse impacts to occur individually or
 57 cumulatively.
 58 5. Conditions for issuance.

Page 2 of 7

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

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59 6. General permit conditions, including monitoring,
60 inspection, and reporting requirements.

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

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

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

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

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

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

84 3. Implement additional permit streamlining measures.

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

87 (2)(a) Upon adoption of the rules, the water management

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88 districts and local governments delegated local pollution
89 control program authority under s. 373.441 shall implement the
90 rules without the need for further rulemaking pursuant to s.
91 120.54. The rules adopted by the department pursuant to this
92 section shall also be considered the rules of the water
93 management districts and local governments delegated local
94 pollution control program authority under s. 373.441. The
95 districts and local governments shall have substantive
96 jurisdiction to implement and interpret rules adopted by the
97 department under this part, consistent with any guidance from
98 the department, in any license or final order pursuant to s.
99 120.60 or s. 120.57(1)(1).

100 (b)1. A county, municipality, or local pollution control
101 program that has a delegation of local pollution control program
102 authority or proposes to be delegated such authority under s.
103 373.441 shall without modification incorporate by reference and
104 use the rules adopted pursuant this section when reviewing and
105 taking action on the department's behalf on a delegated
106 permitting, compliance, or enforcement matter under this part.

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

113 3. The department and each local program with the authority
114 to implement or seeking to implement a delegation of local
115 pollution control program authority under s. 373.441 shall
116 identify and reconcile any duplicative permitting as part of the

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117 delegation.

118 (c) Until the rules adopted pursuant to this section become
 119 effective, existing rules adopted pursuant to this part remain
 120 in full force and effect. Existing rules that are superseded by
 121 the rules adopted pursuant to this section may be repealed
 122 without further rulemaking pursuant to s. 120.54 by publication
 123 of a notice of repeal in the Florida Administrative Weekly and
 124 subsequent filing of a list of the rules repealed with the
 125 Department of State.

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

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

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

144 (4) Notwithstanding the adoption of rules pursuant to this
 145 section, the following activities shall continue to be governed

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20121354

146 by the rules adopted by the department, the water management
 147 districts, and delegated local programs under this part in
 148 effect before the effective date of the rules adopted pursuant
 149 to this section, unless the applicant elects review in
 150 accordance with the rules adopted pursuant to this section:

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

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

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

174 (5) To ensure consistent implementation and interpretation

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20121354

175 of the rules adopted pursuant to this section, the department
176 shall conduct or oversee regular assessment and training of its
177 staff and the staffs of the water management districts and local
178 governments delegated local pollution control program authority
179 under s. 373.441.

180 Section 2. For the purpose of a cross-reference in section
181 373.4131, Florida Statutes, as created by this act, subsection
182 (12) of section 70.001, Florida Statutes, is reenacted to read:

183 70.001 Private property rights protection.—

184 (12) No cause of action exists under this section as to the
185 application of any law enacted on or before May 11, 1995, or as
186 to the application of any rule, regulation, or ordinance
187 adopted, or formally noticed for adoption, on or before that
188 date. A subsequent amendment to any such law, rule, regulation,
189 or ordinance gives rise to a cause of action under this section
190 only to the extent that the application of the amendatory
191 language imposes an inordinate burden apart from the law, rule,
192 regulation, or ordinance being amended.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-2-12

Meeting Date

Topic ERP

Bill Number 1354

Name Kurt Spitzer

Amendment Barcode 562764
(if applicable)

Job Title Exec. Director

Address 719 E Park

Phone 561-0904

Street
T 32301

E-mail _____

City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Amendment

Representing FLA. Stormwater Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic ERP

Bill Number 1354

Name STEPHEN JAMES

Amendment Barcode 562764
(if applicable)

Job Title _____

Address 100 S. MONROE
Street

Phone 922-5650

TALLAHASSEE FL
City State Zip

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing FLA. ASSOC. OF COUNTIES

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic _____

Bill Number 1354
(if applicable)

Name Susan Harbin

Amendment Barcode 562764
(if applicable)

Job Title Leg Coordinator

Address 115 S. Andrews
Street

Phone 954-599-8088

Ft. Lauderdale FL
City State Zip

E-mail sharbin@broward.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Broward County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/12

Meeting Date

Topic ENVIRONMENTAL RESOURCE PERMITTING

Bill Number SB 1354
(if applicable)

Name KEYNA CORY

Amendment Barcode _____
(if applicable)

Job Title SENIOR LOBBYIST

Address 110 E. COLLEGE AVE

Phone 850 681-1065

TAULAHASSEE FL 32301
City State Zip

E-mail Keyna.cory@epaconsultants.com

Speaking: ☒ For ☐ Against ☐ Information

Representing ASSOCIATED INDUSTRIES OF FL (AIF)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/2012

Meeting Date

Topic Statewide ERP Bill Number 1354
(if applicable)

Name Leticia M Adams Amendment Barcode _____
(if applicable)

Job Title Director of Infrastructure & Governance Policy

Address 136 South Bronough Street Phone 850-544-6866

Street

Tallahassee

FL

32301

City

State

Zip

E-mail ladams@flchamber.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date

Topic Statewide ERP

Bill Number 1354
(if applicable)

Name Jon Steverson

Amendment Barcode
(if applicable)

Job Title Special Counsel on Policy and Legislative Affairs

Address 3900 Commonwealth Blvd.
Street

Phone (850) 245-2140

Tallahassee FL 32399
City State Zip

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

Speaking: ☒ For ☐ Against ☐ Information

Representing DEP

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

CourtSmart Tag Report

Room: SB 401

Case:

Type:

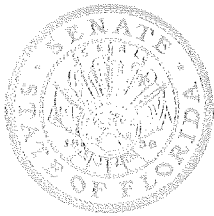
Caption: Budget Subcommittee on General Government Appropriations

Judge:

Started: 2/2/2012 8:08:39 AM

Ends: 2/2/2012 8:30:02 AM **Length:** 00:21:24

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Vice Chair*
Education Pre-K - 12, *Vice Chair*
Budget - Subcommittee on General Government
Appropriations
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Military Affairs, Space, and Domestic Security
Reapportionment
Rules
Transportation

SENATOR LARCENIA J. BULLARD

39th District

February 2, 2012

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

Dear Senator:

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. Bullard", with a stylized flourish at the end.

Senator Larcenia J. Bullard, District 39

CC: Jamie DeLoach, Staff Director

REPLY TO:

- ☐ 8603 South Dixie Highway, Suite 304, Miami, Florida 33143 (305) 668-7344
- ☐ 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5127

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

Jamie

COMMITTEES:
Communications, Energy, and Public Utilities
Ethics and Elections
Judiciary
Subcommittee on General Government
Appropriations
Subcommittee on Higher Education
Appropriations
Reapportionment
Regulated Industries

SENATOR OSCAR BRAYNON II

33rd District

February 01, 2012

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

Dear Chair Hays:

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

Thank you in advance for your consideration.

Sincerely,

Senator Oscar Braynon II,
District 33

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

SENATE APPROPRIATIONS
RECEIVED
12 JAN 32 AM 11:08
SENT TO: CHAIRMAN
STAFF DIR. STAFF

REPLY TO:

- ☐ 606 NW 183rd Street, Miami Gardens, Florida 33169 (305) 654-7150 FAX: (305) 654-7154
- ☐ 213 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5116

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore