

Tab 1	SB 562 by Mayfield; (Identical to H 00627) Regulation of Smoking					
539888	A	S	WD	CA, Brandes	Delete L.15 - 17:	01/17 09:10 AM
754942	A	S	L RCS	CA, Campbell	Delete L.15:	01/16 06:01 PM
Tab 2	SB 614 by Montford; (Identical to H 06003) Participant Local Government Advisory Council					
197294	A	S	RCS	CA, Montford	Delete L.171:	01/17 09:10 AM
Tab 3	SB 910 by Garcia; (Compare to H 00603) Local Business Taxes					
Tab 4	SB 874 by Passidomo (CO-INTRODUCERS) Stewart, Taddeo, Torres, Montford, Mayfield, Farmer, Thurston; State Funds					
Tab 5	SB 934 by Hukill; (Identical to H 00727) Property Tax Exemptions					
Tab 6	SB 730 by Perry; (Similar to CS/H 00607) Housing Finance Authorities					
630670	A	S	L RCS	CA, Perry	Delete L.26 - 27:	01/17 09:10 AM
Tab 7	SB 1144 by Perry; (Similar to CS/H 00725) Permit Fees					
319324	A	S	L RCS	CA, Perry	Delete L.25 - 29:	01/17 09:10 AM
Tab 8	SB 494 by Lee; (Identical to H 00405) Linear Facilities					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Lee, Chair
Senator Bean, Vice Chair

MEETING DATE: Tuesday, January 16, 2018

TIME: 4:00—6:00 p.m.

PLACE: 301 Senate Office Building

MEMBERS: Senator Lee, Chair; Senator Bean, Vice Chair; Senators Brandes, Campbell, Perry, Rodriguez, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 562 Mayfield (Identical H 627)	Regulation of Smoking; Authorizing municipalities and counties to further restrict smoking within the boundaries of certain public parks, etc. CA 01/16/2018 Fav/CS HP RC	Fav/CS Yeas 6 Nays 0
2	SB 614 Montford (Identical H 6003)	Participant Local Government Advisory Council; Abolishing the Participant Local Government Advisory Council, etc. CA 01/16/2018 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
3	SB 910 Garcia (Compare H 603)	Local Business Taxes; Providing an exemption from business taxes and fees for certain veterans, spouses and unremarried surviving spouses of such veterans, spouses of certain active duty military servicemembers, specified low-income individuals, and certain businesses in which a majority interest is owned by exempt individuals, etc. CA 01/16/2018 Favorable AFT AP	Favorable Yeas 6 Nays 0
4	SB 874 Passidomo	State Funds; Exempting the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and General Revenue Fund, etc. CA 01/16/2018 Favorable ATD AP	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 16, 2018, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 934 Hukill (Identical H 727)	Property Tax Exemptions; Increasing the property tax exemption for residents who are widows, widowers, blind, or totally and permanently disabled, etc. CA 01/16/2018 Favorable AFT AP	Favorable Yeas 5 Nays 0
6	SB 730 Perry (Similar H 607)	Housing Finance Authorities; Exempting from taxation certain notes and mortgages, including interest or income, that are part of a loan made by or on behalf of a housing financing authority, etc. CA 01/16/2018 Fav/CS AFT AP	Fav/CS Yeas 4 Nays 0
7	SB 1144 Perry (Similar CS/H 725)	Permit Fees; Requiring a local government authorized to charge certain fees to post its permit fee and inspection fee schedule on its website with a link to a specified building permit and inspection report; requiring the governing body of a local government, before making any adjustment to a fee schedule, to publish a building permit and inspection report and post it on the local government's website, etc. CA 01/16/2018 Fav/CS AFT AP	Fav/CS Yeas 5 Nays 0
8	SB 494 Lee (Identical H 405)	Linear Facilities; Revising the definition of the term "development" to exclude work by certain utility providers on utility infrastructure on certain rights-of-way or corridors; requiring the consideration of a certain variance standard when including conditions for the certification of an electrical power plant; clarifying that the Public Service Commission has exclusive jurisdiction to require underground transmission lines, etc. CU 11/14/2017 Favorable CA 12/05/2017 Temporarily Postponed CA 01/16/2018 Favorable	Favorable Yeas 4 Nays 1

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 Committee on Community Affairs

BILL: CS/SB 562

INTRODUCER: Community Affairs and Senator Mayfield

SUBJECT: Regulation of Smoking

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	Fav/CS
2.			HP	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 562 authorizes municipalities and counties to restrict smoking within the boundaries of any public parks they own.

II. Present Situation:

The Florida Clean Indoor Air Act (act) in part II of ch. 386, F.S., regulates tobacco smoking in Florida. The legislative purpose of the act is to protect people from the health hazards of secondhand tobacco smoke and to implement the Florida health initiative in s. 20, Art. X of the State Constitution.¹

Florida Constitution

On November 5, 2002, the voters of Florida approved Amendment 6 to the State Constitution, which prohibits tobacco smoking in enclosed indoor workplaces. Codified as s. 20, Art. X, Florida Constitution, the amendment defines an “enclosed indoor workplace,” in part, as “any place where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers ... without regard to whether work is occurring at any given time.” The amendment defines “work” as “any persons providing any employment or employment-type service for or at the request of another individual or individuals or any public or private entity, whether for compensation or not, whether full or part-time,

¹ Section 386.202, F.S.

whether legally or not.” The amendment provides limited exceptions for private residences “whenever they are not being used commercially to provide child care, adult care, or health care, or any combination thereof,” retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments, and stand-alone bars.

The constitutional amendment directed the Legislature to implement the “amendment in a manner consistent with its broad purpose and stated terms.” The amendment required that the implementing legislation have an effective date of no later than July 1, 2003, and required that the implementing legislation must also provide civil penalties for violations; provided for administrative enforcement; and required and authorized agency rules for implementation and enforcement. The amendment further provided that the Legislature may enact legislation more restrictive of tobacco smoking than that provided in the Florida Constitution.

Florida’s Clean Indoor Air Act

The Legislature implemented the smoking ban by enacting ch. 2003-398, L.O.F., effective July 1, 2003, which amended pt. II of ch. 386, F.S., and created s. 561.695, F.S., of the Beverage Law. The act, as amended, implements the constitutional amendment’s prohibition. Specifically, s. 386.204, F.S., prohibits smoking in an enclosed indoor workplace, unless the act provides an exception. The act adopts and implements the amendment’s definitions and adopts the amendment’s exceptions for private residences whenever not being used for certain commercial purposes;² stand-alone bars;³ designated smoking rooms in hotels and other public lodging establishments;⁴ and retail tobacco shops, including businesses that manufacture, import, or distribute tobacco products and tobacco loose leaf dealers.⁵

Section 386.207, F.S., provides for enforcement of the act by the Department of Health (DOH) and the Department of Business and Professional Regulation (DBPR) within each department’s specific areas of regulatory authority. Sections 386.207(1) and 386.2125, F.S., grant rulemaking authority to the DOH and the DBPR and require that the departments consult with the State Fire Marshal during the rulemaking process.

Section 386.207(3), F.S., provides penalties for violations of the act by proprietors or persons in charge of an enclosed indoor workplace.⁶ The penalty for a first violation is a fine of not less than \$250 and not more than \$750. The act provides fines for subsequent violations in the amount of not less than \$500 and not more than \$2,000. Penalties for individuals who violate the act are provided in s. 386.208, F.S., which provides for a fine in the amount of not more than \$100 for a first violation and not more than \$500 for a subsequent violation. The penalty range for an individual violation is identical to the penalties for violations of the act before the implementation of the constitutional smoking prohibition.

² Section 386.2045(1), F.S. *See also* definition of the term “private residence” in s. 386.203(1), F.S.

³ Section 386.2045(4), F.S. *See also* definition of the term “stand-alone bar” in s. 386.203(11), F.S.

⁴ Section 386.2045(3), F.S. *See also* definition of the term “designated guest smoking room” in s. 386.203(4), F.S.

⁵ Section 386.2045(2), F.S. *See also* definition of the term “retail tobacco shop” in s. 386.203(8), F.S.

⁶ The applicable penalties for violations by designated stand-alone bars are set forth in s. 561.695(8), F.S.

Smoking Prohibited Near School Property

Section 386.212(1), F.S., prohibits smoking by any person under 18 years of age in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. The prohibition does not apply to any person occupying a moving vehicle or within a private residence.

Enforcement

Section 386.212(2), F.S., authorizes law enforcement officers to issue citations in the form as prescribed by a county or municipality to any person violating the provisions of s. 386, F.S., and prescribes the information that must be included in the citation.

The issuance of a citation under s. 386.212(2), F.S., constitutes a civil infraction punishable by a maximum civil penalty not to exceed \$25, or 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco “alternative to suspension” program.⁷

If a person fails to comply with the directions on the citation, the person would waive his or her right to contest the citation and an order to show cause may be issued by the court.⁸

Regulation of Smoking Preempted to State

Section 386.209, F.S., provides that the act expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject.

As an exception to the state’s preemption of smoking regulation, s. 386.209, F.S., permits school districts to further restrict smoking by persons on school district property.

Regarding the issue of preemption, a Florida Attorney General Opinion concluded that the St. Johns Water Management District could not adopt a regulation prohibiting smoking by all persons on district property.⁹ The Attorney General reasoned that s. 386.209, F.S., represents a clear expression of the legislative intent that the act preempts the field of smoking regulation for indoor and outdoor smoking. The Attorney General noted that the 2011 amendment of s. 386.209, F.S.,¹⁰ to authorize school districts to prohibit smoking on school district property and concluded that further legislative authorization would be required for the water management district to regulate smoking on its property.

⁷ Section 386.212(3), F.S.

⁸ Section 386.212(4), F.S.

⁹ Fla. AGO 2011-15 (July 21, 2011). *See also*, Fla. AGO 2005-63 (November 21, 2005), which opined that a municipality is preempted from regulating smoking in a public park other than as prescribed by the Legislature.

¹⁰ Chapter 2011-108, L.O.F.

III. Effect of Proposed Changes:

The bill amends s. 386.209, F.S., to authorize municipalities and counties to further restrict smoking within the boundaries of any public parks they own. The bill also allows counties to further restrict smoking within any designated facility they own, as defined in s. 154.08, F.S.⁹

The bill provides an effective date of July 1, 2018.

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:

Municipal and county governments that opt to restrict smoking in public parks or designated facilities as defined in s. 154.08, F.S., may incur indeterminate expenses related to the enactment of the ordinance to make the designation.

VI. Technical Deficiencies:

None.

⁹ Designated facilities are defined in s. 154.08, F.S. as any county-owned or county-operated facility used in connection with the delivery of health care, the operation, governance, or maintenance of which has been designated by the governing body of such county for transfer to the public health trust of that county...Designated facilities may include, but shall not be limited to, the following: sanatoriums, clinics, ambulatory care centers, primary care centers, hospitals, rehabilitation centers, health training facilities, nursing homes, nurses' residence buildings, infirmaries, outpatient clinics, mental health facilities, residences for the aged, rest homes, health care administration buildings, and parking facilities and areas serving health care facilities.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 386.209 of the Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs on January 16, 2018:

Allows counties to further restrict smoking within any designated facility they own as defined in s. 154.08, F.S., which includes, but is not limited to, clinics, primary care centers, nursing homes, parking facilities, and the like.

- B. **Amendments:**

None.



539888

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/17/2018	.	
	.	
	.	
	.	

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 15 - 17
and insert:
smoking within a playground area in any public parks they own,
and school districts may further restrict smoking ~~by persons~~ on
school district property. For purposes of this section,
playground means an area in the park that is designated for
children and has one or more play structures.



539888

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

12 And the title is amended as follows:

13 Delete lines 4 - 5

14 and insert:

15 to further restrict smoking within the playground
16 areas of certain public parks; providing an effective
17 date.



754942

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
	.	
	.	
	.	

The Committee on Community Affairs (Campbell) recommended the following:

Senate Amendment (with title amendment)

Delete line 15
and insert:
smoking within the boundaries of any public parks they own;
counties may further restrict smoking within any designated
facility that they own, as defined in s. 154.08; and

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

And the title is amended as follows:



754942

11 Delete line 5
12 and insert:
13 certain public parks and designated facilities;
14 providing an effective date.

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable)
562

Amendment Barcode (if applicable)
754942

Topic Regulation of Smoking

Name Kelly Mallette

Job Title _____

Address 104 W. Jefferson Street

Phone (850) 224-3427

Street Tallahassee, FL City 32301 State _____ Zip _____

Email kelly@rtbookpu.com

Speaking: ☒ For ☐ Against ☐ Information ☐ Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Public Health Trust - Jackson Health System

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Regulation of smoking

Name Sydney Ridley

Job Title Lobbyist

Address 123 Adams St

Street

City

State

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

1/16

562

Bill Number (if applicable)

☆ 539 888

Amendment Barcode (if applicable)

Topic Smoking in Parks

Name Casey Cook

Job Title Legislative Advocate

Address PO Box 1707

Phone

Street

Tallahassee

FL

32312

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

1/18/18

Bill Number (if applicable)

552

Amendment Barcode (if applicable)

552

Topic

Name

David C. Miller

Job Title

Address

1824 181st Ave SE #200

Phone

941.323.2454

Street

SARASOTA

State

FL

Zip

34243

Email

culture@csaonline.org

Speaking:

☐ For

☒ Against

☐ Information

Waive Speaking:

☐ In Support

☐ Against

(The Chair will read this information into the record.)

Representing

SARASOTA COUNTY FL

Appearing at request of Chair:

☐ Yes

☒ No

Lobbyist registered with Legislature:

☒ Yes

☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 11/6/18

Bill Number (if applicable) _____

Topic SB 562

Amendment Barcode (if applicable) _____

Name Mark Regan

Job Title City Manager - City of Indian Harbour Beach

Address 2055 S. Palm Dr. Phone 321 773-3181

Street Indian Harbour Beach State FL Zip 32937 Email mregan@indianharbour.org

Speaking: ☒ For ☐ Against ☐ Information ☐ Waive Speaking: ☐ In Support ☐ Against

(The Chair will read this information into the record.)

Representing City of Indian Harbour Beach

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1-16-18
Meeting Date

Bill Number (if applicable)

Topic SR 562

Amendment Barcode (if applicable)

Name ADRIANA DIAZ

Job Title

Address 3100 Collins Ave #1901

Phone

Street

City

State

Zip

Miami Beach

FL

33140

Email adriana.diaz@icloud.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☒ In Support ☒ Against
(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1-16-18

Bill Number (if applicable) 562

Topic SMOKING

Amendment Barcode (if applicable) _____

Name CHUCKA YOUNG

Job Title _____

Address 630 N. W. 10th St

Phone 3711037

City _____ State _____ Zip _____

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COURTES

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

11/26/13
Meeting Date

562
Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name David Cullen

Job Title

Address 2424 W. Hwy

Phone 941-323-2404

City Sarasota State FL Zip 34243

Email scullen@senate.fl.gov

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Sierra Club FL

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

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

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

The public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable) SRB562

Amendment Barcode (if applicable) _____

Topic Regulation of Smoking

Name Holly Parker Curry

Job Title FL Regional Manager

Address 1222 Mitchell Ave

City Tallahassee FL State FL Zip 32303

Phone 850.567-3393

Email h.parker@surfrider.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Surfrider Foundation

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

1-16-18

Bill Number (if applicable)

SB562

Amendment Barcode (if applicable)

Topic

Regulation of Smoking

Name

Catherine Uden

Job Title

Teacher

Address

Street

1120 Lyndale St.

City

Hollywood

State

FL 33019

Phone

954 2615438

Email

mcathene25@hotmail.com

Speaking:

☐ For

☐ Against

☐ Information

Waive Speaking:

☒ In Support

☐ Against

(The Chair will read this information into the record.)

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Email

Phone

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable) 562

Topic Smoking

Amendment Barcode (if applicable) _____

Name Ronda B. Smith

Job Title Manager

Address 13510 Hwy 40

Phone 352.229-0144

City Apalachicola State FL Zip 39449

Email myemail@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against *OK*
(The Chair will read this information into the record.)

Representing Town of Apalachicola

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 11/16/2018

Bill Number (if applicable) 562

Topic Regulation of Smoking

Amendment Barcode (if applicable)

Name Dr. Bruce Hummel

Job Title Retiree

Address 5944 Coral Ridge Dr #255

Street Coral Springs FL 33076

City State Zip

Phone 954-495-1541

Email BHUMMEL@HOTMAIL.COM

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing OutDoc Foundation

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

SB562

Meeting Date

Bill Number (if applicable)

Topic SB 562 Regulation of Smoking

Amendment Barcode (if applicable)

Name GEORGIA MCKEOWN

Job Title GA Mckeown Assoc. President

Address 113 E College Ave #203

Phone 904 303 1611

City Tallahassee, FL 323102

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing American Cancer Society

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

THE FLORIDA SENATE

Meeting Date 11/16/18

562

Amendment Barcode (if applicable)

DAPHNE SAINIL

Policy Advisor

115 S. ANDREWS AVE

Phone 954-253-7326

Street FT. LAUDERDALE
City FL
State 33301
Zip

Email dsainvil@brownard.org

☐ For ☐ Against

(The Chair will read this information into the record.)

PROPOSED COUNTY GOVT

☐ Yes ☒ No

☒ 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.

By Senator Mayfield

17-00414-18

2018562__

A bill to be entitled

An act relating to regulation of smoking; amending s.
386.209, F.S.; authorizing municipalities and counties
to further restrict smoking within the boundaries of
certain public parks; providing an effective date.

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

Section 1. Section 386.209, Florida Statutes, is amended to
read:

386.209 Regulation of smoking preempted to state.—This part
expressly preempts regulation of smoking to the state and
supersedes any municipal or county ordinance on the subject;
however, municipalities and counties may further restrict
smoking within the boundaries of any public parks they own, and
school districts may further restrict smoking ~~by persons~~ on
school district property.

Section 2. This act shall take effect July 1, 2018.

COMMITTEE: Community Affairs
ITEM: SB 562
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

FINAL ACTION: Favorable with Committee SubstituteFINAL ACTION: Favorable with Committee Substitute

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Committee on Community Affairs

BILL: CS/SB 614

INTRODUCER: Community Affairs and Senator Montford

SUBJECT: Participant Local Government Advisory Council

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

The Local Government Surplus Funds Trust Fund (Florida PRIME) was created in 1977 to promote, through state assistance, the maximization of net interest earnings on invested surplus funds of local governments. All units of local government in Florida are permitted to jointly invest their surplus funds in Florida PRIME. The State Board of Administration is responsible for administering Florida PRIME, and independent oversight is provided by the Investment Advisory Council and the Participant Local Government Advisory Council. The six member Participant Local Government Advisory Council was created by the Legislature in 2008 following an unanticipated liquidity crisis in Florida PRIME for the purpose of regularly reviewing the administration of Florida PRIME and making recommendations regarding such administration to the Trustees. In its 2017 report, the council expressed that it had achieved all of its objectives, and recommended discontinuing the council.

CS/SB 614 abolishes the Participant Local Government Advisory Council and makes conforming changes due to the abolishment.

II. Present Situation:

The State Board of Administration

The State Board of Administration (“SBA”) is established by article IV, section 4 of the Florida Constitution.¹ The SBA is composed of the Governor as chair, the chief financial officer, and the attorney general (known collectively as the Trustees).² The statutory mandate of the SBA is to invest, manage, and safeguard assets of the Florida Retirement System Trust Fund, as well as the assets of a variety of other funds, including the Local Government Surplus Funds Trust Fund (“Florida PRIME”).³ SBA’s current assets under management, as of October 26, 2017 total \$195,681,813,624.⁴

The Investment Advisory Council (“IAC”) provides independent oversight of the SBA’s funds and major investment responsibilities, including Florida PRIME.⁵ The SBA appoints nine members to serve on the council for four-year terms.⁶ Those appointed must possess special knowledge, experience, and familiarity with portfolio management, institutional investments, and fiduciary responsibilities.⁷ The council is responsible for reviewing investments made by SBA, and makes recommendations regarding investment policy, strategy, and procedures. The council meets quarterly to discuss general policies like risk budgets, alternative investments, and investment protection principles.⁸

Florida PRIME and Fund B Surplus Funds Trust Fund

Florida PRIME was created in 1977 to promote the maximization of net interest earnings on invested surplus funds of local governments.⁹ All units of local government in Florida are permitted to invest their surplus funds in Florida PRIME.¹⁰ SBA may invest any funds of state agencies, state universities or colleges, and any of their direct support organizations in Florida PRIME.¹¹ SBA is responsible for administering Florida PRIME,¹² and the IAC and the Participant Local Government Advisory Council (“PLGAC”) provide independent oversight.¹³ As of August 31, 2017, Florida PRIME contains approximately \$8.9 billion in assets and serves 745 participants across the state.¹⁴

In 2007, Florida PRIME experienced an unanticipated liquidity crisis when participants withdrew an unprecedented \$14 billion in funds in a single month.¹⁵ The withdrawals were

¹ FLA. CONST. art. IV, s. 4(e).

² *Id.*

³ Section 215.44(1), F.S.

⁴ State Board of Administration, *Senate Bill 614 Analysis* (October 27, 2017).

⁵ Section 215.444, F.S.

⁶ *Id.*

⁷ *Id.*

⁸ State Board of Administration, *Senate Bill 614 Analysis* (October 27, 2017).

⁹ Section 218.405, F.S.

¹⁰ State Board of Administration, *Senate Bill 614 Analysis* (October 27, 2017).

¹¹ *Id.*

¹² Section 218.405, F.S.

¹³ Section 218.409, F.S.

¹⁴ State Board of Administration, *Senate Bill 614 Analysis* (October 27, 2017).

¹⁵ *Id.*

triggered by fears of exposure to “subprime commercial paper.”¹⁶ Florida PRIME held a small amount of securities that, while rated top-tier at the time of purchase, subsequently became distressed. As a result, the SBA Trustees implemented a temporary four-day freeze on withdrawals and deposits and created a separate second fund, the Fund B Surplus Funds Trust Fund (“Fund B”), to hold these distressed securities.¹⁷

In 2008, the legislature passed a law to address the repayment of principal to Florida PRIME participants and statutorily created Fund B to maximize the present value of original principal balances.¹⁸

Participant Local Government Agency Council

In 2008, the legislature also created the PLGAC.¹⁹ The six-member council had the purposes of regularly reviewing the administration of Florida PRIME and making recommendations regarding such administration to the SBA Trustees.²⁰ The members are appointed by the SBA for four-year terms, and must be confirmed by the Senate.²¹ Members must possess special knowledge, experience, and familiarity obtained through active, long-standing, and material participation in the dealings of the trust fund.²² The PLGAC must prepare and submit a biennial report to the SBA, the SBA Trustees, the IAC, and the Joint Legislative Auditing Committee that describes the council’s activities and recommendations.²³

In its 2017 report, the PLGAC expressed that it had achieved all of its objectives, including providing guidance and oversight for all of Florida PRIME’s operations and investment activities.²⁴ Specifically, Florida PRIME’s investment portfolio had increased by 86 percent, representing \$4.9 billion in net-asset-value growth.²⁵ In addition, in September 2015 the legacy Fund B original principal amount was returned in full to fund participants alongside a significant proportion of the November 2007 interest earnings.²⁶ For these reasons, the report recommended discontinuing the council while simultaneously maintaining all current risk controls, investment policies, and participant disclosures.²⁷

III. Effect of Proposed Changes:

The bill abolishes the PLGAC from the statutes governing Florida PRIME and Fund B, and makes conforming changes because of the abolishment. The IAC will continue to provide independent oversight of both funds.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Chapter 2008-93, Laws of Fla. (creating 218.417, F.S., effective May 28, 2008.)

¹⁹ Chapter 2008-59, Laws of Fla. (creating 218.409(10), F.S., effective May 28, 2008).

²⁰ Section 218.409 (10), F.S.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Participant Local Government Advisory Council, *Biennial Report 2017*, at page 19, https://www.sbafla.com/prime/Portals/8/PLGAC/PLGAC_BiennialReport2017.pdf?ver=2017-03-14-121204-983 (last visited November 20, 2017).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

The bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The SBA reports there will be a reduction of expenses by approximately \$25,000 annually.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 218.409, 218.421, and 218.422.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Community Affairs on January 16, 2018:

Amends the effective date of the bill at the recommendation of the SBA.

B. Amendments:

None.

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



197294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/17/2018	.	
	.	
	.	
	.	

The Committee on Community Affairs (Montford) recommended the following:

Senate Amendment

Delete line 171
and insert:
Section 4. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/16/13
Meeting Date

614
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Local Gov. Advisory Council

Name Amber Hughes

Job Title Sr. Leg Advocate

Address PO Box 1757

Tallahassee FL 32302
City State Zip

Phone 850-701-3621

Email ahughes@flahis.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida 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.

By Senator Montford

3-00626-18

2018614__

A bill to be entitled

An act relating to the Participant Local Government Advisory Council; amending s. 218.409, F.S.; abolishing the Participant Local Government Advisory Council; amending ss. 218.421 and 218.422, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (d) of subsection (2), subsection (6), paragraph (a) of subsection (8), and subsections (9) and (10) of section 218.409, Florida Statutes, are amended to read:

218.409 Administration of the trust fund; ~~creation of advisory council.~~

(2)

(d) The investment policy shall be reviewed and approved annually by the trustees or when market changes dictate, and in each event the investment policy shall be reviewed by the Investment Advisory Council ~~and by the Participant Local Government Advisory Council.~~

(6) (a) The board or a professional money management firm shall provide a report, at a minimum monthly or upon the occurrence of a material event, to every participant having a beneficial interest in the trust fund, the board's executive director, the trustees, the Joint Legislative Auditing Committee, and the Investment Advisory Council, ~~and the Participant Local Government Advisory Council.~~ The report shall include:

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

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1. Reports of any material impacts on the trust fund and any actions or escalations taken by staff to address such impacts. The trustees shall provide quarterly a report to the Joint Legislative Auditing Committee that the trustees have reviewed and approved the monthly reports and actions taken, if any, to address any impacts.

2. A management summary that provides an analysis of the status of the current investment portfolio and the individual transactions executed over the last month. This management summary shall be prepared in a manner that will allow anyone to ascertain whether investment activities during the reporting period have conformed to investment policies. Such reporting shall be in conformance with best market practices. The board or a professional money management firm shall furnish upon request the details of an investment transaction to any participant, the trustees, and the Investment Advisory Council, ~~and the Participant Local Government Advisory Council.~~

(b) The market value of the portfolio shall be calculated daily. Withdrawals from the trust fund shall be based on a process that is transparent to participants and will ensure that advantages or disadvantages do not occur to parties making deposits or withdrawals on any particular day. A statement of the market value and amortized cost of the portfolio shall be issued to participants in conjunction with any deposits or withdrawals. In addition, this information shall be reported monthly with the items in paragraph (a) to participants, the trustees, and the Investment Advisory Council, ~~and the Participant Local Government Advisory Council.~~ The review of the investment portfolio, in terms of value and price volatility,

Page 2 of 6

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

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shall be performed with practices consistent with the GFOA Recommended Practice on "Mark-to-Market Practices for State and Local Government Investment Portfolios and Investment Pools." In defining market value, consideration shall be given to GASB Statement 31. Additional reporting may be made to pool participants through regular and frequent ongoing multimedia educational materials and communications, including, but not limited to, historical performance, investment holdings, amortized cost and market value of the trust fund, credit quality, and average maturity of the trust fund investments.

(8) (a) The principal, and any part thereof, of each account constituting the trust fund is subject to payment at any time from the moneys in the trust fund. However, the executive director may, in good faith, on the occurrence of an event that has a material impact on liquidity or operations of the trust fund, for 48 hours limit contributions to or withdrawals from the trust fund to ensure that the board can invest moneys entrusted to it in exercising its fiduciary responsibility. Such action must be immediately disclosed to all participants, the trustees, the Joint Legislative Auditing Committee, and the Investment Advisory Council, ~~and the Participant Local Government Advisory Council~~. The trustees shall convene an emergency meeting as soon as practicable from the time the executive director has instituted such measures and review the necessity of those measures. If the trustees are unable to convene an emergency meeting before the expiration of the 48-hour moratorium on contributions and withdrawals, the moratorium may be extended by the executive director until the trustees are able to meet to review the necessity for the moratorium. If the

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trustees agree with such measures, the trustees shall vote to continue the measures for up to an additional 15 days. The trustees must convene and vote to continue any such measures before the expiration of the time limit set, but in no case may the time limit set by the trustees exceed 15 days.

(9) The Auditor General shall conduct an annual financial audit of the trust fund, which shall include testing for compliance with the investment policy. The completed audit shall be provided to the participants, the board, the trustees, the Investment Advisory Council, ~~the Participant Local Government Advisory Council~~, and the Joint Legislative Auditing Committee. As soon as practicable, but no later than 30 days after completion of the audit, the trustees shall report to the Joint Legislative Auditing Committee that the trustees have reviewed the audit of the trust fund and shall certify that any necessary items are being addressed by a corrective action plan that includes target completion dates.

~~(10) (a) There is created a six-member Participant Local Government Advisory Council for the purposes of regularly reviewing the administration of the trust fund and making recommendations regarding such administration to the trustees. The members of the council shall be appointed by the board and subject to confirmation by the Senate. Members must possess special knowledge, experience, and familiarity obtained through active, long-standing, and material participation in the dealings of the trust fund. Each member shall serve a 4-year term. Any vacancy shall be filled for the remainder of the unexpired term. The council shall annually elect a chair and vice chair from within its membership. A member may not serve~~

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consecutive terms as chair or vice chair.

~~(b) The council shall prepare and submit a written biennial report to the board, trustees, the Investment Advisory Council, and the Joint Legislative Auditing Committee that describes the activities and recommendations of the council.~~

Section 2. Paragraph (c) of subsection (2) and paragraph (a) of subsection (3) of section 218.421, Florida Statutes, are amended to read:

218.421 Fund B Surplus Funds Trust Fund; purpose; rulemaking; administration; reporting.—

(2)

(c) The investment policy shall be reviewed and approved by the trustees upon the transfer of the funds into the trust fund or when market changes dictate, and in each event, the investment policy shall be reviewed by the Investment Advisory Council ~~and by the Participant Local Government Advisory Council.~~

(3) (a) The board or a professional money management firm shall provide a report at a minimum, monthly, or upon the occurrence of a material event, to every participant having a beneficial interest in the trust fund, the board's executive director, the trustees, the Joint Legislative Auditing Committee, and the Investment Advisory Council, ~~and the Participant Local Government Advisory Council.~~ The report shall include:

1. Reports of any material impacts on the trust fund, and any actions or escalations taken by staff to address such impacts. The trustees shall provide quarterly a report to the Joint Legislative Auditing Committee that the trustees have

3-00626-18

2018614__

reviewed and approved the monthly reports and actions taken, if any, to address any impacts.

2. A management summary that provides an analysis of the status of the current investment portfolio and the individual transactions executed over the last month. This management summary shall be prepared in a manner that will allow anyone to ascertain whether investment activities during the reporting period have conformed to investment policies. Such reporting shall be in conformance with best market practices.

3. The board or a professional money management firm shall furnish upon request the details of an investment transaction to any participant, the trustees, and the Investment Advisory Council, ~~and the Participant Local Government Advisory Council.~~

Section 3. Section 218.422, Florida Statutes, is amended to read:

218.422 Fund B Surplus Funds Trust Fund; review.—Unless the Fund B Surplus Funds Trust Fund has been terminated by law or through self-liquidation, prior to the 2013 Regular Session of the Legislature, the Auditor General shall review the trust fund and the steps taken up to that time to return as much of the principal to the participants as possible and provide a summary report to the board, the trustees, the President of the Senate, the Speaker of the House of Representatives, and the Investment Advisory Council, ~~and the Participant Local Government Advisory Council.~~

Section 4. This act shall take effect July 1, 2018.

COMMITTEE: Community Affairs
ITEM: SB 614
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

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OO=Out of Order
AV=Abstain from Voting

COMMITTEE: Community Affairs
ITEM: SB 614
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

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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 Committee on Community Affairs

BILL: SB 910

INTRODUCER: Senator Garcia

SUBJECT: Local Business Taxes

DATE: January 12, 2018

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Present	Yeatman	CA	Favorable
2. _____	_____	AFT	_____
3. _____	_____	AP	_____

I. Summary:

SB 910 provides an exemption from the local business tax for:

- Veterans who were honorably discharged from service or such veteran's spouses;
- Unremarried surviving spouses of veterans who were honorably discharged from service;
- Certain spouses of active servicemembers;
- Individuals who receive public assistance; and
- Low-income individuals.

In order to be entitled to the exemption, the individual must complete and sign, under penalty of perjury, a Request for Fee Exemption.

Additionally, the bill provides that if an exempt individual owns a majority interest in a business with fewer than 25 employees, the business is exempt.

II. Present Situation:

Local Business Tax

The local business tax, authorized in ch. 205, F.S., represents the fees charged and the method by which a local government authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction.¹ Counties and municipalities may levy a business tax.²

¹ Section 205.022(5), F.S.

² Sections 205.033 and 205.043, F.S.

Eligibility Requirements

County and municipal governments are eligible to levy, by appropriate resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within their jurisdictions. If adopted by ordinance prior to January 1, 1995, a county, as defined in s. 125.011(1), F.S., (i.e., Miami-Dade County) or any adjacent county (i.e., Broward, Collier, and Monroe counties) is authorized to levy and collect an additional business tax up to 50 percent of the appropriate business tax imposed under s. 205.033(1), F.S.³

Administrative Procedures

To levy a business tax, the governing body must first give at least 14 days of public notice between the first and last reading of the resolution or ordinance by publishing a notice in a newspaper of general circulation within its jurisdiction.⁴ The public notice must contain the proposed classifications and rates applicable to the business tax.⁵ A number of other conditions for levy are imposed on counties and municipalities.⁶

For purposes of ch. 205, F.S., the terms “business,” “profession,” and “occupation” do not include the customary religious, charitable, or educational activities of nonprofit religious, nonprofit charitable, and nonprofit educational institutions in the state.⁷ These institutions are more particularly defined and limited in statute.⁸ The term “receipt” means the document that is issued by the local governing authority which bears the words “Local Business Tax Receipt” and evidences that the person in whose name the document is issued has complied with the provisions of ch. 205, F.S., relating to the business tax.⁹

The governing body of a municipality that levies the tax may request that the county in which the municipality is located issue the municipal receipt and collect the tax.¹⁰ The governing body of a county that levies the tax may request that municipalities within the county issue the county receipt and collect the tax.¹¹ However, before any local government issues any business receipts on behalf of another local government, appropriate agreements must be entered into by the affected local governments.¹² All business tax receipts are sold by the appropriate tax collector beginning July 1 of each year.¹³ The taxes are due and payable on or before September 30 of each year, and the receipts expire on September 30 of the succeeding year.¹⁴ In several situations, administrative penalties are also imposed.¹⁵

³ Section 205.033(6), F.S.

⁴ Sections 205.032 and 205.042, F.S.

⁵ *Id.*

⁶ Sections 205.033 and 205.043, F.S.

⁷ Section 205.022(1), F.S.

⁸ *Id.*

⁹ Section 205.022(2), F.S.

¹⁰ Section 205.045, F.S.

¹¹ *Id.*

¹² *Id.*

¹³ Section 205.053, F.S.

¹⁴ *Id.*

¹⁵ *Id.*

A county or municipality that has not adopted a business tax ordinance or resolution may adopt a business tax ordinance.¹⁶ The tax rate structure and classifications in the adopted ordinance must be reasonable and based upon the rate structure and classifications prescribed in ordinances adopted by adjacent local governments that have implemented s. 205.0535, F.S.¹⁷ If no adjacent local government has implemented s. 205.0535, F.S., or if the governing body of the county or municipality finds that the rate structures or classifications of adjacent local governments are unreasonable, then an alternative method is authorized. In such a case, the rate structure or classifications prescribed in the ordinance of the local government seeking to impose the tax may be based upon those prescribed in ordinances adopted by local governments that have implemented s. 205.0535, F.S., in counties or municipalities that have a comparable population.¹⁸

Prior to October 1, 2008, any municipality that adopted by ordinance a local business tax after October 1, 1995, could, by ordinance, reclassify businesses, professions, and occupations and establish new rate structures, provided certain conditions were met. If such conditions were met, counties and municipalities could, every other year thereafter, increase or decrease by ordinance the rates of business taxes by up to 5 percent. Any subsequent increase must be enacted by at least a majority plus one vote of the governing body.¹⁹ A county or municipality is not prohibited from decreasing or repealing any authorized local business tax. The governing body may adopt an ordinance by majority vote that repeals a local business tax or establishes new rates that decrease local business taxes and do not result in an increase in local business taxes for a taxpayer without having to establish an equity study commission.²⁰

Exemptions

State law exempts, or allows local governments to exempt, certain individuals from all or some portion of local business taxes.²¹ Customary religious, charitable, or educational activities of nonprofit religious, nonprofit charitable, and nonprofit educational institutions are excluded from the definition of “business,” “profession,” and “occupation” and are thereby excluded from paying local business taxes.²² The delivery and transportation of tangible personal property by a business that is otherwise required to pay a local business tax may not be charged a separate local business tax for such delivery or transportation service.²³ There are also exemptions for persons engaged in specified farming activities,²⁴ certain nonresident persons regulated by the Department of Business and Professional Regulation,²⁵ certain employees of businesses that are required to pay a local business tax,²⁶ certain disabled persons, the elderly, and widows with

¹⁶ Section 205.0315, F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 205.0535(4), F.S.

²⁰ Section 205.0535(5), F.S.

²¹ Sections 205.054, 205.063, 205.064, 205.065, 205.066, 205.067, 205.162, 205.171, 205.191, 205.192, and 205.193, F.S.

²² Section 205.022(1), F.S.

²³ Section 205.063, F.S.

²⁴ Section 205.064, F.S.

²⁵ Section 205.065, F.S.

²⁶ Section 205.066, F.S.

minor dependents,²⁷ disabled veterans of any war or their unremarried spouses,²⁸ and certain mobile home setup operations.²⁹ A charitable, religious, fraternal, youth, civic, service, or other similar organization that makes occasional sales or engages in fundraising projects that are performed exclusively by the members where the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization is also exempt.³⁰

Regulatory Provisions

State law also regulates the issuance of local business tax receipts to certain individuals or businesses.³¹ Section 205.194, F.S., provides that any person applying for or renewing a local business tax receipt to practice any profession or engage in or manage any business or occupation regulated by the Department of Business and Professional Regulation, the Florida Supreme Court, or any other state regulatory agency, including any board or commission thereof, must exhibit an active state certificate, registration, or license, or proof of copy of the same, before such local receipt may be issued.

State law provides similar requirements for production of evidence of appropriate licensure prior to issuance of a local business tax receipt for pharmacies and pharmacists,³² assisted living facilities,³³ pest control,³⁴ health studios,³⁵ sellers of travel,³⁶ telemarketing businesses,³⁷ and household moving services.³⁸ However, out-of-state businesses that are conducting operations within the state solely to perform disaster-related work or emergency-related work during a disaster-response period are not subject to registration, filing, or remittance requirements, including requirements for local business taxes.³⁹

Distribution of Revenues

The revenues derived from the business tax imposed by county governments, exclusive of the costs of collection and credit given for municipal business taxes, are apportioned between the county's unincorporated area and the incorporated municipalities located within the county by a ratio derived by dividing their respective populations by the county's total population.⁴⁰ Within 15 days following the month of receipt, the apportioned revenues are sent to each governing authority; however, this provision does not apply to counties that have established a new rate structure pursuant to s. 205.0535, F.S.⁴¹

²⁷ Section 205.162, F.S.

²⁸ Section 205.171, F.S.

²⁹ Section 205.193, F.S.

³⁰ Section 205.192, F.S.

³¹ Sections 205.194, 205.196, 205.1965, 205.1967, 205.1969, 205.1971, 205.1973, and 205.1975, F.S.

³² Section 205.196, F.S.

³³ Section 205.1965, F.S.

³⁴ Section 205.1967, F.S.

³⁵ Section 205.1969, F.S.

³⁶ Section 205.1971, F.S.

³⁷ Section 205.1973, F.S.

³⁸ Section 205.1975, F.S.

³⁹ Section 213.055, F.S.

⁴⁰ Section 205.033(4), F.S.

⁴¹ Section 205.033(5), F.S.

Authorized Uses of Revenues

The tax proceeds are considered general revenue for the county or municipality. Additionally, the county business tax proceeds may be used for overseeing and implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.⁴² The proceeds of the additional county business tax imposed pursuant to s. 205.033(6), F.S., are distributed by the county's governing body to a designated organization or agency for the purpose of implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.⁴³

Total Revenues Collected

According to a report published by the Office of Economic and Demographic Research (EDR), in Fiscal Year 2014-15, 36 counties collected a total of \$36.3 million of local business tax revenue. In that same fiscal year, 291 municipalities collected a total of \$146.7 million of local business tax revenue.⁴⁴

Certain local governments receive a sizable amount of revenue from the local business tax. At least seven municipalities received over \$7 million in revenue from the local business tax including:

- Panama City—\$9.1 million;
- Panama City Beach—\$10.1 million;
- Jacksonville—\$7.3 million;
- Tampa—\$10.1 million;
- Hialeah—\$9.5 million;
- Miami—\$7.8 million; and
- Orlando—\$8.4 million.

Miami-Dade County received \$11.7 million in revenue from the local business tax.

III. Effect of Proposed Changes:

Section 1 creates s. 205.055, F.S., to provide an exemption from the local business tax and any subsequent fees if the individual:

- Is a veteran of the United States Armed Forces who was honorably discharged upon separation from service or is such veteran's spouse;
- Is the unremarried surviving spouse of a veteran of the United States Armed Forces, provided the veteran received an honorable discharge upon separation from service;⁴⁵
- Is the spouse of an active duty military servicemember who has relocated to the county or municipality pursuant to a permanent change of station order;

⁴² Section 205.033(7), F.S.

⁴³ Section 205.033(6)(b), F.S.

⁴⁴ Office of Economic and Demographic Research, 2014 County and Municipal Revenues for the Local Business Tax, available at <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm> (last visited Dec. 11, 2017).

⁴⁵ "Surviving spouse" is how Florida law typically describes the spouse of a veteran who has died. See generally FLA. CONST. art. VII, s. 6(f); ss. 196.081 and 196.24, F.S.

- Is receiving public assistance, as defined in s. 409.2554; or
- Has a household income below 130 percent of the federal poverty level based on the current year's federal poverty guidelines.

In order to be entitled to the exemption, the individual must complete and sign, under penalty of perjury, a Request for Fee Exemption, furnished by the local governing authority, and must provide written documentation in support of his or her request.

If an exempt individual owns a majority interest in a business with fewer than 25 employees, the business is exempt.

Section 2 repeals s. 205.171, F.S., relating to exemptions from the local business tax for disabled veterans of any war or their unremarried spouses.

Section 3 provides that this act shall take effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Subsection (b) of Art. VII, s. 18 of the Florida Constitution, provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 is approximately \$2 million or less.^{46,47,48}

The mandates provision of Art. VII, s. 18 of the Florida Constitution, may apply because this bill reduces local government authority to raise revenue by exempting certain persons from the local business tax. This bill does not appear to qualify under any exemption or exception. Therefore, the bill may qualify as a mandate, requiring a two-thirds vote of the membership of each chamber of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴⁶ FLA. CONST. art. VII, s. 18(d).

⁴⁷ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Dec. 19, 2017).

⁴⁸ Based on the Demographic Estimating Conference's population adopted on December 5, 2017. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf>.

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

The Revenue Estimating Conference estimates that the corresponding provisions of a similar bill, HB 603, would have a negative fiscal impact of \$19.1 million in 2018-2019; \$19.8 million in 2019-2020; \$20.5 million in 2020-2021; \$21.2 million in 2021-2022; and \$22 million in 2022-2023.⁴⁹

B. Private Sector Impact:

Certain veterans, spouses of veterans, certain spouses of active servicemembers, and low-income individuals will be exempt from the local business tax, if they complete and sign a Request for Fee Exemption.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 205.055 of the Florida Statutes.

This bill repeals section 205.171 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

⁴⁹ Revenue Estimating Conference, Local Business Tax – Exemptions, 2018 HB 603, pp. 165-173, <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/pdf/Impact1201.pdf> (Analyzed Dec. 1, 2017).

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/2018

Bill Number (if applicable) 910

Topic Veterans Business Tax Exemption

Amendment Barcode (if applicable) _____

Name Jorge Charnizo

Job Title Attorney

Address 108 South Monroe Street

Phone (850) 681-0024

City Altamonte State FL Zip 32301

Email jorge@flapartners.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Opportunity Solutions Project

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.

By Senator Garcia

36-00924A-18

2018910__

A bill to be entitled

An act relating to local business taxes; creating s. 205.055, F.S.; providing an exemption from business taxes and fees for certain veterans, spouses and unremarried surviving spouses of such veterans, spouses of certain active duty military servicemembers, specified low-income individuals, and certain businesses in which a majority interest is owned by exempt individuals; providing requirements for requesting the exemption; repealing s. 205.171, F.S., relating to exemptions allowed for disabled veterans of any war or their unremarried spouses; providing an effective date.

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

Section 1. Section 205.055, Florida Statutes, is created to read:

205.055 Exemptions; veterans, spouses of veterans and certain servicemembers, and low-income individuals.—

(1) An individual is entitled to an exemption from a business tax and any fees imposed under this chapter if the individual:

(a) Is a veteran of the United States Armed Forces who was honorably discharged upon separation from service or is such veteran's spouse;

(b) Is the unremarried surviving spouse of a veteran of the United States Armed Forces, provided the veteran received an honorable discharge upon separation from service;

Page 1 of 2

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

36-00924A-18

2018910__

(c) Is the spouse of an active duty military servicemember who has relocated to the county or municipality pursuant to a permanent change of station order;

(d) Is receiving public assistance, as defined in s. 409.2554; or

(e) Has a household income below 130 percent of the federal poverty level based on the current year's federal poverty guidelines.

(2) An individual must complete and sign, under penalty of perjury, a Request for Fee Exemption to be furnished by the local governing authority and must provide written documentation in support of his or her request for an exemption under subsection (1).

(3) If an exempt individual owns a majority interest in a business with fewer than 25 employees, the business is exempt.

Section 2. Section 205.171, Florida Statutes, is repealed.

Section 3. This act shall take effect July 1, 2018.

Page 2 of 2

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

COMMITTEE: Community Affairs
ITEM: SB 910
FINAL ACTION: Favorable
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE			1/16/2018 Motion to vote "YEA" after Roll Call					
Yea	Nay	SENATORS	Campbell Yea	Nay	Yea	Nay	Yea	Nay
		Brandes						
VA		Campbell						
X		Perry						
X		Rodriguez						
X		Simmons						
X		Bean, VICE CHAIR						
VA		Lee, CHAIR						
6	0	TOTALS	FAV	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Committee on Community Affairs

BILL: SB 874

INTRODUCER: Senator Passidomo and others

SUBJECT: State Funds

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 874 exempts the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and General Revenue Fund.

II. Present Situation:

Florida Housing Finance Corporation

The 1997 Legislature created the FHFC as a public private entity to replace the Florida Housing Finance Agency, with the purpose of reducing bureaucracy and streamlining administrative processes.¹ FHFC is now a public corporation that is housed within the Department of Economic Opportunity.² The goal of the FHFC is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes. To do this, the FHFC uses federal and state resources to finance the development of affordable homes and rental housing and assist first-time homebuyers through various programs.³ According to FHFC, the corporation seeks to be recognized as an outstanding provider of innovative, measurable, data-driven, and fiscally sustainable solutions that respond to the affordable housing challenges in Florida. The FHFC tries to increase affordable housing opportunities and ensure that its programs are well matched to the needs of those it serves. The FHFC works with local governments, nonprofits, elected officials, and others to help spread the importance of affordable housing in Florida's communities.

¹ Chapter 97-167, Laws of Fla.

² Section 420.504(1), F.S.

³ Further information on the FHFC's Multifamily Development, Special Programs, and Homeownership programs is available at <http://www.floridahousing.org/about-florida-housing> (last visited January 4, 2018).

The FHFC receives funding for its affordable housing programs from documentary stamp tax revenues which are distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund.⁴ Pursuant to s. 420.507, F.S., the FHFC is also authorized to receive federal funding in connection with the corporation's programs directly from the Federal Government.⁵

Documentary Stamp Tax

The documentary stamp tax imposes an excise tax on deeds or other documents that convey an interest in Florida real property. The Department of Revenue classifies the documentary stamp taxes as two taxes imposed on different bases at different tax rates.⁶ The first tax rate is 70 cents on each \$100 of consideration for deeds, instruments, or writings whereby lands, tenements, or other real property or interest that are granted, assigned, transferred, conveyed or vested in a purchaser.⁷ The second tax rate is 35 cents per each \$100 of consideration for certificates of indebtedness, promissory notes, wage assignments and retail charge account agreements.⁸

Section 201.15, F.S., provides for the distribution of documentary stamp taxes, which are primarily used to fund various land and water conservation, preservation, and maintenance trust funds and certain transportation trust funds.⁹ In 1992, the William E. Sadowski Act created a dedicated source of revenue from documentary stamp tax revenues for affordable housing. This was generated from:

- Additional revenues from a 10-cent increase in the documentary stamp tax rate imposed on real estate transfers; and
- A re-allocation of ten cents of the existing documentary stamp tax revenues from general revenue to the affordable housing trust funds beginning in FY 1995-96.¹⁰

According to the FHFC, “30 percent of these revenues flow into the State Housing Trust Fund and 70 percent flow into the Local Government Housing Trust Fund.”¹¹ In 2005, the Legislature capped the rate of growth for distribution of documentary stamp tax revenues into these trust funds to \$243 million per year.¹² This cap was repealed in 2011. In the 2017-2018 fiscal year, the Legislature appropriated \$137 million to the FHFC.¹³

⁴ Section 201.15, F.S.

⁵ See ss. 420.507(33) and 159.608, F.S.

⁶ Florida Revenue Estimating Conference, *2017 Florida Tax Handbook*, at 74 (2017) available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2017.pdf> (last visited January 4, 2018).

⁷ *Id.* See also s. 201.02(1), F.S.

⁸ *Id.*

⁹ Section 201.15, F.S.

¹⁰ Florida Housing Finance Corporation, *Affordable Housing Act* available at http://www.floridahousing.org/FH-ImageWebDocs/AboutUS/SadowskiAct_Outline.pdf (last visited January 4, 2018).

¹¹ *Id.*, see also s. 201.15, F.S.

¹² Senate Bill 1110 (2005).

¹³ Chapter 2017-070, s. 6 Laws of Fla.

The following chart describes the yearly funds collected and funds appropriated:

**Historical Financial Summary of Florida's State and Local
Government Housing Trust Funds**

Year	Total Housing Trust Funds			
	Collections	Appropriations	Legis. Sweep	Cap Sweep / SEED
1992 / 1993	41,006,550	36,200,000	-	-
1993 / 1994	51,033,448	47,000,000	-	-
1994 / 1995	45,536,407	50,666,438	-	-
1995 / 1996	108,049,916	112,916,468	-	-
1996 / 1997	121,471,040	127,369,767	-	-
1997 / 1998	145,209,025	121,033,630	-	-
1998 / 1999	169,882,688	169,389,410	-	-
1999 / 2000	176,464,510	186,576,276	-	-
2000 / 2001	191,415,135	186,671,276	-	-
2001 / 2002	228,117,990	195,521,212	12,000,000	-
2002 / 2003	294,552,125	246,600,168	-	-
2003 / 2004	390,167,300	192,171,717	120,896,937	-
2004 / 2005	502,045,358	192,892,623	220,800,000	-
2005 / 2006	606,244,598	442,892,623	-	-
2006 / 2007	452,308,119	433,000,000	-	-
2007 / 2008	243,000,000	390,400,000	-	46,506,007
2008 / 2009	167,581,340	69,304,577	440,000,000	-
2009 / 2010	159,088,774	31,279,989	91,900,000	-
2010 / 2011	170,713,220	37,500,000	174,310,000	-
2011 / 2012	186,756,959	-	189,531,109	-
2012 / 2013	168,122,265	10,000,000	96,660,000	75,000,000
2013 / 2014	193,073,850	-	204,130,000	75,000,000
2014 / 2015	238,951,609	167,660,000	106,151,367	75,000,000
2015 / 2016	262,033,614	175,000,000	81,000,000	75,000,000
2016 / 2017	282,850,943	184,330,428	116,914,438	75,000,000
2017 / 2018	299,040,000	137,000,000	154,400,000	75,000,000
Totals	5,894,716,785	3,943,376,602	2,008,693,851	496,506,007

14

The Legislature's Authority to Transfer Unappropriated Trust Fund Balances

Section 215.32(2)(b)4.a., F.S., specifically grants authority to the Legislature to transfer unappropriated cash balances of state trust funds to either the General Revenue Fund or the Budget Stabilization Fund in the General Appropriations Act. The Budget Stabilization Fund is required by the State Constitution and must be maintained at not less than 5 percent of the previous year's General Revenue collections. Moneys in the fund may only be used to cover revenue shortfalls in the General Revenue Fund and for emergencies as defined in s. 252.32, F.S., which is part of the State Emergency Management Act.

Currently, the funds listed below are exempt from the trust fund transfer provision in s. 215.32, F.S.:

- Trust funds required by federal programs or mandates;
- Trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body;
- The Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services;

¹⁴ Florida Housing and Finance Corporation, *Historical Financial Summary of Florida's State and Local Government Housing Trust Funds* available at http://www.floridahousing.org/docs/default-source/aboutflorida/august2017/september2017/tab_5.pdf?sfvrsn=2 (last visited January 4, 2018).

- The State Transportation Trust Fund;
- The trust fund containing the net annual proceeds from the Florida Education Lotteries;
- The Florida Retirement System Trust Fund;
- Trust funds under the management of the State Board of Education or the State University System where such trust funds are for auxiliary enterprises, self-insurance and contracts, grants, and donations, as those terms are defined by general law;
- Trust funds that serve as the clearing funds or accounts for the Chief Financial Officer or state agencies;
- Trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and
- Other trust funds authorized by the State Constitution.¹⁵

III. Effect of Proposed Changes:

Section 1 amends s. 215.32, F.S., to add the State Housing Trust Fund and the Local Government Housing Trust Fund to the exemptions from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and General Revenue Fund.

Section 2 provides an effective date of July 1, 2018.

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:

Entities that build, construct or finance affordable housing in the state may see an increase in funding since trust funds will not be transferable to other funds.

¹⁵ Section 215.32(2)(b)4b, F.S.

C. Government Sector Impact:

Florida would have less flexibility in relocating trust funds to the Budget Stabilization Fund and the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 215.32 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

THE FLORIDA SENATE
APPEARANCE RECORD

1/16/2018

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

874

Meeting Date

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Danielle Scoggins

Job Title Sr. Public Policy Representative

Address 200 S. Monroe Street

Phone _____

Street

Tallahassee

FL

32312

Email danielles@floridarealtors.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Realtors

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 1-16-18

Bill Number (if applicable) 874

Topic APPROPRIATE HEARINGS

Amendment Barcode (if applicable) _____

Name TED GRANKER

Job Title PRESIDENT

Address 307 E 74 AVE

Phone 850-488-8276

Street THUNDERBOLT State FL Zip 32303

Email THANKER@FLS.ORG

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing UNITED WAY OF FLORIDA

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 11/6/18

Bill Number (if applicable) 874

Topic State Funds

Amendment Barcode (if applicable) _____

Name Zayne Smith

Job Title Associate State Director

Address 200 W. College Ave.

Phone 850 228-4243

City Tallah State FL Zip 32301

Email zsmith@oarp.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AARP

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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**THE FLORIDA SENATE
APPEARANCE RECORD**

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

January 16, 2018

874

Meeting DateBill Number (if applicable)Topic Affordable HousingAmendment Barcode (if applicable)Name Jaimie RossJob Title CEO Florida Housing CoalitionAddress 1367 East Lafayette StreetPhone 850-212-0587StreetTallahasseeFL32301CityStateZipSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Housing CoalitionAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18
Meeting Date

SB 874
Bill Number (if applicable)

Topic State Housing Trust Fund

Amendment Barcode (if applicable)

Name Susan Langston

Job Title Vice President of Advocacy

Address 1812 Rignow Rd

Phone (850) 671-3700

Street

Tallahassee FL 32308

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Leading Age Florida

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Jan-16-2018
SB 874
HB 191
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Use of Affordable Housing Trust Funds

Name Janet M. Stingle How

Job Title President CEO Volunteers of America of Florida

Address 405 Central Avenue, Suite 100 Phone (305) 340-3290
Street

City Saint Petersburg State Florida Zip 33201 Email jstingle@voa-fla.org

Speaking: ☒ For ☐ Against ☐ Information Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Volunteers of America of Florida / Leading Age Florida

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

Duplicate

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

1-16-18

SB 874

Meeting Date

Bill Number (if applicable)

Topic Affordable Housing Funding

Amendment Barcode (if applicable)

Name Mark Hendrickson

Job Title Executive Director

Address 1404 Alban Avenue

Phone 850.671.5601

Street

Tallahassee

FL

32301

Email mark@thehendricksoncompany.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Association of Local Housing Finance Authorities

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18
Meeting Date

874
Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Arthur Rosenberg

Job Title Attorney

Address 3000 Biscayne Blvd, #106

Phone 407-801-4713

Street

Miami

FL

33137

Email arthur@floridalegal.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Legal Services

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/16/18
Meeting Date

874
Bill Number (if applicable)

Topic STATE FUNDS

Amendment Barcode (if applicable)

Name DAPHNE SAINVILLE

Job Title POLICY ADVISOR

Address 115 S. ANDREWS AVE

Phone 954-253-7320

Street ET. LAUDERDALE City FL State FL Zip 33301

Email dsainville@broward.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing BROWARD COUNTY GOVT.

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18
Meeting Date

874
Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Alisa LaPolt

Job Title Executive Director

Address PO Box 961

Phone 850-671-4445

Street

Tallahassee FL

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing National Alliance on Mental Illness

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

1/16/18

Bill Number (if applicable)

874

Topic

State Funds

Amendment Barcode (if applicable)

Name

John M. Neels

Job Title

Chairman LEVY BOCC

Address

310 N. Court St

Phone

(852) 222-4442

Street

Brownson

Fl

32621

Email

district10@levycounty.org

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

Waive Speaking:

☒ In Support

☐ Against

(The Chair will read this information into the record.)

Representing

Levy County

Appearing at request of Chair:

☐ Yes

☒ No

Lobbyist registered with Legislature:

☐ Yes

☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date Jan 16, 2018

Bill Number (if applicable) 874

Topic State Funds

Amendment Barcode (if applicable) _____

Name Rusty Payton

Job Title CEO

Address 2600 Centennial Place

Phone 850-567-1073

City _____ State _____ Zip _____

Email rp@paytonassociates.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Ec Home Builders Assoc.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable) 874

Topic State funds

Amendment Barcode (if applicable) _____

Name Irving Delgado

Job Title Associate for Social Concern & Peoples Life

Address 201 W Park Ave Phone 850-205-6826

Street Tallahassee State FL Zip 32301 Email _____

Speaking: ☐ For ☐ Against ☐ Information ☒ Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/16/18
Meeting DateSB 874
Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Ken Pruitt

Job Title

Address

113 E College Ave Suite 305

Phone

(112) 485-0693

Street

Tallahassee

FL

32301

Email

ken@thePgroup.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida Association of Local Housing Finance Authorities

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1-16-18
Meeting Date

874
Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Marnie George

Job Title Sr. Advisor, Buchanan Ingersoll & Rooney

Address 101 N. Monroe Street

Phone 850-510-8866

Tallahassee FL 32303
City State Zip

Email marnie.george@bircan.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Heliot For Humanity of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable) SB 874

Topic AFFORDABLE Housing Trust Fund #'s

Amendment Barcode (if applicable) _____

Name Robert Beck

Job Title PinPoint Results

Address 217 S. Adams St

Phone 850 766 1410

City Tallahassee State FL Zip 32301

Email Robert@PinPointResults.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Coalition for the Homeless

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 11/6/18

Bill Number (if applicable) 5B 874

Amendment Barcode (if applicable) _____

Topic Housing Trust funds

Name Rebecca Dela Rosa

Job Title Legislative Affairs Director

Address 301 N Olive Ave.

Street

City

State

Zip

West Palm Beach FL 33401

Phone 561.365.3451

Email rdela@rsd@phlegov.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Palm Beach 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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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic SB 874 - State Funds

Name Jim Taylor

Job Title Intergovernmental Affairs Manager

Address Street

Phone 813 - 276 - 2640

Email

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Hillsborough County

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature:

☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

874

Meeting Date _____

Bill Number (if applicable) _____

Topic _____ Amendment Barcode (if applicable) _____

Name Jess McCartyJob Title Assistant County AttorneyAddress 111 NW 1st Street, Suite 2810Phone 305-979-7110

Street

Miami

FL

33128

Email jmm2@miamidade.gov

City

State

Zip

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Miami-Dade CountyAppearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18

HB 874

Meeting Date

Bill Number (if applicable)

Topic Affordable Housing/Sadowski

Amendment Barcode (if applicable)

Name Kimberly Case

Job Title Sr Policy Advisor at Holland & Knight

Address 315 S. Calhoun Street

Phone (850) 425-5603

Street

Tallahassee

FL

32301

Email kimberly.case@hklaw.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Southport Development

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18
Meeting Date

879
Bill Number (if applicable)

Topic State funds

Amendment Barcode (if applicable)

Name Susan Harbin Alford

Job Title Sr. Public Policy

Address 100 S. Monroe

Phone 770-546-8845

Street Tallahassee FL 32301
City State Zip

Email sharbin@ftcouter.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Association of Counties

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable) 874

Topic ~~00000000~~ State Funds

Amendment Barcode (if applicable) _____

Name Amber Hughes

Job Title Leg. Advocate

Address PO Box 1957

Phone 850-~~8~~ 701-3621

City Tallahassee State FL Zip 32303

Email ahughes@floridacities.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

874

Amendment Barcode (if applicable)

Topic Sadlovski Funds

Name Chris Emmanuel

Job Title Policy Director

Address 136 S. Pensacola St

Street

City

State

Zip

Tallahassee

Florida

32301

Email

Cemmanuel@Amdm.com

Phone -

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable) 874

Topic Sabowski Funds

Amendment Barcode (if applicable) _____

Name Tony CARVALA

Job Title Exec. FC Chamber Foundation

Address 136 S Broward St

Phone 850 521 1200

Street Tallahassee City FL State 32301 Zip

Email tcavale@fcfoundation.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 11/15/2018

Bill Number (if applicable) 874

Topic STARS Housing Trust Funds

Amendment Barcode (if applicable)

Name Karen Koch (Cook)

Job Title Ex Dir

Address P.O. Box 11242

Phone 850-545.0818

City Tallahassee State FL Zip 32301

Email Karen@fshc.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL. Supportive Housing Coalition

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1-16-18

Bill Number (if applicable) 8714

Topic State Trust Funds

Amendment Barcode (if applicable) _____

Name Jill Givan

Job Title Policy Advisor

Address 28108 Mahan Dr

Phone 878 2196

Street Tallahassee City FL State 32308 Zip

Email jillg@mftba.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Behavioral Health Association

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 12/16/18

Bill Number (if applicable) 874

Topic State Funds

Amendment Barcode (if applicable) _____

Name Kelley Teague

Job Title Legislative Affairs Director

Address 201 S. Rosalind Ave

Phone 407 836 5423

City Orlando State FL Zip 32801

Email kelley.teague@ocfl.net

Speaking: ☐ For ☐ Against ☐ Information ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Orange County Government

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

*Yellow Copy
meeting*

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

Meeting Date 1/16/18

Bill Number (if applicable) 874

Topic SAABOUSEK STATE & LOCAL TRUST FUNDS Amendment Barcode (if applicable) _____

Name J. LARRY WILLIAMS

Job Title ATTORNEY

Address 215 S. MONROE ST., SUITE 601 Phone 851 521-1980

City TALLAHASSEE State FL Zip 32301 Email LWILLIAMS@EUNSTER.COM

Speaking: ☐ For ☐ Against ☐ Information ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing CHAIRMAN OF APPROPRIATE HOLDING MEMBERS

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable) 874

Topic STATE FUNDS - Affordable Housing Amendment Barcode (if applicable) _____

Name JESSICA SCHEER

Job Title SR. Director, Public Policy

Address 3450 SW 3rd Ave Phone 305-344-6143

City Miami State FL Zip 33129

Email jscheer@outhugmani.com

Speaking: ☐ For ☐ Against ☐ Information ☒ In Support ☐ Against

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing UNITED WAY of Miami - DAD

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.

By Senator Passidomo

28-00651A-18

2018874__

A bill to be entitled

An act relating to state funds; amending s. 215.32, F.S.; exempting the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and General Revenue Fund; providing an effective date.

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

Section 1. Upon the expiration and reversion of the amendments made to section 215.32, Florida Statutes, pursuant to section 56 of chapter 2017-71, Laws of Florida, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which, under law or under trust agreement, are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys ~~is shall be~~ responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper

Page 1 of 4

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

28-00651A-18

2018874__

accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, each agency, to the extent possible, ~~each agency~~ shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. An operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund;—

b. An operations and maintenance trust fund, for use as a depository for client services funded by third-party payors;—

c. An administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds; however,-- proprietary funds are not required to use ~~excluded from the requirement of using~~ an administrative trust fund;—

d. A grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources;—

e. An agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272;—

f. A clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful

Page 2 of 4

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

28-00651A-18

2018874

recipients; ~~and~~.

g. A federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have a trust fund specified ~~trust funds listed~~ in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject ~~always~~ to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the

28-00651A-18

2018874

state or any public body; the Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, when ~~where~~ such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; the State Housing Trust Fund; the Local Government Housing Trust Fund; and other trust funds authorized by the State Constitution.

Section 2. This act shall take effect July 1, 2018.

COMMITTEE: Community Affairs
ITEM: SB 874
FINAL ACTION: Favorable
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Committee on Community Affairs

BILL: SB 934

INTRODUCER: Senator Hukill

SUBJECT: Property Tax Exemptions

DATE: January 12, 2018

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Present	Yeatman	CA	Favorable
2. _____	_____	AFT	_____
3. _____	_____	AP	_____

I. Summary:

SB 934 increases the existing ad valorem tax exemption for Florida residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

¹ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

³ *See* s. 192.001(2) and (16), F.S.

The Florida Constitution prohibits the state from levying ad valorem taxes⁴ and limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Exemption for Widows, Widowers, Blind, and Totally and Permanently Disabled

Since its 1968 revision, the Florida Constitution has provided a specific exemption to "every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars."¹¹ This exemption is effectuated in s. 196.202, F.S., for every person who is a bona fide resident of this state. An applicant for the exemption may apply for the exemption before receiving the necessary documentation from the United States Department of Veterans Affairs or its predecessor, or the Social Security Administration.¹² Upon receipt of the documentation, the exemption shall be granted as of the date of the original application, and any excess taxes paid shall be refunded.¹³

III. Effect of Proposed Changes:

Section 1 amends s. 196.202, F.S., to increase the ad valorem tax exemption for Florida residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000.

Section 2 specifies that the increased exemption applies to tax years beginning on or after January 1, 2019.

Section 3 provides that the act shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Subsection (b) of section 18 of the State Constitution, provides that except upon the approval of each house of the Legislature by a two-thirds vote of the

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ FLA. CONST. art. VII, s. 3(b).

¹² Section 196.202(2), F.S.

¹³ *Id.*

membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 is approximately \$2 million or less.^{14,15,16}

The county/municipality mandates provision of Art. VII, S. 18 of the Florida Constitution may apply because this bill reduces local government authority to raise revenue by reducing ad valorem tax bases compared to the tax bases that would exist under current law. This bill does not appear to qualify under any exemption or exception. If the bill does qualify as a mandate, final passage must be approved by two-thirds of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference estimates that the bill will have a total negative fiscal impact of \$37.8 million in 2018-2019; \$38.4 million in 2019-2020; \$39 million in 2020-2021; \$39.6 million 2021-2022; and \$40.1 million in 2022-2023.¹⁷ Specifically, the Revenue Estimating Conference estimates a negative fiscal impact on school revenues of \$16 million in 2018-2019; \$16.3 million in 2019-2020; \$16.5 million in 2021; \$16.8 million in 2021-2022; and \$17 million in 2022-2023.¹⁸

B. Private Sector Impact:

Florida residents who are widows, widowers, blind, or totally and permanently disabled will pay less property tax.

¹⁴ FLA. CONST. art. VII, s. 18(d).

¹⁵ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Dec. 19, 2017).

¹⁶ Based on the Demographic Estimating Conference's population estimate adopted on December 5, 2017. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf>.

¹⁷ Revenue Estimating Conference, 2018 HB 727/SB 934, pp. 179-185, http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/Impact1208.pdf (Analyzed Dec. 8, 2017).

¹⁸ *Id.*

C. Government Sector Impact:

The bill may reduce the tax base upon which counties and municipalities raise ad valorem revenue.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 196.202 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

THE FLORIDA SENATE

APPEARANCE RECORD

Meeting Date 1-16-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Bill Number (if applicable) 934

Topic _____ Amendment Barcode (if applicable) _____

Name Dana Bickley

Job Title Brevard Property Appraiser

Address _____ Street _____ Phone _____

City _____ State _____ Zip _____ Email _____

Speaking: ☐ For ☐ Against ☐ Information ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Brevard Property Appraiser

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 1/16/18

Bill Number (if applicable) SB 934

Topic _____

Amendment Barcode (if applicable) _____

Name Loren Levy

Job Title General Counsel

Address 1828 Rogers Rd

Phone 850-219-0220

Street Tallahassee, FL State 32308 Zip

Email paaf@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Property Appraisers' Ass'n of Fla.

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.

By Senator Hukill

14-00696-18

2018934__

A bill to be entitled

An act relating to property tax exemptions; amending
s. 196.202, F.S.; increasing the property tax
exemption for residents who are widows, widowers,
blind, or totally and permanently disabled; providing
applicability; providing an effective date.

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

Section 1. Subsection (1) of section 196.202, Florida
Statutes, is amended to read:

196.202 Property of widows, widowers, blind persons, and
persons totally and permanently disabled.—

(1) Property to the value of \$5,000 ~~\$500~~ of every widow,
widower, blind person, or totally and permanently disabled
person who is a bona fide resident of this state is exempt from
taxation. As used in this section, the term "totally and
permanently disabled person" means a person who is currently
certified by a physician licensed in this state, by the United
States Department of Veterans Affairs or its predecessor, or by
the Social Security Administration to be totally and permanently
disabled.

Section 2. The amendment made by this act to s. 196.202(1),
Florida Statutes, applies to tax years beginning on or after
January 1, 2019.

Section 3. This act shall take effect upon becoming a law.

COMMITTEE: Community Affairs
ITEM: SB 934
FINAL ACTION: Favorable
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Committee on Community Affairs

BILL: CS/SB 730

INTRODUCER: Community Affairs Committee and Senator Perry

SUBJECT: Housing Finance Authorities

DATE: January 16, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.			AFT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 730 exempts from excise taxes any note or mortgage given in connection with a loan made by or on behalf of a housing finance authority. In order to be eligible for the exemption, the housing finance authority must submit documentation that affirms that the loan was made by or on behalf of the housing finance authority at the time the note or mortgage is recorded.

II. Present Situation:

Housing Finance Authorities

Each county in Florida may create a housing finance authority by ordinance.¹ A housing finance authority may not transact any business or exercise any powers until the governing body of the county for which the housing finance authority is created passes a resolution declaring the need to alleviate a shortage of housing and capital for investment in housing in its area of operation.²

A housing finance authority is composed of no fewer than five uncompensated members appointed by the governing body of the county.³ The powers of a housing finance authority are vested in the members and include the power to loan funds to persons purchasing homes and to

¹ Section 159.604(1), F.S.

² *Id.*

³ Section 159.605, F.S.

developers engaged in qualifying housing developments.⁴ Housing finance authorities may also issue revenue bonds and refunding bonds in order to finance activities allowed under statute.⁵ Persons are eligible for loans if their annual income does not exceed 80 percent of the median income for the county.⁶ The sale price on new or existing single-family homes shall not exceed 90 percent of the median area purchase price in the area.⁷

Section 159.621, F.S., provides that the following are exempt from all taxation:

- Bonds issued by a housing finance authority pursuant to Part IV of Chapter 159, F.S.;
- All notes, mortgages, security agreements, letters of credit, or other instruments that arise out of, or are given to secure, the repayment of bonds issued in connection with the financing of any housing development under this part; and
- Interest thereon and the income therefrom.

However, the exemption is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

There is currently no exemption for documentary stamp tax on notes and mortgages given in connection with a loan made by local housing authorities.

III. Effect of Proposed Changes:

The bill provides that any note or mortgage given in connection with a loan made by or on behalf of a housing finance authority under s. 159.608(8), F.S., is exempt from excise taxes on documents under chapter 201, F.S., if:

- At the time the note or mortgage is recorded, the housing finance authority submits documentation that affirms that the loan was made by or on behalf of the housing finance authority.

The exemption does not apply to any tax imposed by chapter 220, F.S., on interest, income, or profits on debt obligations owned by corporations or to a deed for property financed by a housing finance authority.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴ *Id.*

⁵ Section 159.612, F.S.

⁶ Section 159.608, F.S.

⁷ *Id.*

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference estimated that a similar proposed bill would have a negative \$800,000 recurring fiscal impact.⁸

B. Private Sector Impact:

A reduction in the collection of excise taxes will reduce the cost of borrowing and should logically result in making these properties more affordable.

C. Government Sector Impact:

If the bill passes, housing finance authorities will not have to pay excise taxes related to a note or mortgage given in connection with a loan made by or on behalf of the housing finance authority.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 159.621 of the Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs Committee on January 16, 2018:

- Removes the exemption for the interest and income on a note or mortgage given in connection with a loan or made by or on behalf of a housing finance authority. As a result of the amendment, the bill now applies only to the note or mortgage itself. The amendment also clarifies that the exemption is for excise taxes on documents under chapter 201, F.S., rather than all taxes.

⁸ Revenue Estimating Conference, Documentary Stamp Tax, 2018 HB 607, pp. 160-164,
<http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/pdf/Impact1201.pdf> (Analyzed Dec. 1, 2017).

B. Amendments:

None.

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



630670

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/17/2018	.	
	.	
	.	
	.	

The Committee on Community Affairs (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 26 - 27
and insert:
159.608(8) is exempt from excise taxes on documents under
chapter 201 if, at the time the note or mortgage is recorded,

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

And the title is amended as follows:

Delete lines 4 - 5



630670

11 and insert:
12 certain notes and mortgages that are part of a loan
13 made by or on behalf

APPEARANCE RECORD

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

1-16-18

Meeting Date

SB 730

Bill Number (if applicable)Topic Tax Exemption for Affordable Housing LoansAmendment Barcode (if applicable)Name Mark HendricksonJob Title Executive DirectorAddress 1404 Alban AvenuePhone 850.671.5601StreetTallahasseeFL32301CityStateZipEmail mark@thehendricksoncompany.comSpeaking: ☒ For☐ Against☐ InformationWaive Speaking: ☐ In Support☐ Against

(The Chair will read this information into the record.)

Representing Florida Association of Local Housing Finance AuthoritiesAppearing at request of Chair: ☐ Yes☐ NoLobbyist 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.

APPEARANCE RECORD

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

11/6/18

Meeting Date

SB730

Bill Number (if applicable)

Topic Housing Finance Authorities

Name Ken Pruitt

Job Title

Address 113E College Ave Suite 305

Street

Tallahassee FL 32301

City

State

Zip

Phone (772) 485-0693

Email ken@thePgroup.com

Speaking: ☐ For ☐ Against☐ InformationWaive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing Florida Association of Local Housing Finance Authorities

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist 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.

By Senator Perry

8-00824-18

2018730__

1 A bill to be entitled
2 An act relating to housing finance authorities;
3 amending s. 159.621, F.S.; exempting from taxation
4 certain notes and mortgages, including interest or
5 income, that are part of a loan made by or on behalf
6 of a housing financing authority; providing
7 requirements for exemption; providing an exception to
8 the exemptions granted by this section; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 159.621, Florida Statutes, is amended to
14 read:

15 159.621 Housing bonds exempted from taxation; notes and
16 mortgages exempt from taxation.—

17 (1) The bonds of a housing finance authority issued under
18 this act, together with all notes, mortgages, security
19 agreements, letters of credit, or other instruments which arise
20 out of or are given to secure the repayment of bonds issued in
21 connection with the financing of any housing development under
22 this part, as well as the interest thereon and income therefrom,
23 shall be exempt from all taxes.

24 (2) Any note or mortgage given in connection with a loan
25 made by or on behalf of a housing finance authority under s.
26 159.608(8), including any interest and income thereon, is exempt
27 from all taxes if, at the time the note or mortgage is recorded,
28 the housing finance authority submits documentation that affirms
29 that the loan was made by or on behalf of the housing finance

Page 1 of 2

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

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30 authority.

31
32 The ~~exemptions exemption~~ granted by this section do not apply
33 ~~shall not be applicable~~ to any tax imposed by chapter 220 on
34 interest, income, or profits on debt obligations owned by
35 corporations or to a deed for property financed by a housing
36 finance authority.

37 Section 2. This act shall take effect July 1, 2018.

Page 2 of 2

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

COMMITTEE: Community Affairs
ITEM: SB 730
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
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TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Committee on Community Affairs

BILL: CS/SB 1144

INTRODUCER: Community Affairs Committee and Senator Perry

SUBJECT: Permit Fees

DATE: January 16, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.			AFT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1144 requires the governing body of a local government to post its building permit and inspection fee schedules on its website. The bill also requires that before making any adjustment to a fee schedule, the governing body of the local government must publish a building permit and inspection utilization report and post it on its website. The report must be updated annually on the website and be easily accessible to the public.

II. Present Situation:

Florida Building Codes Act

Part IV of chapter 553, F.S., is known as the “Florida Building Codes Act.” The purpose and intent of the Florida Building Codes Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public’s health, safety, and welfare.¹

¹ Section 553.72(1), F.S.

Fire Prevention Code

The State Fire Marshall must adopt, by rule, the Florida Fire Prevention Code, which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such fire safety laws and rules. A new edition is adopted every 3 years.²

Enforcement of the Florida Building Code

The board of county commissioners of each county is authorized to enforce the Building Code and the Fire Code and to issue building permits.³ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit and paying reasonable fees as set forth in a schedule of fees adopted by the board.⁴

The board of county commissioners of each county and the governing body of a municipality are authorized to provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the Building Code and Fire Code.⁵ A county that issues building permits must post each type of building permit application on its website.⁶ Completed applications must be submitted electronically to the county or local enforcement agency building department, which must provide accepted methods of electronic submission.⁷ However, payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.⁸

Local Government Fees

It is unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a permit from the appropriate enforcing agency or from such persons delegated the authority to issue permits, upon the payment of reasonable fees adopted by the enforcing agency.⁹

Except for construction regarding correctional and mental health facilities, elevators, storage facilities, educational institutions, and toll collection facilities, each local government and each legally constituted enforcement district with statutory authority must regulate building construction.¹⁰ Local governments are authorized to provide a schedule of consistent reasonable fees to be used solely for carrying out the local government's responsibilities in enforcing the

² Section 633.202(1), F.S.

³ Sections 125.56(1) and 125.01(1)(bb), F.S.

⁴ Section 125.56(4)(a), F.S.

⁵ Sections 125.56(2) and 166.222, F.S.

⁶ Section 125.56(4)(b), F.S.

⁷ *Id.*

⁸ *Id.*

⁹ Section 553.79(1), F.S.

¹⁰ Section 553.80(1), F.S.

Florida Building Code.¹¹ The basis for the fee structure must relate to the level of service provided by the local government.¹² Fees charged must be consistently applied.¹³

Local enforcement agencies, independent special districts,¹⁴ or dependent special districts¹⁵ may not require additional fees, charges, or expenses for:

- Providing proof of licensure pursuant to ch. 489, F.S.;
- Recording or filing a license issued; and
- Providing, recording, or filing evidence of workers' compensation insurance coverage required by ch. 440, F.S.¹⁶

A "local enforcement agency" means the agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for the design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 125.56, F.S., to require the governing body of a county authorized under this section or s. 553.80, F.S., to issue fees to post its permit fee and inspection fee schedule on its website with a link to the building permit and inspection report required under s. 553.80(7), F.S.

Section 2 amends s. 166.222, F.S., to require the governing body of a municipality authorized under s. 553.80, F.S., to issue fees to post its permit fee and inspection fee schedules on its website with a link to the building permit and inspection report required under s. 553.80(7), F.S.

Section 3 amends s. 553.80, F.S., to require the governing body of a local government to publish a building permit and inspection report and post it on the local government's website before making any adjustment to a fee schedule. The report must be updated annually on the website and be easily accessible to the public. Additionally, the report must include:

- Direct and indirect costs incurred by the local government to implement the Florida Building Code, including costs related to the review of:
 - Building plans.

¹¹ The phrase "enforcing the Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. *See* s. 553.80(7)(a), F.S.

¹² Section 553.80(7), F.S.

¹³ *Id.*

¹⁴ Section 189.012(3), F.S., defines an "independent special district" as a special district that is not a dependent special district as defined in s. 189.012(2), F.S.

¹⁵ A dependent special district has a governing board comprised of members, which are identical in membership to, or all appointed by, or removable at will by, the governing body of a single county or municipality. A dependent special district also includes a district that has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or municipality. *See* s. 189.012(2), F.S. A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. *See 2017-2018 Local Gov't Formation Manual* at pg. 64, available at <http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911>.

¹⁶ Section 553.80(7)(d), F.S.

¹⁷ Section 553.71(5), F.S.

- Building inspections.
- Building reinspections.
- Building permit processing.
- Building code enforcement.
- Building fire inspections.
- Number of building permits requested.
- Number of building permits issued.
- Number of building inspections and reinspections conducted.
- Number of personnel employed by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.
- Salary and related employee benefit costs incurred by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.
- Revenue derived from fees pursuant to this subsection.
- Revenue derived from fines pursuant to this subsection.
- Investment earnings derived from the local government's investment of revenue derived from fees and fines pursuant to this subsection.
- Balances carried forward by the local government pursuant to this subsection.
- Balances refunded by the local government pursuant to this subsection.

Section 4 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Section 18(a), Article VII, of the Florida Constitution requires any general law that would require the expenditure of money to be passed by a two-thirds vote of the membership of each house of the Legislature. The mandate requirements of Art. VII, section 18 of the Florida Constitution may apply because this bill requires local governments to revise their websites and post their permit and inspection fee schedules with a link to the building permit and inspection utilization report on their websites, which may require expenditures.

However, there are several exemptions and exceptions to the mandate requirements. The mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 is approximately \$2 million or less.^{18,19,20} Additionally, the mandate requirements do not apply if the Legislature determines that the bill fulfills an important state interest, and the bill applies to all persons similarly situated.

¹⁸ FLA. CONST. art. VII, s. 18(d).

¹⁹ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Dec. 19, 2017).

²⁰ Based on the Demographic Estimating Conference's population adopted on December 5, 2017. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf>.

The fiscal impact of the bill appears to be insignificant because current law authorizes local governments to post each type of building permit application on their websites. As a result, local governments may be able to fulfill the obligations of the bill with minimal additional resources. If the bill does not qualify under any exemption or exception, final passage must be approved by a two-thirds vote of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Indeterminate. Some local governments may require an initial expenditure of funds to revise the local government's existing website to include the ability to post permit and inspection fee schedules as well as a report on the local government's website. This may be an issue for a local government with minimal website capability.

B. Private Sector Impact:

Requiring a local government to post its permit and inspection fee schedules as well as a building permit and inspection utilization report on its website will help applicants for building permits assess the associated costs of the permit.

C. Government Sector Impact:

Local governments will be required to post permit and inspection fee schedules as well as a building permit and inspection utilization report on its website.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Sections 1 and 2 of the bill require each local government to include on its website a link to the building permit and inspection utilization report required under s. 553.80(7), F.S. However, section 3 of the bill requires publication of the report before the local government makes any adjustment to a fee schedule. The bill is not clear as to whether a local government is required to prepare such a report, and update it annually, if the local government makes no adjustments to a fee schedule.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.56, 166.222, and 553.80.

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

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

CS by Community Affairs Committee on January 16, 2018:

- Adds the permit and inspection fee schedule requirements to s. 166.222, F.S., so that the permit and inspection fee schedule requirements for municipalities are properly placed in the municipality chapter of the Florida Statutes.

B. Amendments:

None.

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



319324

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/17/2018	.	
	.	
	.	
	.	

The Committee on Community Affairs (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 25 - 29
and insert:

(c) The governing body of a county authorized under this section or s. 553.80 to issue fees shall post its permit fee and inspection fee schedule on its website with a link to the building permit and inspection report required under s. 553.80(7).

Section 2. Section 166.222, Florida Statutes, is amended to



319324

read:

166.222 Building code inspection fees.—

(1) The governing body of a municipality may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of its building code.

(2) The governing body of a municipality authorized under s. 553.80 to issue fees shall post its permit and inspection fee schedules on its website with a link to the building permit and inspection report required under s. 553.80(7).

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

And the title is amended as follows:

Delete lines 3 - 6

and insert:

F.S.; requiring the governing body of certain counties to post its permit and inspection fee schedules and a link to the annual building permit and inspection report on its website; amending s. 166.222, F.S.; requiring the governing body of a municipality to post its permit and inspection fee schedules and a link to the annual building permit and inspection report on its website;

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/2015
Meeting Date

1144
Bill Number (if applicable)

Topic SRS 1144 Rem. Hinf. for

Amendment Barcode (if applicable)

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City

State

Zip

Email

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Lessee of Clubs

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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Meeting Date 1-16-18

Bill Number (if applicable) SB 1144

Topic PERMIT FEES

Amendment Barcode (if applicable) _____

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Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing THE ROOKING & STREET MGMT CONTRACTORS ASSN

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

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Meeting Date 1-16-18

Bill Number (if applicable) SB 1144

Topic PERMIT FEES

Amendment Barcode (if applicable) _____

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Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF CONVENTS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

11/16/18

Bill Number (if applicable)

SB 1144

Topic

Permit Fees

Amendment Barcode (if applicable)

Name

Jennifer Hatfield

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Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FL Swimming Pool 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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 11/20/18

Bill Number (if applicable)

319324

Amendment Barcode (if applicable)

Topic Permit fees

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Zip

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Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Associated Builders and Contractors

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.

By Senator Perry

8-00665A-18

20181144__

A bill to be entitled

An act relating to permit fees; amending s. 125.56, F.S.; requiring a local government authorized to charge certain fees to post its permit fee and inspection fee schedule on its website with a link to a specified building permit and inspection report; amending s. 553.80, F.S.; requiring the governing body of a local government, before making any adjustment to a fee schedule, to publish a building permit and inspection report and post it on the local government's website; requiring the report to be updated annually on such website and be easily accessible to the public; requiring the report to include specified information; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (4) of section 125.56, Florida Statutes, to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(c) A local government authorized under this section, s. 166.222, or s. 553.80 to charge fees shall post its permit fee and inspection fee schedule on its website with a link to the building permit and inspection report required under s. 553.80(7).

8-00665A-18

20181144__

Section 2. Subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7) ~~(a)~~ The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

1.(a) As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed

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20181144

contractor activity to the extent not funded by other user fees.

~~2.(b)~~ The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

~~a.1-~~ Planning and zoning or other general government activities.

~~b.2-~~ Inspections of public buildings for a reduced fee or no fee.

~~c.3-~~ Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

~~d.4-~~ Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1 paragraph (a).

~~3.(e)~~ A local government shall use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1 paragraph (a).

~~4.(d)~~ The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

~~a.1-~~ Providing proof of licensure pursuant to chapter 489;

~~b.2-~~ Recording or filing a license issued pursuant to this chapter; or

~~c.3-~~ Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440.

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20181144

(b) Before making any adjustment to a fee schedule, the governing body of a local government shall publish a building permit and inspection report and post it on the local government's website. The report must be updated annually on such website and be easily accessible to the public. The report must include:

1. Direct and indirect costs incurred by the local government to implement the Florida Building Code, including costs related to the review of:

a. Building plans.

b. Building inspections.

c. Building reinspections.

d. Building permit processing.

e. Building code enforcement.

f. Building fire inspections.

2. Number of building permits requested.

3. Number of building permits issued.

4. Number of building inspections and reinspections conducted.

5. Number of personnel employed by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.

6. Salary and related employee benefit costs incurred by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.

7. Revenue derived from fees pursuant to this subsection.

8. Revenue derived from fines pursuant to this subsection.

9. Investment earnings derived from the local government's investment of revenue derived from fees and fines pursuant to

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20181144__

117 this subsection.118 10. Balances carried forward by the local government119 pursuant to this subsection.120 11. Balances refunded by the local government pursuant to121 this subsection.

122 Section 3. This act shall take effect July 1, 2018.

COMMITTEE: Community Affairs
ITEM: SB 1144
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Committee on Community Affairs

BILL: SB 494

INTRODUCER: Senator Lee

SUBJECT: Linear Facilities

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Favorable
2.	Cochran	Yeatman	CA	Favorable

I. Summary:

SB 494 amends the exemptions from the land-use-consistency provisions of the Power Plant Siting Act (PPSA)¹ and Transmission Line Siting Act (TLSA)² to provide that they apply to established rights-of-way and corridors, to rights-of-way and corridors yet to be established, and to the creation of distribution and transmission corridors.

The bill establishes the standard to be used in authorizing variances in a site certification under the PPSA and the TLSA.

It also provides that the PPSA and TLSA cannot affect in any way the Public Service Commission's (PSC) exclusive jurisdiction to require transmission lines to be located underground.

II. Present Situation:

The bill partially overturns a Third District Court of Appeal (the court) decision in a power plant siting case.³ The bill addresses two issues: application of specific local laws in a siting proceeding and the authority of the Siting Board to order undergrounding, or burying, of a transmission or distribution power line.

¹ Sections 403.501-403.519, F.S.

² Sections 403.52-403.539, F.S.

³ *Miami-Dade County, et al, v. In Re: Florida Power & Light Co., etc., et al*, Opinion filed April 20, 2016, available at <http://www.3dca.flcourts.org/opinions/3D14-1467.pdf>. The Florida Supreme Court denied Florida Power and Light's petition for review, Friday, February 24, 2017, available at https://efactssc-public.flcourts.org/casedocuments/2016/2277/2016-2277_disposition_137996.pdf.

Application of Local Laws / “Development”

Statutes

Under the PPSA, the application for certification of a site for a power plant and associated facilities must include a statement on the consistency of the site, and any associated facilities⁴ that constitute a “development,” with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of the consistency.⁵ The statement must include an identification of those associated facilities that the applicant believes are exempt from the requirements of land use plans and zoning ordinances under the Community Planning Act provisions of ch. 163 and s. 380.04(3), F.S. Each affected local government must file a determination of the consistency of the site and non-exempt associated facilities with existing land use plans and zoning ordinances in effect on the date the application was filed. Any substantially affected person may file a petition with the designated administrative law judge (ALJ) to dispute the local government’s determination.⁶ If a petition is filed, the ALJ must hold a land use hearing at which the sole issue for determination is whether the proposed site or nonexempt associated facility is consistent and in compliance with existing land use plans and zoning ordinances.⁷ After the hearing, if the Siting Board determines that the proposed site or non-exempt associated facility does not conform with existing land use plans and zoning ordinances, the board may authorize a variance or other necessary approval to the adopted land use plan and zoning ordinances required to render the site consistent with the local land use plans and zoning ordinances.⁸

Associated facilities that are exempt from the term “development” are not subject to the land use consistency and compliance requirements. The relevant definition of “development” is set out in s. 380.04, F.S., which expressly excludes the following activities from the term development:

- Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
- The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.⁹

⁴ “Associated facilities” means, for the purpose of certification, those onsite and offsite facilities which directly support the construction and operation of the electrical power plant such as electrical transmission lines, substations, and fuel unloading facilities; pipelines necessary for transporting fuel for the operation of the facility or other fuel transportation facilities; water or wastewater transport pipelines; construction, maintenance, and access roads; and railway lines necessary for transport of construction equipment or fuel for the operation of the facility. Section 403.503(7), F.S.

⁵ Section 403.50665(1), F.S.

⁶ Section 403.50665(2)(a), F.S.

⁷ Section 403.508, F.S.

⁸ Section 403.508(1)(f), F.S. To do this, the Siting Board must determine after notice and hearing and upon consideration of the recommended order on land use and zoning issues that it is in the public interest to authorize the use of the land for a site or associated facility.

⁹ Section 380.04(3)(b) and (h), F.S.

Administrative Orders

Several administrative orders on this issue have held that siting of the transmission line is exempt from “development” and thus exempt from application of the land-use-consistency provisions. This interpretation turns on the meaning of the term “established.”

One illustration of this interpretation is the following quote:

First, Gulf Power will create a new right-of-way for the powerline. A right-of-way is a ‘right of access,’ an easement, or an “other right” in land. Second, Gulf Power will construct the powerline on the newly established right-of-way. Gulf Power is a utility engaged in the distribution or transmission of electricity. The construction of the powerline in the established right-of-way falls within s. 380.04(3)(b). See, *Bd. Of County Commrs. of Monroe County v. Dept. of Community Affairs*, 560 So.2d 240 (Fla. 3d DCA 1990); *Friends of Mantanzas, Inc. v. Dept. of Environmental Protection*, 729 So.2d 437 (Fla. 5th DCA 1999), and *1000 Friends of Florida, Inc. v. St. Johns County*, 765 So.2d 216 (Fla. 5th DCA 2000), interpreting the similar exemption for road improvements within the right-of-way in s. 380.04(3)(a), *Fla. Stat.* (2004).

Therefore, the proposed powerline is not ‘development’ as defined in section 380.04, *Fla. Stat.* (2003).¹⁰

In another case, the exemption was applied as follows:

After certification of this project, TECO will acquire the necessary property interests in a ROW within the certified corridor for placement of the line. Construction of transmission lines on such established ROWs is excepted from the definition of ‘development’ in Section 163.3164(5), Florida Statutes. Accordingly, the provisions of the local comprehensive plans related to ‘development’ that have been adopted by the local governments crossed by the line are not applicable to this project.¹¹

Miami-Dade County vs. In Re: Florida Power & Light

In this case, Florida Power & Light Company (FPL) filed an application under the PPSA to obtain a permit to construct and operate two new nuclear generating units and associated facilities at Turkey Point, including new transmission lines. They obtained a recommended order and a final order on certification, both approving FPL’s West Preferred Corridor as a back-up western transmission corridor if adequate right-of-way could not be obtained in the primary corridor in a timely manner and at a reasonable cost. Neither order considered local regulations nor required FPL to underground its lines.

The final order was appealed and the court reversed and remanded the final order based on three errors, including holding that the order incorrectly applied the “development” exemption based on an erroneous interpretation of the exemption for:

¹⁰ *In re Petition for Declaratory Statement by Hughes*, 2004 Fla. ENV LEXIS 166, 4 ER FALR 113.

¹¹ *In Re: Tampa Electric Company Willow Oak-Wheeler-Davis Transmission Line Siting Application*, 2008 Fla. ENV LEXIS 115, 2008 ER FALR 175, at 50 (DOAH May 13, 2008), adopted in toto 2008 E.R. F.A.L.R. 175 (Siting Bd. Aug. 1, 2008).

Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.¹²

The court found the following errors in the Siting Board's application of the exemption law:

- In the siting process, the Siting Board certifies a corridor, not a right-of-way, and the exemption cannot be applied to the entire corridor.¹³
- The record reflects that the corridor is made up of parcels within and outside established rights-of-way, so the board has no way of knowing whether construction will take place in a right-of-way or an easement.¹⁴
- The exemption is for work conducted on "established rights-of-way." "And as the City of Miami contends, were this Court to accept FPL's argument on this issue, that an established right-of-way is not the same as an existing right-of-way, this would make the word 'established' meaningless."¹⁵

Analysis of Decisions

The court does not cite or quote previous administrative law. The court's interpretation is supported by the plain English meaning of the words in the statute: establish means to institute, to make firm, to bring into existence, to put on a firm basis, to gain full recognition or acceptance, or to put beyond doubt.¹⁶ The past tense usage means the act has been accomplished, that the right-of-way is in existence at the time of the siting proceedings.

However, the decision appears to conflict with the legislative intent for the PPSA and TLSA. The stated intent for the siting acts is to establish a centralized, efficient procedure for approving a single license for power plant and transmission line sites, through application of both the state and local standards and recommendations of all involved agencies, while balancing the need for additional electricity against the need to minimize adverse effects on citizens and the environment, without undue conflict with the goals established by the applicable local comprehensive plan.¹⁷

The local land use laws classify property uses into multiple types of residential, commercial, and industrial property, with different permitted uses for each type. Each municipality and county is a different patchwork of these types of property, but application of the land use laws of each would likely restrict a transmission line to industrial use property. A transmission line cannot be constructed across multiple local governments using only the unconnected industrial property within each; as such, if the statutes were interpreted and implemented as the court has held, it would be difficult for a transmission line to be sited.

¹² *Miami-Dade County*, supra note 1, at 11.

¹³ *Miami-Dade County*, supra note 1, at 12.

¹⁴ *Miami-Dade County*, supra note 1, at 12.

¹⁵ *Miami-Dade County*, supra note 1, at 13-14.

¹⁶ See, e.g., <https://www.merriam-webster.com/dictionary/establish> and <https://ahdictionary.com/word/search.html?q=establish>

¹⁷ Sections 403.502 and 403.521, F.S., respectively.

The previous administrative orders, on the other hand, appear to achieve the statutory intent, but appear to do so by a different interpretation of the word “established” within the context of “development.”

It appears that the s. 380.04, F.S., standard for “development,” incorporated into the PPSA and TLSA by cross reference, is ambiguous in those contexts. The apparent intent of the bill is to clarify this ambiguity.

Authority of the Siting Board to Order Undergrounding of Transmission Lines

Statutes

The PPSA and TLSA authorize the Siting Board to include conditions in the certification.¹⁸ Both also contain a limitation that the act does not affect in any way the ratemaking powers of the PSC under ch. 366, F.S.

Miami-Dade County vs. In Re: Florida Power & Light

In the *Miami-Dade* decision, the court also reversed and remanded based on a finding that the Siting Board erroneously thought it did not have the power to require FPL to install the lines underground at FPL’s expense.

The court made the following finding:

The general grant of power in the PPSA to “impose conditions” upon certification, other than those listed in the PPSA, gave the Siting Board the power to impose the condition of requiring that the power lines be installed underground, at FPL’s expense. See s. 403.511(1), Fla. Stat.; s. 403.511(2)(b)(2).

Undergrounding of the transmission lines is a condition upon certification encompassed by the Siting Board’s ability to impose “site specific criteria, standards, or limitations” on FPL’s project. As such, the Siting Board had the power to require it, contrary to the Siting Board’s conclusion that it had no such power. Accordingly, reversal is required on this point.¹⁹

FPL had argued that the Siting Board did not have jurisdiction to order undergrounding based on a previous case on an issue unrelated to the siting act. The court distinguished that case on the basis that it contained nothing regarding whether undergrounding could be required as a condition of certification in a siting case.

The Seminole holding was made in the context of rate-making with regard to the power vested in the Public Service Commission and not in the context of any of the Siting Board’s powers. The Siting Board’s power in no way infringes on the PSC’s authority with regard to rate-making, and there is no conflict with the PSC’s role. The Seminole case is simply inapplicable to the case before us.²⁰

¹⁸ Sections 403.511 and 403.531, F.S., respectively.

¹⁹ *Miami-Dade County*, supra note 1, at 14-15.

²⁰ *Miami-Dade County*, supra note 1, at 18.

Analysis

Again, the court appears to have based its decision solely on interpretation of the siting statutes. Interpretation and implementation is more complex when ch. 366, F.S., and the facts of economic regulation and undergrounding of power lines are considered as well.

Undergrounding of transmission lines is more expensive than placing them overhead on poles. The actual amount of the cost difference depends on the actual circumstances of the transmission line site. For the Turkey Point line, the estimate was that undergrounding would cost nine times more; \$13.3-\$18.5 million per mile compared to \$1.5-\$2.5 million. An estimated average is that the costs are around ten times more to underground a transmission line.²¹

Additionally, when an agency with regulatory authority over a regulated public utility orders that public utility to incur costs, the PSC *must* allow the utility to recover those costs. This affects the ratemaking power of the PSC under ch. 366, F.S., in at least two significant ways:

- It denies the PSC its oversight and ratemaking function of making the initial determination of whether the higher costs of undergrounding the transmission line are prudent and reasonable under the circumstances. This determination is an essential element of determining what utility costs are recoverable, which, in turn, is the first step in ratemaking.
- It denies the PSC the ability to make a determination of how undergrounding would affect grid reliability. Grid reliability is a part of ratemaking through the underlying regulatory compact, which includes customer service requirements.

III. Effect of Proposed Changes:

The bill amends paragraphs 380.04(b) and (h), F.S., which contain the exemptions from “development” discussed above. The bill extends the existing exemption for work done on established rights-of-way to established corridors and to rights-of way and corridors yet to be established. It also provides that the exemption for the creation of specified types of property rights applies to creation of distribution and transmission corridors.

The bill makes the same changes to s. 163.3221, F.S., which provides definitions for use in the Florida Local Government Development Agreement Act, which provides for agreements between local governments and developers to improve the growth management and public planning processes.

The bill also amends ss. 403.511 and 403.531, F.S., which relate to the effect of certification under the PPSA and the TLSA, respectively. First, the bill specifies that the standard for granting variances in the certification is to be the standards set forth in s. 403.201, F.S. Section 403.201, F.S., authorizes variances in the following conditions:

- There is no practicable means known or available for the adequate control of the pollution involved.
- Compliance with the particular requirement or requirements from which a variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time. A variance granted for this reason shall prescribe a timetable for the taking of the measures required.

²¹ Email from David Childs; Hopping Green & Sams, on March 10, 2017.

- To relieve or prevent hardship of a kind other than those provided for above. Variances and renewals thereof granted under authority of this paragraph shall each be limited to a period of 24 months, except that variances granted pursuant to part II may extend for the life of the permit or certification.

Second, the bill provides that the PPSA and TLSA cannot affect in any way the PSC's exclusive jurisdiction to require transmission lines to be located underground.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will clarify the application of local land use laws to transmission line corridors in siting cases under the PPSA and TLSA. This will provide certainty to both the utilities and the local governments, and will reduce expenses of siting and legal proceedings.

The express prohibition against the Siting Board ordering undergrounding of transmission lines will save utility ratepayers additional costs. As the PSC is a party to PPSA proceedings and may be a party to TLSA proceedings, it is possible that some coordination of siting proceedings and PSC ratemaking could be accomplished to incorporate undergrounding as a condition of certification while still maintaining PSC ratemaking authority.

C. Government Sector Impact:

The bill will clarify the application of local land use laws to transmission line corridors in siting cases under the PPSA and TLSA. This will provide certainty to both the utilities and the local governments, and will reduce expenses of siting and legal proceedings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 163.3221, 380.04, 403.511, and 403.531.

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

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

None.

B. Amendments:

None.

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date _____

Bill Number (if applicable) 494

Topic _____ Amendment Barcode (if applicable) _____

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Street

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City

State

Zip

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)Representing Miami-Dade CountyAppearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

Meeting Date Feb 16 2017 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable) 494

Topic Linear Facilities

Amendment Barcode (if applicable)

Name David Childs

Job Title General

Address 119 S. Monroe St. Suite 300

Phone 850 2275000

Street

Chelmssee

FL

32301

Email DAVIDC@HISLAW.COM

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Electric Power Coordinating Group

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

494

Meeting Date

Bill Number (if applicable)

Topic

Senior Facilities

Amendment Barcode (if applicable)

Name

Chris Cunniff

Job Title

Policy Director

Address

136 S. Broadway

Phone

Street

Tallahassee, Florida 32301

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida Chamber of Commerce

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18
Meeting Date

494
Bill Number (if applicable)

Topic Linear Facilities

Amendment Barcode (if applicable)

Name Suzanne Goss

Job Title Government Relations Specialist

Address 21 W. Church St. Phone 904 665-8331

Street City Jacksonville FL State Zip 32202 Email gossse@jea.com

Speaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing JEA (electric, water & sewer)

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-16-18

SB 494

Meeting DateBill Number (if applicable)Topic Linear FacilitiesAmendment Barcode (if applicable)Name Cameron CooperJob Title Director of Governmental AffairsAddress 106 E College Ave, Suite 800Phone 850-521-1422StreetTallahasseeFL32301Email cameron.cooper@duke-energy.comCityStateZipSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Duke EnergyAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

January 16, 2018

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

SB 494

Meeting DateBill Number (if applicable)Topic Linear FacilitiesAmendment Barcode (if applicable)Name Donna SimmonsJob Title Director, State Government RelationsAddress 106 E College AvePhone 850-681-6785StreetTLHFL32301Email CityStateZipSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing TECO EnergyAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 11/6/18

Bill Number (if applicable) SB 494

Amendment Barcode (if applicable) _____

Topic Senate Fundraising

Name Charles Morris

Job Title Manager

Address 1350 ~~4th~~ Hwy 40 West

Street

City Englis State FL Zip 34449

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against *co-maint com*
(The Chair will read this information into the record.)

Representing Senators of Englis

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

1-16-18

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

Meeting Date

SB
494
Bill Number (if applicable)

Topic LINEAR FACILITIES

Amendment Barcode (if applicable)

Name CARL PUNKO (Punko)

Job Title GULF POWER CONSULTANT

Address 12773 ISLAND SPIRIT DRIVE

Phone 850-712-0692

Street

PENSACOLA

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing GULF POWER CO.

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-16-18
Meeting Date

SB 494
Bill Number (if applicable)

Topic LINEAR FACILITIES

Amendment Barcode (if applicable)

Name KEVIN NOONAN

Job Title DIRECTOR, LEGISLATIVE AFFAIRS

Address 100 W. ANDERSON STREET

Phone 407.466.1287

Street

ORLANDO FL 32801

Email KNOONAN@OC.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing ORLANDO UTILITIES COMMISSION

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.

By Senator Lee

20-00438-18

2018494__

1 A bill to be entitled
 2 An act relating to linear facilities; amending s.
 3 163.3221, F.S.; revising the definition of the term
 4 "development" to exclude work by certain utility
 5 providers on utility infrastructure on certain rights-
 6 of-way or corridors; revising the definition to
 7 exclude the creation or termination of distribution
 8 and transmission corridors; amending s. 380.04, F.S.;
 9 revising the definition of the term "development" to
 10 exclude work by certain utility providers on utility
 11 infrastructure on certain rights-of-way or corridors;
 12 revising the definition to exclude the creation or
 13 termination of distribution and transmission
 14 corridors; amending s. 403.511, F.S.; requiring the
 15 consideration of a certain variance standard when
 16 including conditions for the certification of an
 17 electrical power plant; clarifying that the Public
 18 Service Commission has exclusive jurisdiction to
 19 require underground transmission lines; amending s.
 20 403.531, F.S.; requiring the consideration of a
 21 certain variance standard when including conditions
 22 for the certification of a proposed transmission line
 23 corridor; clarifying that the Public Service
 24 Commission has exclusive jurisdiction to require
 25 underground transmission lines; providing an effective
 26 date.
 27
 28 Be It Enacted by the Legislature of the State of Florida:
 29

Page 1 of 5

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

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2018494__

30 Section 1. Paragraph (b) of subsection (4) of section
 31 163.3221, Florida Statutes, is amended to read:
 32 163.3221 Florida Local Government Development Agreement
 33 Act; definitions.—As used in ss. 163.3220-163.3243:
 34 (4) "Development" means the carrying out of any building
 35 activity or mining operation, the making of any material change
 36 in the use or appearance of any structure or land, or the
 37 dividing of land into three or more parcels.
 38 (b) The following operations or uses shall not be taken for
 39 the purpose of this act to involve "development":
 40 1. Work by a highway or road agency or railroad company for
 41 the maintenance or improvement of a road or railroad track, if
 42 the work is carried out on land within the boundaries of the
 43 right-of-way.
 44 2. Work by any utility and other persons engaged in the
 45 distribution or transmission of gas, electricity, or water, for
 46 the purpose of inspecting, repairing, or renewing on established
 47 rights-of-way or corridors, or constructing on established or to
 48 be established rights-of-way or corridors, any sewers, mains,
 49 pipes, cables, utility tunnels, power lines, towers, poles,
 50 tracks, or the like.
 51 3. Work for the maintenance, renewal, improvement, or
 52 alteration of any structure, if the work affects only the
 53 interior or the color of the structure or the decoration of the
 54 exterior of the structure.
 55 4. The use of any structure or land devoted to dwelling
 56 uses for any purpose customarily incidental to enjoyment of the
 57 dwelling.
 58 5. The use of any land for the purpose of growing plants,

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59 crops, trees, and other agricultural or forestry products;
60 raising livestock; or for other agricultural purposes.

61 6. A change in use of land or structure from a use within a
62 class specified in an ordinance or rule to another use in the
63 same class.

64 7. A change in the ownership or form of ownership of any
65 parcel or structure.

66 8. The creation or termination of rights of access,
67 riparian rights, easements, distribution and transmission
68 corridors, covenants concerning development of land, or other
69 rights in land.

70 Section 2. Paragraphs (b) and (h) of subsection (3) of
71 section 380.04, Florida Statutes, are amended to read:

72 380.04 Definition of development.—

73 (3) The following operations or uses shall not be taken for
74 the purpose of this chapter to involve "development" as defined
75 in this section:

76 (b) Work by any utility and other persons engaged in the
77 distribution or transmission of gas, electricity, or water, for
78 the purpose of inspecting, repairing, or renewing on established
79 rights-of-way or corridors, or constructing on established or to
80 be established rights-of-way or corridors, any sewers, mains,
81 pipes, cables, utility tunnels, power lines, towers, poles,
82 tracks, or the like. This provision conveys no property interest
83 and does not eliminate any applicable notice requirements to
84 affected land owners.

85 (h) The creation or termination of rights of access,
86 riparian rights, easements, distribution and transmission
87 corridors, covenants concerning development of land, or other

Page 3 of 5

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88 rights in land.

89 Section 3. Paragraph (b) of subsection (2) and subsection
90 (4) of section 403.511, Florida Statutes, are amended to read:

91 403.511 Effect of certification.—

92 (2)

93 (b)1. Except as provided in subsection (4), and in
94 consideration of the standard for granting variances pursuant to
95 s. 403.201, the certification may include conditions which
96 constitute variances, exemptions, or exceptions from
97 nonprocedural requirements of the department or any agency which
98 were expressly considered during the proceeding, including, but
99 not limited to, any site specific criteria, standards, or
100 limitations under local land use and zoning approvals which
101 affect the proposed electrical power plant or its site, unless
102 waived by the agency and which otherwise would be applicable to
103 the construction and operation of the proposed electrical power
104 plant.

105 2. No variance, exemption, exception, or other relief shall
106 be granted from a state statute or rule for the protection of
107 endangered or threatened species, aquatic preserves, Outstanding
108 National Resource Waters, or Outstanding Florida Waters or for
109 the disposal of hazardous waste, except to the extent authorized
110 by the applicable statute or rule or except upon a finding in
111 the certification order that the public interests set forth in
112 s. 403.509(3) in certifying the electrical power plant at the
113 site proposed by the applicant overrides the public interest
114 protected by the statute or rule from which relief is sought.

115 (4) This act shall not affect in any way the Public Service
116 Commission's ratemaking powers or its exclusive jurisdiction to

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117 ~~require transmission lines to be located underground of the~~
118 ~~Public Service Commission~~ under chapter 366; nor shall this act
119 in any way affect the right of any local government to charge
120 appropriate fees or require that construction be in compliance
121 with applicable building construction codes.

122 Section 4. Paragraph (b) of subsection (2) and subsection
123 (4) of section 403.531, Florida Statutes, are amended to read:

124 403.531 Effect of certification.—

125 (2)

126 (b) In consideration of the standard for granting variances
127 pursuant to s. 403.201, the certification may include conditions
128 that constitute variances and exemptions from nonprocedural
129 standards or rules of the department or any other agency which
130 were expressly considered during the certification review unless
131 waived by the agency as provided in s. 403.526 and which
132 otherwise would be applicable to the location of the proposed
133 transmission line corridor or the construction, operation, and
134 maintenance of the transmission lines.

135 (4) This act does not in any way affect the commission's
136 ratemaking powers or its exclusive jurisdiction to require
137 transmission lines to be located underground of the commission
138 under chapter 366. This act does not in any way affect the right
139 of any local government to charge appropriate fees or require
140 that construction be in compliance with the National Electrical
141 Safety Code, as prescribed by the commission.

142 Section 5. This act shall take effect upon becoming a law.

COMMITTEE: Community Affairs
ITEM: SB 494
FINAL ACTION: Favorable
MEETING DATE: Tuesday, January 16, 2018
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

FINAL ACTION:

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting