

Tab 1	SB 58 by Rodriguez ; Hospitals' Community Benefit Reporting						
Tab 2	SB 334 by Gruters (CO-INTRODUCERS) Hutson, Perry ; (Compare to H 00239) Regulation of Smoking in Public Places						
Tab 3	SB 62 by Bradley ; Regional Planning Councils						
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Tab 4	SB 378 by Bradley ; Payment for Construction Services						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Bradley, Chair
Senator Garcia, Vice Chair

MEETING DATE: Tuesday, January 26, 2021
TIME: 3:30—6:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator Bradley, Chair; Senator Garcia, Vice Chair; Senators Baxley, Brodeur, Cruz, Hooper, Hutson, Polsky, and Powell

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	SB 58 Rodriguez	Hospitals' Community Benefit Reporting; Repealing a provision relating to reporting of community benefit expenses for property tax exemption purposes, etc. CA 01/26/2021 Favorable FT AP	Favorable Yeas 9 Nays 0
2	SB 334 Gruters (Compare H 239)	Regulation of Smoking in Public Places; Revising a short title; authorizing counties and municipalities to further restrict smoking within the boundaries of public beaches and public parks under certain circumstances; prohibiting smoking within the boundaries of a state park, etc. CA 01/26/2021 Favorable EN RC	Favorable Yeas 8 Nays 1
3	SB 62 Bradley	Regional Planning Councils; Revising a requirement for the Executive Office of the Governor to review and consider certain reports, data, and analyses relating to the revision of the state comprehensive plan; eliminating the advisory role of regional planning councils in state comprehensive plan preparation and revision; repealing provisions relating to the Florida Regional Planning Council Act; authorizing local governments to recommend areas of critical state concern to the state land planning agency, etc. CA 01/26/2021 Fav/CS JU RC	Fav/CS Yeas 6 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 26, 2021, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 378 Bradley	Payment for Construction Services; Increasing the interest rate for certain payments for purchases of construction services; specifying that a person, firm, or corporation who fails to make certain payments relating to public projects commits a misapplication of constructions funds and is subject to criminal penalties; increasing the interest rate for overdue payments for the purchase of construction services; expanding the list of actions for which a licensee may be disciplined by the Construction Industry Licensing Board; requiring the board to suspend certain licenses for a minimum period of time under certain circumstances, etc.	Favorable Yeas 9 Nays 0
		CA 01/26/2021 Favorable GO RC	

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: SB 58

INTRODUCER: Senator Rodriguez

SUBJECT: Hospitals' Community Benefit Reporting

DATE: January 25, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Favorable
2.	_____	_____	FT	_____
3.	_____	_____	AP	_____

I. Summary:

SB 58 repeals s. 193.019, F.S., undoing a future requirement for the Department of Revenue to collect information on all 501(c)(3) hospitals' community benefit and adjust ad valorem property tax exemptions to reflect the value of the charitable contributions in each county. Section 193.019, F.S., was enacted during the 2020 Regular Session, but does not take effect until July 1, 2022.

By repealing s. 193.109, F.S., the Department of Revenue will maintain its current mechanism for administering ad valorem tax exemptions, under which 501(c)(3) hospitals are simply exempt from ad valorem taxation with no additional community benefit reporting requirements.

The bill takes effect upon becoming a law.

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 assessed or "just value"²

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).

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.

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

Ad Valorem Exemption for Educational, Literary, Scientific, Religious, or Charitable Organizations

When calculating ad valorem taxes, a property's value is reduced by any exemptions provided by law, including exemptions for educational, literary, scientific, religious, or charitable purposes.¹¹ The Legislature implements these constitutional exemptions and set forth the criteria to determine whether property is entitled to an exemption.¹²

In determining whether the use of a property qualifies the property for an educational, literary, scientific, religious, or charitable exemption under s. 196.196, F.S., the property appraiser must consider the nature and extent of the qualifying activity compared to other activities.¹³ The portions of the property used predominantly for qualified purposes are exempt from ad valorem taxation, and if the property owned by an exempt organization is used exclusively for exempt purposes, it is totally exempt from ad valorem taxation.¹⁴

Hospitals¹⁵ seeking an ad valorem exemption for charitable use of its property must meet an additional threshold which requires the hospital to be a federally-qualified 501(c)(3) nonprofit

³ See s. 192.001(2) and (16), F.S.

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.

¹² Section 196.196, F.S.

¹³ Section 196.196(1), F.S.

¹⁴ Section 196.196(2), F.S.

¹⁵ Alongside nursing homes, and homes for special service.

organization.¹⁶ To become a 501(c)(3) organization, none of the organization's earnings may benefit any private shareholder or individual, and the organization may not attempt to influence legislation as a substantial part of its activities.¹⁷

Community Benefit and Reporting

In order to achieve and maintain 501(c)(3) nonprofit status, hospitals must show community benefit to the IRS. “Community benefit” includes reduced cost and free health care services given to those unable to pay for it, as well as a hospital’s spending on programs that promote community health. Hospitals must file an additional form, Schedule H, with the IRS annually which includes:

- The net, unreimbursed costs of charity care;
- Participation in means-tested government programs such as Medicaid;
- Health professions education;
- Health services research;
- Subsidized health services;
- Community health improvement activities; and
- Cash or in-kind contributions to other community groups, such as donating to a health screening event, or hosting a blood drive.¹⁸

Additionally, 501(c)(3) hospitals must conduct a community health needs assessment every 3 years, maintain a financial assistance policy, and abide by certain limitations on charges and billing and collection requirements.¹⁹

The Florida Hospital Association states that Florida’s 154 501(c)(3) hospitals generate more than four billion dollars of community benefit, representing more than 12 percent of their entire hospital operating expenses.²⁰ The Department of Revenue estimates that these hospitals’ community benefit greatly exceeds the value of their ad valorem tax exemptions.²¹

Currently, 501(c)(3) hospitals are not required to calculate and report to the state their community benefit on a county by county level. If a hospital meets the requirements for the state’s charitable ad valorem tax exemption, including maintaining status as a 501(c)(3) corporation, property held by the hospital is exempt. This mechanism is set to change on July 1, 2022, pursuant to s. 193.019, F.S.

¹⁶ Section 196.197, F.S.

¹⁷ 26 U.S.C. 501(c)(3).

¹⁸ IRS Form 990 Schedule H worksheet.

¹⁹ 26 U.S.C. 501(9).

²⁰ *FHA Takeaways: Hospital Community Benefit Standards and Financial Reporting*, Florida Hospital Association, available at <http://fha.org/advocacy/state-advocacy/legislative-issues/taxexempt-hospitals-and-community-benefit.aspx>.

²¹ February 7, 2020 Revenue Estimating Impact Conference. For example, in 2020 St. Joseph’s Hospital in Hillsborough County saved \$1,652,415 with the charitable ad valorem tax exemption, while producing \$187,880,312 in net community benefit value. <https://projects.propublica.org/nonprofits/organizations/590774199/201903179349309755/IRS990ScheduleH> (Form 990) <https://gis.hcpafl.org/propertysearch/#/parcel/basic/182903ZZZ000005442500A> (taxable property value).

Section 193.019, F.S.

The Legislature enacted s. 193.019, F.S., during the 2020 Regular Session; however, it does not take effect until July 1, 2022.²² Under this law, by January 20th each year, the property appraiser of each county must provide the Department of Revenue with the previous year's tax reduction resulting from the property exemption for each property owned by a 501(c)(3) hospital.²³ Additionally, each 501(c)(3) hospital will separately provide to the Department of Revenue the following documentation:

- A copy of its most recent IRS Form 990, Schedule H, described above;
- A form showing its community benefit by location produced and county affected; and
- A document signed by the hospital CEO and an independent accountant stating that the community benefit calculations are true and correct.²⁴

The Department of Revenue will then determine if the county net community benefit attributed to a hospital's property located in the county equals or exceeds the tax deductions received. In any second consecutive year the tax reductions are greater than the community benefit provided, the tax reduction will be reduced proportionally.²⁵ This data will be published publicly.

III. Effect of Proposed Changes:

The bill repeals s. 193.019, F.S., undoing a future requirement that the department of revenue collect county-level data regarding a 501(c)(3) hospital's community benefit and ad valorem tax exemptions, and reduce the exemptions granted if they exceed the community benefit provided by the hospital, beginning January 1, 2022.

By repealing s. 193.019, F.S., the Department of Revenue will continue its current mechanism for administering ad valorem tax exemptions, under which hospitals are not required to calculate and report to the state their community benefit on a county by county level. If a hospital meets the requirements for the state's charitable ad valorem tax exemption, including maintaining status as a 501(c)(3) corporation, all property held by the hospital is simply held exempt from ad valorem taxation.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²² Chapter 2020-10, s. 2, L.O.F.

²³ Section 193.019(2), F.S.

²⁴ Section 193.019(3), F.S.

²⁵ Section 193.019(4) and (5), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 193.019, 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

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

1/20

Meeting Date

SB 58

Bill Number (if applicable)

Topic Hospital Community Benefit

Name DAVID MICA, JR

Job Title Exec Vice President

Amendment Barcode (if applicable)

Address Street

Phone

City State Zip

Email DAVIDM@FHA.ORG

Speaking: [X] For [] Against [] Information

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

Representing Florida Hospital Assoc.

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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)

1-26-20
Meeting Date

SB 58
Bill Number (if applicable)

Topic Property Tax Reporting

Amendment Barcode (if applicable)

Name Ken Kniepmann

Job Title Associate for Health

Address 201 W Park Ave
Street

Phone 850-510-0552

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

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

Representing Florida Conference 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.

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)

January 26, 2021

Meeting Date

SB 58

Bill Number (if applicable)

Topic Hospitals' Community Benefit Reporting

Amendment Barcode (if applicable)

Name Layne M. Smith

Job Title Director, State Government Affairs, Mayo Clinic

Address 4500 San Pablo Road

Street

Phone (904) 953-7334

Jacksonville

FL

32224

Email smith.layne@mayo.edu

City

State

Zip

Speaking: For Against Information

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

Representing Mayo Clinic

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)

1/26/21

Meeting Date

58

Bill Number (if applicable)

Topic Hospitals' Community Benefit Reporting

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Senior Policy Director

Address 136 S Bronough St

Phone 850-521-1200

Street

Tallahassee

FL

32301

Email cjohnson@flchamber.com

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

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

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

S-001 (10/14/14)

By Senator Rodriguez

39-00522-21

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A bill to be entitled

An act relating to hospitals' community benefit reporting; repealing s. 193.019, F.S., relating to reporting of community benefit expenses for property tax exemption purposes; providing an effective date.

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

Section 1. Section 193.019, Florida Statutes, is repealed.

Section 2. This act shall take effect upon becoming a law.

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 334

INTRODUCER: Senator Gruters

SUBJECT: Regulation of Smoking in Public Places

DATE: January 25, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paglialonga	Ryon	CA	Favorable
2.	_____	_____	EN	_____
3.	_____	_____	RC	_____

I. Summary:

SB 334 amends the “Florida Clean Indoor Air Act” in part II of ch. 386, F.S., which regulates vaping and tobacco smoking in Florida. The bill allows counties and municipalities to restrict smoking within the boundaries of any of the public beaches and public parks they own. Currently, the regulation of smoking is preempted to the state, and counties and municipalities are prohibited from regulating smoking. “Smoking” is defined in ch. 386, F.S., as “inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.”

The bill also prohibits smoking within the boundaries of a state park and changes the title of the “Florida Clean Indoor Air Act” to the “Florida Clean Air Act” to account for the broader application of the act proposed in the bill. The bill takes effect on July 1, 2021.

II. Present Situation:

The Florida Clean Indoor Air Act (act) in part II of ch. 386, F.S., regulates vaping and tobacco smoking in Florida. The legislative purpose of the act is to protect the public 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

Tobacco Smoking

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

¹ Section 386.202, F.S.

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, 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 implementing legislation have an effective date of no later than July 1, 2003, and required that implementing legislation 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.

Vaping

On November 6, 2018, the voters of Florida approved Amendment 9 to the Florida Constitution, to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces.² The use of e-cigarettes is commonly referred to as vaping.

Amendment 9 adds vapor-generating electronic devices to the current prohibition against tobacco smoking in enclosed indoor workplaces. The amendment makes exceptions for the same enclosed indoor workplace locations where tobacco smoking is permitted and further permits tobacco smoking and the use of vapor-generating electronic devices in a “vapor-generating electronic device retailer.”

The amendment defines a “vapor-generating electronic device retailer” to mean “any enclosed indoor workplace dedicated to or predominantly for the retail sale of vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental.”

A vapor-generating electronic device is defined as “any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance.” The definition includes electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, and other similar devices or products, replacement cartridge for such devices, and other containers of a solution or other substance intended to be used with or within the devices.

Section 20, Art. X, Florida Constitution, as amended, directs the Legislature to implement the “amendment in a manner consistent with its broad purpose and stated terms.” The implementing legislation must have an effective date of no later than July 1 of the year following approval (July 1, 2019). The implementing legislation must also provide civil penalties for violations;

² Amendment 9 also bans offshore oil and natural gas drilling on lands beneath state waters. *See* FLA. CONST. art II, s. 7.

provide for administrative enforcement; and require and authorize agency rules for implementation and enforcement. The Legislature may enact legislation more restrictive of tobacco smoking or vaping than that provided in the State Constitution.

Under the amendment, local governments may adopt more restrictive local ordinances on the use of vapor-generating electronic devices.

Florida's Clean Indoor Air Act

The Legislature implemented the smoking ban by enacting ch. 2003-398, Laws of Fla., which amended part 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;³ stand-alone bars;⁴ designated smoking rooms in hotels and other public lodging establishments;⁵ and retail tobacco shops, including businesses that manufacture, import, or distribute tobacco products and tobacco loose leaf dealers.⁶

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.⁷ 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 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.

During the 2019 Regular Session, the Legislature amended part II of ch. 386, F.S., to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces.⁸

³ Section 386.2045(1), F.S. *See also* definition of the term "private residence" in s. 386.203(1), F.S.

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

⁵ Section 386.2045(3), F.S. *See also* definition of the term "designated guest smoking room" in s. 386.203(4), F.S.

⁶ Section 386.2045(2), F.S. *See also* definition of the term "retail tobacco shop" in s. 386.203(8), F.S.

⁷ The applicable penalties for violations by designated stand-alone bars are set forth in s. 561.695(8), F.S.

⁸ *See* ch. 2019-14, Laws of Fla.

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 ch. 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.⁹

If a person fails to comply with the directions on the citation, the person will waive his or her right to contest the citation, and the court may issue an order to show cause.¹⁰

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.

Section 386.209, F.S., adopts and implements the Florida Constitution’s grant of authority to local governments to adopt more restrictive local ordinances on the use of vapor-generating electronic devices.

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.¹¹ 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.,¹² authorizes 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.

⁹ Section 386.212(3), F.S.

¹⁰ Section 386.212(4), F.S.

¹¹ Op. Att’y Gen. Fla. 2011-15 (July 21, 2011). *See also*, Op. Att’y Gen. Fla. 2005-63 (Nov. 21, 2005), which opined that a municipality is preempted from regulating smoking in a public park other than as prescribed by the Legislature.

¹² Chapter 2011-108, L.O.F.

Public Parks Owned by Counties and Municipalities

In Florida, there are 67 separate county park systems and more than 400 separate municipal park systems.¹³ For example, Orange County Florida maintains and operates 118 county-owned parks, which consist of a wide array of available activities and facilities.¹⁴ Parks provide a variety of activities to the public, including nature trails, bird watching, youth and adult athletics, bike paths, horse trails, boat ramps, fishing piers, metal detecting locations, outdoor gyms, and outdoor pavilions.¹⁵ Additionally, municipalities within Orange County also own and operate parks and outdoor recreational facilities. For example, the City of Winter Park, within Orange County, owns and operates 11 city parks, which offer similar recreational activities.¹⁶

The Division of Recreation and Parks within the Florida Department of Environmental Protection maintains a comprehensive inventory of the existing park facilities and outdoor resources in Florida. The inventory provides details about the parks and recreation areas in the state and consists of over 13,000 separate records, the majority of which are county and municipal parks.¹⁷

Florida's State Parks

Florida's award-winning state park system contains 175 state parks, including nearly 800,000 acres of state lands and 100 miles of sandy beaches.¹⁸ Florida's state parks include all real property in the state of Florida under the jurisdiction of the Department of Environmental Protection's (DEP) Division of Recreation and Parks (division) or real property that may come under the division's jurisdiction regardless of its designation.¹⁹ There are numerous designations in Florida's state park system, and examples include state park, state preserve, historic site, archaeological site, botanical site, museum, and culture center.²⁰ The statutory law governing Florida's state parks is primarily contained in ch. 258, F.S., State Parks and Preserves.

Requirements and prohibitions under ch. 258, F.S., are enforced by DEP and the Fish and Wildlife Conservation Commission's Division of Law Enforcement.²¹ The Division of Law Enforcement regulations contain a rule about fires which prohibits disposing of smoking materials within any park except in designated receptacles.²²

¹³ Florida Division of Recreation and Parks, *Frequently Asked Questions*, available at: <http://prodenv.dep.state.fl.us/DrpOrpcr/StaticFiles/FAQ.pdf> (last visited Jan. 13, 2021).

¹⁴ Orange County Government Florida, *Parks*, available at:

<http://www.orangecountyfl.net/CultureParks/Parks.aspx?m=lstaz#.Xcwjw8GP6Uk> (last visited Jan. 13, 2021).

¹⁵ *Id.*

¹⁶ City of Winter Park, *Parks*, available at: <https://cityofwinterpark.org/departments/parks-recreation/parks-playgrounds/parks/> (last visited Jan. 13, 2021).

¹⁷ Florida Division of Recreation and Parks, *Florida Outdoor Recreation Inventory*, available at: <https://floridadep.gov/parks/florida-outdoor-recreation-inventory> (last visited Jan. 13, 2021).

¹⁸ DEP, *Division of Recreation and Parks*, available at: <https://floridadep.gov/parks> (last visited Jan. 13, 2021).

¹⁹ Fla. Admin. Code R. 62D-2.013(1).

²⁰ *Id.*

²¹ Section 258.601, F.S.

²² Fla. Admin. Code R. 62D-2.013(3); National Fire Protection Association, Public Education, *Smoking*, available at: <https://www.nfpa.org/Public-Education/By-topic/Top-causes-of-fire/Smoking> (last visited Jan. 13, 2021). The term "smoking materials" is commonly used to refer to cigarettes, pipes, and cigars.

Laws in Other States

In 2009, Maine passed a law prohibiting “[smoking] tobacco or any other substance in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site.”²³ In 2015, Hawaii passed a law prohibiting smoking within its state park system.²⁴ In 2018, New Jersey banned smoking at public parks and beaches.²⁵ New Jersey’s legislature found that “[t]he prohibition of smoking at public parks and beaches would better preserve and maintain the natural assets of this State by reducing litter and increasing fire safety in those areas, while lessening exposure to secondhand tobacco smoke and providing for a more pleasant park or beach experience for the public[.]”²⁶

Alaska law prohibits individuals from smoking outdoors “within 10 feet of playground equipment located at a public or private school or a state or municipal park while children are present.”²⁷ Puerto Rico prohibits smoking in “public or private recreational installations.”²⁸ The definition of public or private recreational installations under Puerto Rico law includes parks.²⁹ Oklahoma law designates all buildings and other properties owned or operated by the state as nonsmoking, effectively prohibiting smoking at state parks in Oklahoma, except for at any designated outdoor smoking areas.³⁰

Oregon’s Parks and Recreation Department prohibits smoking tobacco products at park properties but provides exceptions, including smoking in vehicles and at designated campsites.³¹ Outside of Florida, many local governments in the United States have restricted or prohibited smoking in public parks.³²

²³ Me. Rev. Stat. tit. 22, ss. 1580-E(2) and 1541(6). Under Maine law, “‘Smoking’ includes carrying or having in one’s possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. ‘Smoking’ includes the use of an electronic smoking device.”

²⁴ Haw. Rev. Stat. Ann. § 184-4.5. “Smoking” is defined in the statute as “inhaling or exhaling upon, burning, or carrying any lit cigarette, cigar, or pipe or the use of an electronic smoking device.”

²⁵ 2018 NJ Sess. Law Serv. Ch. 64, S. 2534 (2018), available at: https://www.njleg.state.nj.us/2018/Bills/PL18/64_.PDF (last visited Jan. 13, 2021). The law defines “smoking” as “the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.”

²⁶ N.J. Stat. Ann. § 26:3D-56(e).

²⁷ Alaska Stat. Ann. ss. 18.35.301(c)(1) and 18.35.399(12). Alaska law defines “smoking” as “using an e-cigarette or other oral smoking device or inhaling, exhaling, burning, or carrying a lighted or heated cigar, cigarette, pipe, or tobacco or plant product intended for inhalation.”

²⁸ 24 L.P.R.A. ss. 891 and 892. “Smoking” is defined as “the activity of inhaling and exhaling smoke from [tobacco] and other substances that are lit in cigars, cigarettes, and pipes, and to possess or transport cigars, cigarettes, pipes, and smoking articles while lit and it shall also include the use of the so-called electronic cigarette.”

²⁹ 24 L.P.R.A. § 891.

³⁰ Okla. Stat. Ann. tit. 21, § 1247(B).

³¹ Or. Admin. R. 736-010-0040(8)(j).

³² American Nonsmokers’ Rights Foundation, *Municipalities with Smokefree Park Laws* (2017), available at: <https://no-smoke.org/wp-content/uploads/pdf/SmokefreeParks.pdf> (last visited Jan. 13, 2021). This document lists local governments in the U.S. that have created laws that restrict or prohibit smoking in public parks within their jurisdiction.

Health and Environmental Concerns

In 2020, an estimated 15 percent of the adults in Florida were tobacco smokers.³³ Tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known to cause cancer.³⁴ Exposure to secondhand smoke can cause numerous health problems and has been causally linked to cancer and other fatal diseases.³⁵ Secondhand smoke is generally defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker.³⁶ Studies suggest that secondhand smoke in crowded outdoor areas can cause concentrations of air contaminants comparable to those caused by indoor smoking.³⁷

Another significant issue with tobacco smoking in natural areas is litter consisting of used cigarette filters, commonly known as cigarette butts. Cigarette butts are typically comprised mainly of cellulose acetate, a plastic-like material that can take years to decompose.³⁸ It is estimated that, of the roughly 6 trillion cigarettes smoked annually worldwide, up to two-thirds of the cigarette butts are discarded as litter.³⁹ Furthermore, cigarette butts contain hazardous substances, and studies have shown these substances to be potentially toxic to animals.⁴⁰

³³ United Health Foundation, *America's Health Rankings, Annual Report*, available at:

<https://www.americashealthrankings.org/explore/annual/measure/Smoking/state/FL> (last visited Jan. 13, 2021).

³⁴ *Id.*; U.S. Department of Health and Human Services, *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, 148 (2014), available at: <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf> (last visited Jan. 13, 2021).

³⁵ U.S. Department of Health and Human Services, *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, 7 (2014); Center for Disease Control and Prevention, *Secondhand Smoke (SHS) Facts*, available at: https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm (last visited Jan. 13, 2021).

³⁶ Center for Disease Control and Prevention, *Secondhand Smoke (SHS) Facts*, available at: https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm (last visited Jan. 13, 2021).

³⁷ Nipapun Kungskulniti et al., *Secondhand Smoke Point-Source Exposures Assessed By Particulate Matter At Two Popular Public Beaches in Thailand*, 40 J. PUBLIC HEALTH 3, 527–532 (2017), available at:

<https://academic.oup.com/jpubhealth/article/40/3/527/4110319?guestAccessKey=5947c328-fd75-4b6c-acfe-28f989c4c639>

(last visited Jan. 13, 2021); James Repace, *Benefits of Smoke-free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios and in Motor Vehicles*, 34 WM MITCHELL L. REV. 1621, 1622–1624 (2008), available at:

<https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-symposium-repace.pdf> (last visited Jan. 13, 2021).

³⁸ NOAA, National Ocean Service, *What Is the Most Common Form of Ocean Litter?* available at:

<https://oceanservice.noaa.gov/facts/most-common-ocean-litter.html> (last visited Jan. 13, 2021); Bonanomi, Giuliano et al., *Cigarette Butt Decomposition and Associated Chemical Changes Assessed by 13C CPMAS NMR*, 10 PLOS ONE 1 e0117393, 2 (2015), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4307979/pdf/pone.0117393.pdf> (last visited Jan. 13, 2021).

³⁹ World Health Organization, *Tobacco and Its Environmental Impact: An Overview*, 24 (2017) available at:

<https://apps.who.int/iris/bitstream/handle/10665/255574/9789241512497-eng.pdf;jsessionid=8E8DFDA81D9C76448B2C9EAD445BC784?sequence=1>

(last visited Jan. 13, 2021); Thomas E. Novotny and Elli Slaughter, *Tobacco Product Waste: An Environmental Approach to Reduce Tobacco Waste*, 1 CURR. ENVIRON. HEALTH REP. 3: 208–216, 208 (2014), available at:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4129234/> (last visited Jan. 13, 2021).

⁴⁰ Wenjau Lee and Chih Chun Lee, *Developmental Toxicity of Cigarette Butts - An Underdeveloped Issue*, 113

ECOTOXICOLOGY AND ENVIRON. SAFETY 362-368, 362–363, 367 (2015), available at:

http://tweb.cjcu.edu.tw/journal/2015_03_04_11_23_24.114.pdf (last visited Jan. 13, 2021); Stephanie L. Wright, *Bioaccumulation and Biological Effects of Cigarette Litter in Marine Worms*, 2015 SCI. REP. 5: 14119, 1 (2015), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4569891/> (last visited Jan. 13, 2021).

Under Florida law, it is illegal to discard any tobacco product as litter.⁴¹ Discarding a cigarette butt is a noncriminal infraction, punishable by a penalty of \$100 in addition to any court-ordered litter pickup or other commensurate labor.⁴²

Fires are another significant issue regarding smoking tobacco in public parks. The Legislature has found that cigarettes are the leading cause of fire deaths in Florida and the nation.⁴³ Florida law requires that cigarettes sold in the state meet standards for reduced ignition propensity.⁴⁴ In addition to the risk of fires in buildings, Florida generally has a year-round risk of wildfire.⁴⁵ Cigarettes or other smoking materials can cause wildfires when discarded as litter. Data from the United States Forest Service shows that a significant number of wildfires were started by “smoking” between 1992 and 2015.⁴⁶ The Florida Forest Service has reported an increased risk of wildfires for areas of northwest Florida in the aftermath of Hurricane Michael, due to factors such as increased fuel loadings and reduced access for fire mitigation equipment.⁴⁷

III. Effect of Proposed Changes:

Section 1 changes the title of Part II of ch. 386, F.S., from “Indoor Air: Smoking and Vaping” to “Smoking and Vaping.”

Section 2 amends s. 386.201, F.S., to provide that the short title of Part II of ch. 386, F.S., may be cited as the “Florida Clean Air Act,” removing the reference to indoor air.

Section 3 amends s. 386.209, F.S., to provide counties and municipalities the authority to further restrict smoking within the boundaries of any public beaches and public parks they own. Given the existing definition of “smoking” in ch. 386, F.S., counties and municipalities may restrict the ability for any person to inhale, exhale, burn, carry, or possess any lighted tobacco product, including cigarettes, cigars, pipe tobacco, or any other lighted tobacco product, within parks and beaches owned by the county or municipality. The bill allows municipalities to further restrict smoking within county owned beaches and parks located within the municipality’s jurisdiction if doing so would not conflict with a county ordinance.

Although this bill specifically relates to “smoking,” counties and municipalities are currently allowed to impose more restrictive regulation on the use of vapor-generating devices under s. 386.209, F.S.

⁴¹ Section 403.413(2)(d) and (f), (4), F.S.

⁴² Section 403.413(6)(a), F.S. Littering is a noncriminal infraction if the litter does not exceed 15 pounds in weight or 27 cubic feet in volume.

⁴³ Section 633.142(2)(a), F.S.

⁴⁴ Section 633.142, F.S.

⁴⁵ Florida Department of Agriculture and Consumer Services, *Wildland Fire, Prevention*, available at: <https://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Wildland-Fire> (last visited Jan. 13, 2021).

⁴⁶ Karen C. Short, *Spatial Wildfire Occurrence Data For the United States, 1992-2015* (2017), available at: <https://www.fs.usda.gov/rds/archive/Product/RDS-2013-0009.4/> (last visited Jan. 13, 2021). The data can be viewed by clicking on the file labeled “RDS-2013-0009.4_ACCDB.zip,” and viewing the column labeled “STAT_CAUSE_DESCR.”

⁴⁷ Jim Karels, Director, Florida Forest Service, Presentation to the Florida Senate Environment and Natural Resources Committee, January 8, 2019, *Hurricane Michael Impacts, Actions and Needs*, slides 14-16, 18 (2019).

Section 4 creates s. 386.2095, F.S., which prohibits smoking within the boundaries of a state park.

Section 5 amends s. 381.84, F.S., to conform the reference to the short title of Part II of ch. 386, F.S., to changes made by the bill.

Section 6 amends s. 386.211, F.S., to conform references to the short title of Part II of ch. 386, F.S., to changes made by the bill.

Section 7 provides an effective date of July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Visitors to county or municipal parks who violate smoking restrictions imposed by a county or municipality may be subject to the applicable fines or civil penalty for such violations.

C. Government Sector Impact:

Counties and municipalities that opt to restrict smoking within the boundaries of public parks may incur indeterminate expenses related to enacting and enforcing such restrictions.

To the extent any imposed smoking restrictions deter or encourage visitation of county and municipal beaches and parks, local governments may experience fluctuation in revenues generated by any fees for beach and park admittance.

State parks may see an increase in the number of fines that are assessed for violations of the smoking prohibition. Such fines are paid to the FWC and deposited in the State Game Trust Fund, pursuant to s. 258.008(1), F.S. Thus, the bill may increase revenue for the FWC's State Game Trust Fund.

The DEP may incur costs to adopt rules and implement the prohibition of smoking in state parks. The DEP and the FWC's Division of Law Enforcement may incur additional costs to enforce the prohibition of smoking in state parks.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 386.201, 386.209, 386.2095, 381.84, and 386.211.

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

1/26/2021

Meeting Date

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

334

Bill Number (if applicable)

Topic Regulations of Smoking

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Legislative Director

Address 126 N. Mills Ave

Phone

Street

Orlando FL 32801

Email

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Florida Rising

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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

APPEARANCE RECORD

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

1/26/21

Meeting Date

SB 334

Bill Number (if applicable)

Topic SB 334

Amendment Barcode (if applicable)

Name Marvin Holthouser

Job Title Retail Tobacconist

Address 4424 Commons Dr. E

Phone 850 650 3111

Street Destin FL 32541

Email harborcigars@hotmail.com

Speaking: [] For [X] Against [] Information

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

Representing myself: Premium Cigar Assoc.

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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)

1-26-21

Meeting Date

SB 334

Bill Number (if applicable)

Topic SB 334

Amendment Barcode (if applicable)

Name Courtney Barker

Job Title City Manager

Address 5605 Cassia Blvd

Phone 321-773-4407

Street

Satellite Bch # FL 32937

City

State

Zip

Email cbarker@satellitebeach.org

Speaking: For Against Information

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

Representing City of Satellite Bch

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)

1/26/21
Meeting Date

334
Bill Number (if applicable)

Topic Regulation of Smoking

Amendment Barcode (if applicable)

Name Holly Parker Curry

Job Title FL Policy Manager

Address 1229 Mitchell Ave
Street

Phone 850-567-3393

Tallahassee FL 32303
City State Zip

Email _____

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)

01/26/21
Meeting Date

SB 334
Bill Number (if applicable)

Topic Regulation of Smoking in Public Places

N/A
Amendment Barcode (if applicable)

Name Tonnette Graham

Job Title Assoc. Director of Public Policy

Address 100 S. Monroe Street
Street

Phone 850.509.5333

Tallahassee, FL 32301
City State Zip

Email tgraham@fl-counties.com

Speaking: For Against Information

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

Representing FL Association of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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

Phone _____

City State Zip

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

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 26, 2021

Meeting Date

SB 334

Bill Number (if applicable)

Topic Regulation of Smoking in Public Places

Amendment Barcode (if applicable)

Name Ashley Lyerly

Job Title American Lung Association, Director of Advocacy

Address P.O. Box 43263

Street

Phone (205) 913-4760

Vestavia

Alabama

35243

Email Ashley.Lyerly@lung.org

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing American Lung Association

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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)

01/26/2021

Meeting Date

SB 334

Bill Number (if applicable)

Topic Regulation of Smoking in Public Places

Amendment Barcode (if applicable)

Name Tara Taggart

Job Title Legislative Policy Analyst

Address 301 S. Bronough St. #300

Phone 850-701-3603

Street

Tallahassee

FL

32302

Email ttaggart@flcities.com

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

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)

1/26/2021

Meeting Date

334

Bill Number (if applicable)

Topic Regulation of Smoking in Public Places

Amendment Barcode (if applicable)

Name Susan Harbin Alford

Job Title Senior Director, Government Relations

Address 1450 Lee Ave

Street

Phone 770-546-8845

Tallahassee

FL

32303

Email susan.harbin@cancer.org

City

State

Zip

Speaking: For Against Information

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

Representing American Cancer Society Cancer Action Network

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)

1/26/21

Meeting Date

SB 334

Bill Number (if applicable)

Topic Smoking in Public Places

Amendment Barcode (if applicable)

Name Deborah Foote

Job Title Deputy Chapter Director

Address 200 W. College # 314

Phone 8507274039

Street

Tallahassee

FL

32311

Email deborah.foote@sierraclub.org

City

State

Zip

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.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

JAN 26th 2021

SB334

Meeting Date

Bill Number (if applicable)

Topic

Res Smoking

Amendment Barcode (if applicable)

Name

DAVID SERDAR

Job Title

CONCERNED SENATOR CITIZEN

Address

Street

66 WINTERGREEN DR

Phone

City

FRUITLAND PARK FL 34731

State

Zip

Email

gotferdave1955@gmail.com

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

A Smoker That Respects The Environment

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 Gruters

23-00464-21

2021334__

1 A bill to be entitled
 2 An act relating to regulation of smoking in public
 3 places; revising the title of part II of ch. 386,
 4 F.S.; amending s. 386.201, F.S.; revising a short
 5 title; amending s. 386.209, F.S.; authorizing counties
 6 and municipalities to further restrict smoking within
 7 the boundaries of public beaches and public parks
 8 under certain circumstances; creating s. 386.2095,
 9 F.S.; prohibiting smoking within the boundaries of a
 10 state park; amending ss. 381.84 and 386.211, F.S.;
 11 conforming provisions to changes made by the act;
 12 providing an effective date.

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

15
 16 Section 1. Part II of chapter 386, Florida Statutes,
 17 entitled "INDOOR AIR: SMOKING AND VAPING," is renamed "SMOKING
 18 AND VAPING."

19 Section 2. Section 386.201, Florida Statutes, is amended to
 20 read:

21 386.201 Short title ~~Popular name~~.—This part may be cited as
 22 ~~by the popular name~~ the "Florida Clean ~~Indoor~~ Air Act."

23 Section 3. Section 386.209, Florida Statutes, is amended to
 24 read:

25 386.209 Regulation of smoking preempted to state.—This part
 26 expressly preempts regulation of smoking to the state and
 27 supersedes any municipal or county ordinance on the subject;
 28 however, counties and municipalities may further restrict
 29 smoking within the boundaries of any public beaches and public

Page 1 of 3

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

23-00464-21

2021334__

30 parks that they own. Municipalities may further restrict smoking
 31 within the boundaries of public beaches and public parks that
 32 are within their jurisdiction but are owned by the county if
 33 doing so would not conflict with a county ordinance. School
 34 districts may further restrict smoking by persons on school
 35 district property. This section does not preclude the adoption
 36 of municipal or county ordinances that impose more restrictive
 37 regulation on the use of vapor-generating devices than is
 38 provided in this part.

39 Section 4. Section 386.2095, Florida Statutes, is created
 40 to read:

41 386.2095 Smoking prohibited in state parks.—A person may
 42 not smoke within the boundaries of a state park.

43 Section 5. Paragraph (h) of subsection (3) of section
 44 381.84, Florida Statutes, is amended to read:

45 381.84 Comprehensive Statewide Tobacco Education and Use
 46 Prevention Program.—

47 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department
 48 shall conduct a comprehensive, statewide tobacco education and
 49 use prevention program consistent with the recommendations for
 50 effective program components contained in the 1999 Best
 51 Practices for Comprehensive Tobacco Control Programs of the CDC,
 52 as amended by the CDC. The program shall include the following
 53 components, each of which shall focus on educating people,
 54 particularly youth and their parents, about the health hazards
 55 of tobacco and discouraging the use of tobacco:

56 (h) *Enforcement and awareness of related laws.*—In
 57 coordination with the Department of Business and Professional
 58 Regulation, the program shall monitor the enforcement of laws,

Page 2 of 3

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

23-00464-21

2021334_

59 rules, and policies prohibiting the sale or other provision of
60 tobacco to minors, as well as the continued enforcement of the
61 Florida Clean ~~Indoor~~ Air Act prescribed in chapter 386. The
62 advertisements produced in accordance with paragraph (a) may
63 also include information designed to make the public aware of
64 these related laws and rules. The departments may enter into
65 interagency agreements to carry out this program component.

66 Section 6. Section 386.211, Florida Statutes, is amended to
67 read:

68 386.211 Public announcements in mass transportation
69 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act
70 shall be made regularly over public address systems in terminals
71 of public transportation carriers located in metropolitan
72 statistical areas with populations over 230,000 according to the
73 latest census. These announcements shall be made at least every
74 30 minutes and shall be made in appropriate languages. Each
75 announcement must include a statement to the effect that Florida
76 is a clean ~~indoor~~ air state and that smoking and vaping are
77 prohibited except as provided in this part.

78 Section 7. This act shall take effect July 1, 2021.

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 62

INTRODUCER: Community Affairs Committee and Senator Bradley

SUBJECT: Regional Planning Councils

DATE: January 27, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paglialonga	Ryon	CA	Fav/CS
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 62 removes Regional Planning Councils (RPCs) and all references thereto from Florida law. The ten existing RPCs would no longer be governed by state law. However, RPCs governed by an existing interlocal agreement will continue to function under the terms and conditions of the enabling agreement.

The bill reassigns RPC functions and duties under state law, where appropriate, to other state agencies and local governments. Currently, RPCs serve an administrative/advisory role, do not preempt local government land use authority, and have no regulatory powers.

The bill expressly provides that local governments may enter into agreements to create regional planning entities at the local level pursuant to ch. 163, F.S.

II. Present Situation:

The Florida Regional Planning Council Act

The Legislature passed the Florida Regional Planning Council Act in 1980.¹ The Legislature found that "the problems of growth and development often transcend the boundaries of individual units of local general-purpose government"² and that "there is a need for regional

¹ Sections 186.501-186.513, F.S.

² Section 186.502(a), F.S.

planning agencies to assist local governments to resolve their common problems, engage in area-wide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an area-wide basis."³

The Legislature designated each RPC's composition in s. 186.512, F.S., assigning every county in Florida to a council. These contiguous groups of counties make up the region within which an RPC operates. Florida is divided into 10 RPC regions,⁴ each functioning as an association of that region's counties, plus any municipalities that opt to become members. Under current law, all Florida counties must serve as members of the RPC where they are located.⁵ Municipalities may also become RPC members, but their membership is optional.

RPC Governance

The governing body of RPCs are made up of both voting and non-voting members. Two-thirds of the voting members are local elected officials (from member counties and municipalities) and the remaining third are gubernatorial appointees.⁶ In addition to the voting members, the Governor appoints representatives from the Department of Transportation, Department of Environmental Protection, Department of Economic Opportunity, the appropriate water management district(s), and other governmental entities to serve as non-voting members of the RPC.⁷

RPC Funding

RPCs generally receive funding through several different means. RPCs are authorized to "fix and collect membership dues, rents, or fees when appropriate."⁸ Thus, county and municipal RPC members are subject to any membership dues imposed by the RPC. Membership dues typically range from 16 to 41 cents per capita.

RPCs also receive state and federal grant funds to conduct research, analysis, planning, and administrative activities within their region. RPCs historically received state funds directly through state appropriation.⁹ However, in FY 2013-2014, this appropriation category was

³ Section 186.502(b), F.S.

⁴ See s. 186.512(1)(a)-(j), F.S. The 10 RPCs are the West Florida RPC, Apalachee RPC, North Central Florida RPC, East Central Florida RPC, Central Florida RPC, Tampa Bay RPC, Southwest Florida RPC, Treasure Coast RPC, and South Florida RPC. See also Florida Regional Councils Association, *RPCs Directory* (map of Florida with county membership), available at: <http://www.flregionalcouncils.org/directory/> (last visited Jan. 4, 2021).

⁵ In the 1980 original enactment of the Florida Regional Planning Council Act, the Legislature expressly stated that membership in a regional planning council was not mandatory: "(4) Nothing contained in this act shall be construed to mandate local general-purpose government membership or participation in a regional planning council." However, in 1984, the Legislature amended what was then section 160.01(4), now 186.504(5), to mandate county membership: "Nothing contained in this act shall be construed to mandate municipal local general-purpose government membership or participation in a regional planning council. However, each county shall be a member of the regional planning council created within the comprehensive planning district encompassing the county." See Chapter 84-257, Laws of Florida.

⁶ Section 186.504(2)(c), (3), F.S.

⁷ Section 186.504(4), F.S.

⁸ Section 186.505(12), F.S.

⁹ Between 2004-05 and 2010-11 Florida appropriated on average a total of \$2,860,000 a year for the operation of all RPCs in Florida.

eliminated, and state funds were made available to RPCs through grants administered by the Department of Economic Opportunity.

Finally, RPCs may charge fees for services provided to private developers and landowners.¹⁰ RPCs provide policy analysis and comprehensive planning services to private entities in such areas as housing, emergency management, economic development, water management, transportation, and other matters having a direct regional impact.

RPC Corporate Powers

The general powers and duties of RPCs are described in s. 186.505, F.S. This section of law provides RPCs broad corporate powers in the performance of their duties. These corporate powers include owning property, entering into private and public sector contracts, to sue and be sued in its own name, and to employ and to compensate such personnel, consultants, and technical and professional assistants as it deems necessary.

RPC Activities and Responsibilities

The activities and responsibilities of RPCs generally fall within the following three areas:

- Land development and community planning
- Emergency preparedness
- Economic development and analysis

Land Development and Community Planning

Florida law governs how the state and local governments manage land development.¹¹ Local comprehensive plans adopted by counties and municipalities are required by statute and intended to be the controlling land use laws within a locality.¹² Florida's Community Planning Act governs how local governments create and adopt their local comprehensive plans.¹³ Under Florida's Community Planning Act, each county and municipality must establish a local planning agency.¹⁴ The local planning agency is responsible for managing the comprehensive planning program.¹⁵

RPC Community Planning Assistance

The Florida Regional Planning Council Act recognizes the regional planning council as “Florida’s only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues.”¹⁶ RPCs are

¹⁰ Section 186.505(25), F.S.

¹¹ See chs. 186, 187, and 163, part II, F.S.

¹² Section 163.3167(1)(b), F.S.

¹³ See s. 163.3167, F.S., Scope of act.

¹⁴ Section 163.3174(1), F.S. If a county or municipality has entered into an interlocal agreement under s. 163.3171, F.S. to exercise its planning powers under the Community Planning Act, those counties and municipalities may establish a joint local planning agency.

¹⁵ Section 163.3174(4), F.S.

¹⁶ Section 186.502(4), F.S.

empowered to provide technical assistance to local governments and meet other needs of the communities in each region. As part of their duties, RPCs are directed to:

- Act in an advisory capacity to the constituent local governments in the regional, metropolitan, county, and municipal planning matters.¹⁷
- Conduct studies of the resources of the region.¹⁸
- Provide technical assistance to local governments on growth management matters.¹⁹
- Perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.²⁰
- Coordinate land development and transportation policies in a manner that fosters region wide transportation systems.²¹
- Review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.²²
- Provide consulting services to private developers or landowners.²³

RPCs also serve as one of several “reviewing agencies” authorized to review and provide comments to a local government regarding its comprehensive plan or plan amendments. These comments are strictly advisory in nature. Furthermore, RPC comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region.²⁴

Strategic Regional Policy Plans

Among the statutory responsibilities of RPCs is the development of strategic regional policy plans.²⁵ Each RPC must develop a plan that contains regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation and must identify and address significant regional resources and facilities.

RPCs must review their strategic regional policy plans continuously and submit an evaluation report of its plan to the Executive Office of the Governor at least once every five years.²⁶ Strategic regional policy plans are advisory only and have no legally binding effect.²⁷ The

¹⁷ Section 186.505(10), F.S.

¹⁸ Section 186.505(16), F.S.

¹⁹ Section 186.505(20), F.S.

²⁰ Section 185.505(21), F.S.

²¹ Section 186.505(23), F.S.

²² Section 186.505(24), F.S.

²³ Section 186.505(26), F.S.

²⁴ Section 163.3184(3)(b)3.a., F.S.

²⁵ Section 186.507, F.S.

²⁶ Section 186.511, F.S. *See also* 27E-5.008, FAC

²⁷ *See* s. 186.507(13), F.S.: “Standards included in strategic regional policy plans may be used for planning purposes only and not for permitting or regulatory purposes.”

Governor reviews proposed regional policy plans to ensure consistency with the state's comprehensive plan and provides recommended revisions to the regional plans.²⁸

RPC Dispute Resolution Process

Each RPC must establish a dispute resolution process by rule to reconcile differences in planning and growth management issues between local governments, regional agencies, and private interests.²⁹ RPC dispute resolution procedures must include voluntary meetings among the disputing parties, mediation, arbitration, administrative proceedings, and judicial action, where appropriate. Nonetheless, resolving any issue through the RPC dispute resolution process is voluntary and does not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

Prior RPC Role with Developments of Regional Impact

Prior to 2015, RPCs had a significant role in the Development of Regional Impact approval process. Development of Regional Impact (DRI) is defined as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county."³⁰ The Legislature eliminated the DRI program in 2015.³¹

Before the Legislature ended the program, all developments that met the DRI thresholds and standards provided by statute³² and rules³³ were required to undergo DRI review. Florida's RPCs coordinated the multi-agency review of proposed DRIs. RPCs reviewed DRI applications for sufficiency and could request additional information if the application was deemed insufficient.³⁴ Furthermore, RPCs were required to prepare and submit a report and recommendations on the regional impact of the proposed development to the affected local governments.³⁵ RPCs were able to charge developers for some of the services performed for the DRI process. Completing this entire DRI process could take one to two years and required significant resources, both on private developers and state agencies, resulting in its eventual end in 2015.³⁶

Emergency Preparedness

Among the stated powers of RPCs is "[t]o cooperate, in the exercise of [their] planning functions, with federal and state agencies in planning for emergency management as defined in s. 252.34."

²⁸ Section 186.508(1), F.S.

²⁹ Section 186.509, F.S.

³⁰ Section 380.06, F.S.

³¹ Ch. 2015-30, Laws of Fla.

³² Section 380.0651, F.S.

³³ Rule 28-24, F.A.C.

³⁴ Section 380.06(10), F.S.

³⁵ Section 380.06(12), F.S.

³⁶ See Bill Analysis and Fiscal Impact Statement for Senate Bill 1216, *available at*: <https://www.flsenate.gov/Session/Bill/2015/1216/Analyses/2015s1216.fp.PDF> (last visited Jan. 6, 2021).

States are required to designate Local Emergency Planning Committees (LEPCs) pursuant to the federal Emergency Planning and Community Right-to-Know-Act.³⁷ LEPCs are responsible for preparing a regional hazardous materials emergency response plan, serving as a repository for regional hazardous materials information, and performing outreach functions to increase hazardous materials awareness.³⁸ The LEPC regional framework in Florida overlays the RPC framework and RPCs typically provide the staff support to LEPCs. LEPC membership consists of local professionals representing occupational categories such as firefighting, law enforcement, emergency management, health, and/or transportation.³⁹ In this role, RPCs, serving as the LEPC, are able to acquire federal grants to conduct a variety of activities concerning hazardous materials, such as providing no-cost hazard material response training for public sector employees.

RPCs have also historically produced regional evacuation studies in partnership with the Florida Division of Emergency Management. These studies analyze a region's evacuation population estimates, evacuation clearance times, public shelter demands, and other considerations for evacuations during natural disasters, such as hurricanes. These studies provide the data needed for each unit of local government in a region to develop its operational evacuation plan.

Additionally, pursuant to ss. 252.385(2) and 1013.372(2), F.S., the Division of Emergency Management must prepare and submit to the Governor and Cabinet for approval a biennial statewide emergency shelter plan. The plan must identify the general location and square footage of existing hurricane evacuation shelters by RPC region and location and square footage needs during the next 5 years. The plan is used to identify emergency shelter deficits throughout the state. Facilities in regional planning council regions with shelter deficits receive priority for state shelter retrofit funding.⁴⁰ Also, shelter deficits in a RPC region control whether or not an educational facility must be constructed in accordance with public shelter standards.⁴¹

Economic Development and Analysis

Section 186.502(5), F.S., provides that RPCs have "a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council." In furtherance of this purpose, s. 186.505(8), F.S., provides RPCs the power to "[t]o accept and receive, in furtherance of its functions, funds, grants, and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal, or local government; or from private or civic sources."⁴²

³⁷ See United States Environmental Protection Agency, *Local Emergency Planning Committees*, available at: <https://www.epa.gov/epcra/local-emergency-planning-committees> (last visited Jan. 6, 2021).

³⁸ <https://www.floridadisaster.org/dem/response/technological-hazards/serc/lepc/>

³⁹ *Id.*

⁴⁰ Section 252.385(3), F.S.

⁴¹ Sections 1013.372(1) and 1013.74(4), F.S.

⁴² See 186.505(15), F.S.: "To accept gifts, grants, assistance, funds, or bequests."

Each RPC is a designated Economic Development District (EDD) by the U.S. Economic Development Administration.⁴³ EDDs can submit grant applications to various federal agencies to receive federal funding for local projects and concerns.⁴⁴ Ultimately, the availability of Federal grants for EDDs is based on the adequacy of an EDD's grant application and the U.S. Economic Development Administration's approval.⁴⁵ Recently, more than half of Florida's RPCs received federal grants to respond to the COVID-19 pandemic.⁴⁶

Under s. 186.505(24), F.S., RPCs are also authorized to help local governments conduct economic analysis and development. Several RPCs have partnered with other organizations in their respective areas to create "regional prosperity plans" under this state law. These economic development plans analyze future private development and provide insight into future regional needs.⁴⁷

Interlocal Agreements

The Florida Interlocal Cooperation Act provides local governmental units the right to enter into mutually advantageous agreements to provide services or facilities to other localities.⁴⁸ This section of the law allows the state's public agencies to exercise joint governmental powers with any other public agency of the state, of any other state, or the United States Government.⁴⁹ To effectuate interlocal cooperation under this section, local governmental units jointly exercising power must form and execute a contract detailing the relationship's terms and conditions.⁵⁰

Furthermore, s. 163.01(9)(b), F.S., provides, in part: "An interlocal agreement does not relieve a public agency of any obligation or responsibility imposed upon it by law[.]" Meaning, state law takes precedence over conflicting provisions of an interlocal agreement.

RPCs in Florida predate the Regional Planning Council Act of 1980 and were initially established by interlocal agreement. As early as 1962, local governments voluntarily entered into interlocal agreements with each other to form regional entities to address planning and growth

⁴³ The Federal criteria to receive an EDD designation starts with meeting the definition of "District Organization" as outlined in 13 CFR § 304.2 and § 304.1. Under these federal regulations, a District Organization must be formed as a public organization through an inter-governmental agreement, state-enabling legislation, or a non-profit organization.

⁴⁴ Typically this requires a grant applicant to create a Comprehensive Economic Development Strategy (CEDS) to plan how federal development grants would be implemented. For example, EDDs seeking Investment Assistance from the U.S. Economic Development Administration under 13 CFR § 301.3, must conform to the particular levels of economic distress described therein.

⁴⁵ U.S. Economic Development Administration, *Economic Development Districts*, available at: <https://www.eda.gov/edd/> (last visited Jan. 4, 2021).

⁴⁶ On August 11, 2020, U.S. Secretary of Commerce Wilbur Ross announced that the U.S. Economic Development Administration awarded \$2.4 million in CARES Act Recovery Assistance grants to six RPCs across Florida to update economic development plans and fortify programs to assist communities in responding to the coronavirus pandemic. U.S. Economic Development Administration, *Press Release* (August 11, 2020), available at: <https://www.eda.gov/news/press-releases/2020/08/11/fl.htm> (last visited Jan. 5, 2021).

⁴⁷ These plans include the Seven50 plan, created in part by the South Florida Regional Planning Council and the Treasure Coast Regional Planning Council; the Regional Business Plan for Tampa Bay, created under the leadership of the Tampa Bay Regional Planning Council; and the Elevate Northeast Florida initiative, created in partnership with the Northeast Florida Regional Planning Council.

⁴⁸ Section 163.01, F.S. See also s. 163.02, F.S. Councils of local public officials.

⁴⁹ *Id.* at (4)

⁵⁰ *Id.* at (5)

management on regional levels. All 10 existing RPCs predate the 1980 legislation.⁵¹ Many of the interlocal agreements establishing RPCs prior to 1980 are still in effect.

The issue of an RPC interlocal agreement was recently the subject of a 2017 Advisory Legal Opinion issued by Florida Attorney General Pam Bondi in response to a legal question submitted by the Southwest Florida RPC.⁵²

III. Effect of Proposed Changes:

Section 1 amends s. 186.007, F.S., to remove regional planning agencies from the list of entities whose studies, reports, and plans the Governor must, to the extent feasible, consider when preparing and revising the State Comprehensive Plan.

Section 2 repeals the Florida Regional Planning Council Act, embodied in ss. 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, and 186.513, F.S.

Section 3 repeals s. 186.515, F.S., to conform to the repeal of the Florida Regional Planning Council Act.

Section 4 amends s. 215.559, F.S., to require the Division of Emergency Management to give priority funding for Hurricane Loss Mitigation Program projects in regional planning council regions, as such regions existed on January 1, 2021.

Section 5 amends s. 252.385, F.S., to revise the requirements for the statewide emergency shelter plan to include the general location and square footage of special needs shelters by regional planning council region, as such regions existed on January 1, 2021. This section also requires that state funds be maximized and targeted to regional planning council regions, as such regions existed on January 1, 2021, with hurricane evacuation shelter deficits.

⁵¹ Apalachee RPC established in 1977. Central Florida RPC established in 1974. East Central Florida RPC established in 1962. Emerald Coast RPC established in 1964. North Central Florida RPC established in 1969. Northeast Florida RPC established in 1977. South Florida RPC established in 1974. Southwest Florida RPC established in 1973. Tampa Bay RPC established in 1962. Treasure Coast RPC established in 1976.

⁵² See AGO 2017-08, *available at*:

<http://www.myfloridalegal.com/ago.nsf/Opinions/1F857CC31C83D42D852581E900711BD2> (last visited Jan. 4, 2021). The 1980 interlocal agreement establishing the Southwest Florida RPC includes a termination section, which describes how counties may terminate their RPC membership. Pursuant to this section, several counties sought to terminate their membership in the Southwest Florida RPC. In the subsequent Advisory Legal Opinion, Attorney General Pam Bondi concludes that county RPC membership is mandatory under state law. The opinion states that "the Legislature has created regional planning councils with mandatory county membership and has designated the particular council to which each county must belong. There is nothing in the Florida Regional Planning Council Act, sections 186.501 to 186.513, Florida Statutes, that allows a county to decline to participate in its council." Despite this opinion, the 2018-2019 financial audit of the Southwest Florida RPC notes, "[o]ver the course of the last two (2) fiscal years, the Council was informed that five (5) of the six (6) member counties and substantially all of the participating cities intended to withdraw future financial support from the Council... As a result of such action by its member governments the Council's operational shortfall has been funded by use of fundal balance for the year ended September 30, 2019. The Council's financial situation is continuing to deteriorate in fiscal year 2020. It is likely the Council will be forced to cease operations on or about September 30, 2021 without significant change in circumstances." Southwest Florida RPC FY2019-2018 Financial Audit, on file with Senate committee on Community Affairs.

Section 6 amends s. 320.08058, F.S., to remove the provision that directs 20 percent of the proceeds from the Tampa Bay Estuary License Plate to the Tampa Bay Regional Planning Council.

Section 7 amends s. 369.307, F.S., to direct the St. Johns River Water Management District, instead of the East Central Florida RPC, to adopt policies to protect the Wekiva River Protection Area.

Section 8 amends s. 369.324, F.S., to direct the St. Johns River Water Management District, instead of the East Central Florida RPC, to provide staff support to the Wekiva River Basin Commission. This section also requires that the district serve as a clearinghouse of baseline or specialized studies.

Section 9 amends s. 380.05, F.S., to allow local governments, instead of RPCs, to make recommendations to the Department of Economic Opportunity regarding areas of critical state concern.

Section 10 amends s. 403.7225, F.S., to require counties to make arrangements with the Department of Environmental Protection, instead of with an RPC, to perform the local hazardous waste management assessment program under certain circumstances.

Section 11 amends s. 403.723, F.S., to require the Department of Environmental Protection, instead of RPCs, to designate sites at which regional hazardous waste storage or treatment facilities could be constructed.

Section 12 amends s. 1013.372, F.S., to conform to the changes whereby emergency shelter deficits are measured by regional planning council region, as such regions existed on January 1, 2021.

Section 13 amends s. 1013.385, F.S., to conform to the changes whereby emergency shelter deficits are measured by regional planning council region, as such regions existed on January 1, 2021.

Section 14 amends s. 1013.74, F.S., to conform to the changes whereby emergency shelter deficits are measured by regional planning council region, as such regions existed on January 1, 2021.

Section 15 amends s. 68.082, F.S., to remove regional planning agency from the definition of "state" as used in the Florida False Claims Act.

Section 16 amends s. 120.52, F.S., to remove regional planning agency from the definition of "agency" as used in the Administrative Procedures Act.

Section 17 amends s. 120.525, F.S., to remove an exception to public meeting quorum requirements specifically granted to RPCs.

Section 18 amends s. 120.65, F.S., to remove RPCs from the list of entities which must reimburse the Division of Administrative Hearings for administrative law judge services and travel expenses.

Section 19 amends s. 163.3164, F.S., to remove the definition of "regional planning agency" from the Community Planning Act.

Section 20 amends s. 163.3177, F.S., to require local governments to provide in their comprehensive plan a dispute resolution process that is not the process established by an RPC in s. 186.509, F.S.

Section 21 amends s. 163.3178, F.S., to delete the requirement that a dispute resolution process to reconcile inconsistencies between port master plans and local comprehensive plans must conform to the requirements of s. 186.509.

Section 22 amends s. 163.3184, F.S., to conform to the elimination of RPCs by removing their standing as a "reviewing agency" for proposed local government comprehensive plans and plan amendments.

Section 23 amends s. 163.3245, F.S., to conform to the elimination of RCS by requiring the local government, instead of the RPC, to conduct a scoping meeting before preparation of a sector plan.

Section 24 amends s. 163.568, F.S., to remove the requirement that RPCs must review and approve the transportation plans of regional transportation authorities.

Section 25 amends s. 164.1031, F.S., to remove RPCs from the definition of "regional governmental entities" used within the Florida Governmental Conflict Resolution Act.

Section 26 amends s. 186.003, F.S., to remove RPCs from the definition of "regional planning agency" used within the Florida State Comprehensive Planning Act of 1972.

Section 27 amends s. 186.006, F.S., to remove the Governor's ability to designate RPCs as regional data clearinghouses.

Section 28 amends s. 186.008, F.S., to remove RPCs from the list of entities that receive the Governor's biennial recommended revisions to the State Comprehensive Plan.

Section 29 amends s. 186.803, F.S., to remove RPCs in reference to governmental entities' use of geographic information maps.

Section 30 amends s. 187.201, F.S., to remove RPCs in reference to the State Comprehensive Plan's goals and policies.

Section 31 amends s. 218.32, F.S., to remove RPCs from specific annual financial audit report requirements.

Section 32 amends s. 258.501, F.S., to remove the authority of the Tampa Bay RPC and the Southwest Florida RPC to appoint members to the Myakka River management coordinating council.

Section 33 amends s. 260.0142, F.S., to remove RPCs from the membership of the Florida Greenways and Trails Council.

Section 34 amends s. 288.0656, F.S., to remove the authority of the Florida Regional Planning Council Association to designate a staff person to serve as the Rural Economic Development Initiative representative for the association.

Section 35 amends s. 288.975, F.S., to remove reference to RPC strategic regional policy plans in relation to local government military base reuse plans.

Section 36 amends s. 335.188, F.S., to remove RPCs from the list of entities required to participate in the development of the access control classification system for the State Highway System.

Section 37 amends s. 338.2278, F.S., to remove RPC membership from the Multiuse Corridor of Regional Economic Significance task forces. This section also makes a non-substantive change to amend a report due date to conform to ch. 2020-114, L.O.F.

Section 38 amends s. 339.155, F.S., to remove the requirement that RPCs develop transportation goals and policies in their strategic regional policy plans.

Section 39 amends s. 339.175, F.S., to remove a reference to RPCs, which provides that the executive director and additional personnel of a metropolitan planning organization may be employed by a governmental entity such as a county, city, or RPC.

Section 40 amends s. 339.63, F.S., to remove RPCs from the list of entities involved in adding or removing facilities from the Strategic Intermodal System.

Section 41 amends s. 339.64, F.S., to remove RPC participation in the development of the Strategic Intermodal System Plan.

Section 42 amends s. 341.041, F.S., to remove the requirement that the Department of Transportation incorporate RPC strategic regional policy plans into its statewide plan for public transit and intercity bus service needs.

Section 43 amends s. 343.54, F.S., to remove the requirement that the South Florida Regional Transportation Authority cooperate and contract with RPCs, among other governmental entities.

Section 44 amends s. 369.303, F.S., to remove a reference to the East Central Florida Regional Planning Council in the Wekiva River Water Protection Act.

Section 45 amends s. 373.309, F.S., to remove a reference to RPCs, which requires the Department of Environmental Protection to make maps or other information on areas of contamination available to RPCs, among other entities.

Section 46 amends s. 377.703, F.S., to remove a reference to RPCs, which requires the Department of Agriculture and Consumer Services to provide assistance to RPCs, and other entities, to promote their energy planning activities.

Section 47 amends s. 378.411, F.S., to remove a reference to RPCs, which requires the Secretary of the Department of Environmental Protection to consult with the appropriate RPC, among other entities, in making determinations whether to grant certifications to local governments to receive notices of intent to mine.

Section 48 amends s. 380.031, F.S., to remove the definition of "regional planning agency" used within ch. 380, F.S., the Florida Environmental Land and Water Management Act of 1972.

Section 49 amends s. 380.045, F.S., to remove RPC participation from the resource planning and management committee, periodically organized to perform statutory duties when an area of critical state concern is under study by the Department of Economic Opportunity.

Section 50 amends s. 380.055, F.S., to remove a reference to regional planning agencies in relation to defining the boundaries of the Big Cypress Area of Critical State Concern.

Section 51 amends s. 380.06, F.S., to remove a reference to regional planning agency, which specifies that a developer is not required to submit an annual or biennial report on a development of regional impact to a local government, RPC, or Department of Economic Opportunity, unless required to do so by the relevant local government.

Section 52 amends s. 380.061, F.S., to remove a reference to regional planning agency in relation to residual Florida Quality Developments approved before April 6, 2018.

Section 53 amends s. 380.07, F.S., to remove a reference to regional planning agency, which requires a local government that issues a development order in an area of critical state concern to provide copies of such orders to the Department of Economic Opportunity, the regional planning agency, and the owner or developer of the property affected by the order.

Section 54 amends s. 380.507, F.S., to remove RPCs from the list of entities to which the Florida Communities Trust is empowered to provide technical and financial assistance.

Section 55 amends s. 403.0752, F.S., to remove RPCs from their voluntary participation in the Department of Environmental Protection's ecosystem management advisory teams.

Section 56 amends s. 403.503, F.S., to remove the definition of RPC from the Florida Electrical Power Plant Siting Act.

Section 57 amends s. 403.50663, F.S., to remove the option for an RPC, instead of the local government, to hold an information public meeting about the siting of a proposed electrical power plant.

Section 58 amends s. 403.507, F.S., to remove the option for the Department of Economic Opportunity to comment on the consistency of a proposed electrical power plant with the applicable strategic regional policy plans.

Section 59 amends s. 403.518, F.S., to remove the option for the Department of Environmental Protection to charge an applicant for a proposed power plant for expenses associated with any public meetings conducted by an RPC as a result of the application.

Section 60 amends s. 403.522, F.S., to remove the definition of RPC from the Florida Electric Transmission Line Siting Act.

Section 61 amends s. 403.526, F.S., to remove the option for the Department of Economic Opportunity to comment on the consistency of a proposed electrical transmission line or corridor with the applicable strategic regional policy plans.

Section 62 amends s. 403.5272, F.S., to remove the option for an RPC, instead of the local government, to hold an informational public meeting about a proposed electrical transmission line.

Section 63 amends s. 403.5363, F.S., to remove a reference to RPC in relation to noticing requirements for public RPC meetings held pursuant to s. 403.5272, F.S., regarding proposed electrical transmission lines.

Section 64 amends s. 403.5365, F.S., to remove a reference to RPCs pertaining to reimbursement from the Department of Environmental Protection for certain expenses for public RPC meetings held pursuant to the Florida Electric Transmission Line Siting Act.

Section 65 amends s. 403.537, F.S., to remove a reference to RPCs that requires the Florida Public Service Commission (PSC) to give notice to RPCs of a public PSC meeting to determine the need for an electrical transmission line.

Section 66 amends s. 403.704, F.S., to remove a reference to RPCs, which require the Department of Environmental Protection to coordinate the development of county hazardous waste management assessments with the appropriate RPC.

Section 67 amends s. 403.7226, F.S., to remove a reference to RPCs, which requires the Department of Environmental Protection to provide technical assistance to county governments and RPCs to ensure consistency in implementing local hazardous waste management assessments.

Section 68 amends s. 403.9403, F.S., to remove the definition of RPC from the Natural Gas Transmission Pipeline Siting Act.

Section 69 amends s. 403.941, F.S., to remove the option for the Department of Economic Opportunity to comment on the consistency of a proposed natural gas transmission pipeline or corridor with applicable strategic regional policy plans.

Section 70 amends s. 403.9422, F.S., to remove a reference to RPCs that requires the PSC to give notice to RPCs of a public PSC meeting to determine the need for a natural gas transmission pipeline.

Section 71 amends s. 403.973, F.S., to remove a reference to RPCs pertaining to regional permit action teams created by the Secretary of the Department of Environmental Protection for the purpose of expediting certain permit applications and local comprehensive plan amendments. This section removes the requirement that the Secretary solicit input from the appropriate RPC on the creation of an action team.

Section 72 amends s. 408.033, F.S., to remove the authority for local health councils to advise and assist RPCs that have elected to address health issues in their strategic regional policy plans.

Section 73 amends s. 420.609, F.S., to remove an RPC representative from the Affordable Housing Study Commission.

Section 74 amends s. 427.012, F.S., to remove RPCs from list of entities eligible to participate in technical working groups appointed by the Commission for the Transportation Disadvantaged.

Section 75 amends s. 501.171, F.S., to remove RPCs from the definition of "governmental entity," a term used in reference to the requirements of protecting and securing electronic data containing personal information and mandatory reporting of security breaches.

Section 76 amends s. 1013.30, F.S., to remove RPCs as one of the entities that must receive a copy of a draft campus master plan before it is adopted by a university.

Section 77 amends s. 339.285, F.S., to correct a cross-reference.

Section 78 amends s. 373.415, F.S., to correct a cross-reference.

Section 79 amends s. 403.5115, F.S., to correct a cross-reference.

Section 80 reenacts s. 57.105, F.S., for the purpose of incorporating the change to s. 120.52, F.S.

Section 81 reenacts s. 57.111, F.S., for the purpose of incorporating the change to s. 120.52, F.S.

Section 82 reenacts s. 216.241, F.S., for the purpose of incorporating the change to s. 120.52, F.S.

Section 83 reenacts s. 380.0552, F.S., for the purpose of incorporating the change to s. 380.045, F.S.

Section 84 creates an unnumbered section of the Laws of Florida to expressly provide that local governments may enter into agreements to create regional planning entities pursuant to the Florida Interlocal Cooperation Act in ch. 163, F.S.

Section 85 provides the bill takes effect on July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill removes RPCs from state law. Thus, given the absence or terminability of an existing RPC interlocal agreement, counties may not be subject to RPC membership and could avoid paying mandatory RPC dues, resulting in a net fiscal gain for counties.

The complete dissolution of RPCs may cause local governments to lose access to grant funds awarded by the state and federal governments. However, the bill provides that governmental entities may independently create regional planning entities through interlocal agreements, which may preserve access to existing RPC grant fund opportunities.

Local governments may need to amend current rules, policies, and processes relating to activities currently conducted by an RPC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.008, 186.803, 187.201, 215.559, 218.32, 252.385, 258.501, 260.0142, 288.0656, 288.975, 320.08058, 335.188, 338.2278, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 369.303, 369.307, 369.324, 373.309, F.S., 373.415, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.507, 403.0752, 403.503, 403.50663, 403.507, 403.518, 403.5115, 403.522, 403.526, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 427.012, 501.171, 1013.30, 1013.372, 1013.385, and 1013.74.

This bill repeals the following sections of the Florida Statutes: 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, 186.513, and 186.515.

This bill creates an undesignated section of the Laws of Florida.

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 26, 2021:

The amendment retains the boundaries of regional planning council regions, as they existed on January 1, 2021, for the purpose of statewide emergency shelter planning. The Division of Emergency Management will continue to identify emergency shelters and related deficits by regional planning council region, as those regions currently exist.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Delete lines 157 - 471
and insert:
division must give funding priority to projects in regional
planning council regions, as such regions existed on January 1, 2021, that have shelter deficits and to projects that maximize
the use of state funds.

Section 5. Paragraph (b) of subsection (2) and subsection
(3) of section 252.385, Florida Statutes, are amended to read:



11 252.385 Public shelter space.—

12 (2)

13 (b) By January 31 of each even-numbered year, the division
14 shall prepare and submit a statewide emergency shelter plan to
15 the Governor and Cabinet for approval, subject to the
16 requirements for approval in s. 1013.37(2). The plan shall
17 identify the general location and square footage of special
18 needs shelters, by regional planning council region, as such
19 regions existed on January 1, 2021, during the next 5 years. The
20 plan shall also include information on the availability of
21 shelters that accept pets. The Department of Health shall assist
22 the division in determining the estimated need for special needs
23 shelter space and the adequacy of facilities to meet the needs
24 of persons with special needs based on information from the
25 registries of persons with special needs and other information.

26 (3) The division shall annually provide to the President of
27 the Senate, the Speaker of the House of Representatives, and the
28 Governor a list of facilities recommended to be retrofitted
29 using state funds. State funds should be maximized and targeted
30 to regional planning council regions, as such regions existed on
31 January 1, 2021, with hurricane evacuation shelter deficits.
32 Retrofitting facilities in regions with public hurricane
33 evacuation shelter deficits shall be given first priority and
34 should be completed by 2003. All recommended facilities should
35 be retrofitted by 2008. The owner or lessee of a public
36 hurricane evacuation shelter that is included on the list of
37 facilities recommended for retrofitting is not required to
38 perform any recommended improvements.

39 Section 6. Paragraph (b) of subsection (26) of section



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40 320.08058, Florida Statutes, is amended to read:

41 320.08058 Specialty license plates.—

42 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

43 (b) The annual use fees shall be distributed to the Tampa
44 Bay Estuary Program created by s. 163.01.

45 1. A maximum of 5 percent of such fees may be used for
46 marketing the plate.

47 ~~2. Twenty percent of the proceeds from the annual use fee,~~
48 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~
49 ~~Regional Planning Council for activities of the Agency on Bay~~
50 ~~Management implementing the Council/Agency Action Plan for the~~
51 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~
52 ~~Bay Estuary Program Policy Board.~~

53 ~~3.~~ The remaining proceeds must be used to implement the
54 Comprehensive Conservation and Management Plan for Tampa Bay,
55 pursuant to priorities approved by the Tampa Bay Estuary Program
56 Policy Board.

57 Section 7. Subsection (3) of section 369.307, Florida
58 Statutes, is amended to read:

59 369.307 Developments of regional impact in the Wekiva River
60 Protection Area; land acquisition.—

61 (3) The Wekiva River Protection Area is hereby declared to
62 be a natural resource of state and regional importance. The St.
63 Johns River Water Management District East-Central Florida
64 ~~Regional Planning Council~~ shall adopt policies that ~~as part of~~
65 ~~its strategic regional policy plan and regional issues list~~
66 ~~which~~ will protect the water quantity, water quality, hydrology,
67 wetlands, aquatic and wetland-dependent wildlife species,
68 habitat of species ~~designated pursuant to rules 39-27.003, 39-~~



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69 ~~27.004, and 39-27.005, Florida Administrative Code,~~ and native
70 vegetation in the Wekiva River Protection Area. The water
71 management district council shall also cooperate with the
72 department in the department's implementation of ~~the provisions~~
73 ~~of~~ s. 369.305.

74 Section 8. Subsections (1) and (4) of section 369.324,
75 Florida Statutes, are amended to read:

76 369.324 Wekiva River Basin Commission.—

77 (1) The Wekiva River Basin Commission is created to monitor
78 and ensure the implementation of the recommendations of the
79 Wekiva River Basin Coordinating Committee for the Wekiva Study
80 Area. The St. Johns River Water Management District ~~East-Central~~
81 ~~Florida Regional Planning Council~~ shall provide staff support to
82 the commission with funding assistance from the Department of
83 Economic Opportunity. The commission shall be comprised of a
84 total of 18 members appointed by the Governor, 9 of whom shall
85 be voting members and 9 shall be ad hoc nonvoting members. The
86 voting members shall include:

87 (a) One member of each of the Boards of County
88 Commissioners for Lake, Orange, and Seminole Counties.

89 (b) One municipal elected official to serve as a
90 representative of the municipalities located within the Wekiva
91 Study Area of Lake County.

92 (c) One municipal elected official to serve as a
93 representative of the municipalities located within the Wekiva
94 Study Area of Orange County.

95 (d) One municipal elected official to serve as a
96 representative of the municipalities located within the Wekiva
97 Study Area of Seminole County.



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98 (e) One citizen representing an environmental or
99 conservation organization, one citizen representing a local
100 property owner, a land developer, or an agricultural entity, and
101 one at-large citizen who shall serve as chair of the council.

102 (f) The ad hoc nonvoting members shall include one
103 representative from each of the following entities:

- 104 1. St. Johns River Management District.
- 105 2. Department of Economic Opportunity.
- 106 3. Department of Environmental Protection.
- 107 4. Department of Health.
- 108 5. Department of Agriculture and Consumer Services.
- 109 6. Fish and Wildlife Conservation Commission.
- 110 7. Department of Transportation.
- 111 8. MetroPlan Orlando.
- 112 9. Central Florida Expressway Authority.

113 (4) To assist the commission in its mission, the St. Johns
114 River Water Management District ~~East Central Florida Regional~~
115 ~~Planning Council~~, in coordination with the applicable regional
116 and state agencies, shall serve as a clearinghouse of baseline
117 or specialized studies through modeling and simulation,
118 including collecting and disseminating data on the demographics,
119 economics, and the environment of the Wekiva Study Area
120 including the changing conditions of the Wekiva River surface
121 and groundwater basin and associated influence on the Wekiva
122 River and the Wekiva Springs.

123 Section 9. Subsections (3), (4), (7), (8), and (12) of
124 section 380.05, Florida Statutes, are amended to read:

125 380.05 Areas of critical state concern.—

126 (3) Each local government ~~regional planning agency~~ may



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127 ~~recommend to the state land planning agency from time to time~~
128 ~~areas wholly or partially within its jurisdiction that meet the~~
129 ~~criteria for areas of critical state concern as defined in this~~
130 ~~section. Each regional planning agency shall solicit from the~~
131 ~~local governments within its jurisdiction suggestions as to~~
132 ~~areas to be recommended. A local government in an area where~~
133 ~~there is no regional planning agency may recommend to the state~~
134 land planning agency from time to time areas wholly or partially
135 within its jurisdiction that meet the criteria for areas of
136 critical state concern as defined in this section. If the state
137 land planning agency does not recommend to the commission as an
138 area of critical state concern an area substantially similar to
139 one that has been recommended, it shall respond in writing as to
140 its reasons therefor.

141 (4) Before ~~Prior to~~ submitting any recommendation to the
142 commission under subsection (1), the state land planning agency
143 shall give notice to any committee appointed pursuant to s.
144 380.045 and to all local governments ~~and regional planning~~
145 ~~agencies~~ that include within their boundaries any part of any
146 area of critical state concern proposed to be designated by the
147 rule, in addition to any notice otherwise required under chapter
148 120.

149 (7) The state land planning agency ~~and any applicable~~
150 ~~regional planning agency~~ shall, to the greatest extent possible,
151 provide technical assistance to local governments in the
152 preparation of the land development regulations and local
153 comprehensive plan for areas of critical state concern.

154 (8) If any local government fails to submit land
155 development regulations or a local comprehensive plan, or if the



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156 regulations or plan or plan amendment submitted do not comply
157 with the principles for guiding development set out in the rule
158 designating the area of critical state concern, within 120 days
159 after the adoption of the rule designating an area of critical
160 state concern, or within 120 days after the issuance of a
161 recommended order on the compliance of the plan or plan
162 amendment pursuant to s. 163.3184, or within 120 days after the
163 effective date of an order rejecting a proposed land development
164 regulation, the state land planning agency shall submit to the
165 commission recommended land development regulations and a local
166 comprehensive plan or portions thereof applicable to that local
167 government's portion of the area of critical state concern.
168 Within 45 days following receipt of the recommendation from the
169 agency, the commission shall either reject the recommendation as
170 tendered or adopt the recommendation with or without
171 modification, and by rule establish land development regulations
172 and a local comprehensive plan applicable to that local
173 government's portion of the area of critical state concern.
174 However, such rule shall not become effective before ~~prior to~~
175 legislative review of an area of critical state concern pursuant
176 to paragraph (1)(c). In the rule, the commission shall specify
177 the extent to which its land development regulations, plans, or
178 plan amendments will supersede, or will be supplementary to,
179 local land development regulations and plans. Notice of any
180 proposed rule issued under this section shall be given to all
181 local governments and regional ~~planning~~ agencies in the area of
182 critical state concern, in addition to any other notice required
183 under chapter 120. The land development regulations and local
184 comprehensive plan adopted by the commission under this section



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185 may include any type of regulation and plan that could have been
186 adopted by the local government. Any land development
187 regulations or local comprehensive plan or plan amendments
188 adopted by the commission under this section shall be
189 administered by the local government as part of, or in the
190 absence of, the local land development regulations and local
191 comprehensive plan.

192 (12) Upon the request of a substantially interested person
193 pursuant to s. 120.54(7), a local government or regional
194 ~~planning~~ agency within the designated area, or the state land
195 planning agency, the commission may by rule remove, contract, or
196 expand any designated boundary. Boundary expansions are subject
197 to legislative review pursuant to paragraph (1)(c). No boundary
198 may be modified without a specific finding by the commission
199 that such changes are consistent with necessary resource
200 protection. The total boundaries of an entire area of critical
201 state concern shall not be removed by the commission unless a
202 minimum time of 1 year has elapsed from the adoption of
203 regulations and a local comprehensive plan pursuant to
204 subsection (1), subsection (6), subsection (8), or subsection
205 (10). Before totally removing such boundaries, the commission
206 shall make findings that the regulations and plans adopted
207 pursuant to subsection (1), subsection (6), subsection (8), or
208 subsection (10) are being effectively implemented by local
209 governments within the area of critical state concern to protect
210 the area and that adopted local government comprehensive plans
211 within the area have been conformed to principles for guiding
212 development for the area.

213 Section 10. Subsections (3) and (6) of section 403.7225,



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214 Florida Statutes, are amended to read:

215 403.7225 Local hazardous waste management assessments.—

216 (3) Each county ~~or regional planning council~~ shall
217 coordinate the local hazardous waste management assessments
218 within its jurisdiction according to guidelines established
219 under s. 403.7226. If a county declines to perform the local
220 hazardous waste management assessment, the county shall make
221 arrangements with the department ~~its regional planning council~~
222 to perform the assessment.

223 (6) Unless performed by the county pursuant to subsection
224 (3), the department ~~the regional planning councils~~ shall upon
225 successful arrangements with a county:

226 (a) Perform local hazardous waste management assessments;
227 and

228 (b) Provide any technical expertise needed by the counties
229 in developing the assessments.

230 Section 11. Subsection (2) of section 403.723, Florida
231 Statutes, is amended to read:

232 403.723 Siting of hazardous waste facilities.—It is the
233 intent of the Legislature to facilitate siting of proper
234 hazardous waste storage facilities in each region and any
235 additional storage, treatment, or disposal facilities as
236 required. The Legislature recognizes the need for facilitating
237 disposal of waste produced by small generators, reducing the
238 volume of wastes generated in the state, reducing the toxicity
239 of wastes generated in the state, and providing treatment and
240 disposal facilities in the state.

241 (2) After each county designates areas for storage
242 facilities, the department ~~each regional planning council~~ shall



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243 designate one or more sites at which a regional hazardous waste
244 storage or treatment facility could be constructed.

245 Section 12. Subsections (1) and (2) of section 1013.372,
246 Florida Statutes, are amended to read:

247 1013.372 Education facilities as emergency shelters.—

248 (1) The Department of Education shall, in consultation with
249 boards and county and state emergency management offices,
250 include within the standards to be developed under this
251 subsection public shelter design criteria to be incorporated
252 into the Florida Building Code. The new criteria must be
253 designed to ensure that appropriate new educational facilities
254 can serve as public shelters for emergency management purposes.
255 A facility, or an appropriate area within a facility, for which
256 a design contract is entered into after the effective date of
257 the inclusion of the public shelter criteria in the code must be
258 built in compliance with the amended code unless the facility or
259 a part of it is exempted from using the new shelter criteria due
260 to its location, size, or other characteristics by the
261 applicable board with the concurrence of the applicable local
262 emergency management agency or the Division of Emergency
263 Management. Any educational facility located or proposed to be
264 located in an identified category 1, 2, or 3 evacuation zone is
265 not subject to the requirements of this subsection. If the
266 regional planning council region in which the county is located,
267 as such region existed on January 1, 2021, does not have a
268 hurricane evacuation shelter deficit, as determined by the
269 Division of Emergency Management, educational facilities within
270 the planning council region are not required to incorporate the
271 public shelter criteria.



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272 (2) By January 31 of each even-numbered year, the Division
273 of Emergency Management shall prepare and submit a statewide
274 emergency shelter plan to the Governor and the Cabinet for
275 approval. The plan must identify the general location and square
276 footage of existing shelters, by regional planning council
277 region, as such regions existed on January 1, 2021, and the
278 general location and square footage of needed shelters, by
279 regional planning council region, as such regions existed on
280 January 1, 2021, during the next 5 years. The plan must identify
281 the types of public facilities that should be constructed to
282 comply with emergency-shelter criteria and must recommend an
283 appropriate and available source of funding for the additional
284 cost of constructing emergency shelters within these public
285 facilities. After the approval of the plan, a board may not be
286 required to build more emergency-shelter space than identified
287 as needed in the plan, and decisions pertaining to exemptions
288 pursuant to subsection (1) must be guided by the plan.

289 Section 13. Paragraph (e) of subsection (2) of section
290 1013.385, Florida Statutes, is amended to read:

291 1013.385 School district construction flexibility.—

292 (2) A resolution adopted under this section may propose
293 implementation of exceptions to requirements of the uniform
294 statewide building code for the planning and construction of
295 public educational and ancillary plants adopted pursuant to ss.
296 553.73 and 1013.37 relating to:

297 (e) Any other provisions that limit the ability of a school
298 to operate in a facility on the same basis as a charter school
299 pursuant to s. 1002.33(18) so long as the county ~~regional~~
300 ~~planning council~~ determines that there is sufficient shelter



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301 capacity within the school district as documented in the
302 Statewide Emergency Shelter Plan.

303 Section 14. Subsection (4) of section 1013.74, Florida
304 Statutes, is amended to read:

305 1013.74 University authorization for fixed capital outlay
306 projects.—

307 (4) The university board of trustees shall, in consultation
308 with local and state emergency management agencies, assess
309 existing facilities to identify the extent to which each campus
310 has public hurricane evacuation shelter space. The board shall
311 submit to the Governor and the Legislature by August 1 of each
312 year a 5-year capital improvements program that identifies new
313 or retrofitted facilities that will incorporate enhanced
314 hurricane resistance standards and that can be used as public
315 hurricane evacuation shelters. Enhanced hurricane resistance
316 standards include fixed passive protection for window and door
317 applications to provide mitigation protection, security
318 protection with egress, and energy efficiencies that meet
319 standards required in the 130-mile-per-hour wind zone areas. The
320 board must also submit proposed facility retrofit projects to
321 the Division of Emergency Management for assessment and
322 inclusion in the annual report prepared in accordance with s.
323 252.385(3). Until a regional planning council region, as such
324 region existed on January 1, 2021, in

325
326 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

327 And the directory clause is amended as follows:

328 Delete lines 1145 - 1146

329 and insert:



330 335.188, Florida Statutes, is amended to read:

331
332 ===== T I T L E A M E N D M E N T =====

333 And the title is amended as follows:

334 Delete lines 26 - 73

335 and insert:

336 projects in regional planning council regions, as such
337 regions existed on January 1, 2021, that meet
338 specified criteria; amending s. 252.385, F.S.;
339 revising the requirements for the statewide emergency
340 shelter plan to include the general location and
341 square footage of special needs shelters by regional
342 planning council region, as such regions existed on
343 January 1, 2021; requiring state funds to be maximized
344 and targeted to regional planning council regions, as
345 such regions existed on January 1, 2021; amending s.
346 320.08058, F.S.; revising the distribution of annual
347 use fees collected for the Tampa Bay Estuary license
348 plate; amending s. 369.307, F.S.; requiring the St.
349 Johns River Water Management District, rather than the
350 East Central Florida Regional Planning Council, to
351 adopt policies to protect the Wekiva River Protection
352 Area; revising requirements for such policies;
353 amending s. 369.324, F.S.; requiring the St. Johns
354 River Water Management District, rather than the East
355 Central Florida Regional Planning Council, to provide
356 staff support to the Wekiva River Basin Commission;
357 requiring the district to serve as a clearinghouse of
358 baseline or specialized studies; amending s. 380.05,



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359 F.S.; authorizing local governments to recommend areas
360 of critical state concern to the state land planning
361 agency; amending s. 403.7225, F.S.; requiring counties
362 to make arrangements with the Department of
363 Environmental Protection, rather than their regional
364 planning councils, to perform hazardous waste
365 management assessments; amending s. 403.723, F.S.;
366 requiring the department, rather than regional
367 planning councils, to designate sites for construction
368 of regional hazardous waste storage or treatment
369 facilities; amending s. 1013.372, F.S.; providing that
370 if a regional planning council region, as such region
371 existed on January 1, 2021, does not have a hurricane
372 evacuation shelter deficit, educational facilities
373 within the region are not required to incorporate the
374 public shelter criteria; requiring the statewide
375 emergency shelter plan to identify the general
376 location and square footage of existing and needed
377 shelters by regional planning council region, as such
378 regions existed on January 1, 2021; amending s.
379 1013.385, F.S.; authorizing counties, rather than
380 regional planning councils, to determine whether there
381 is sufficient shelter capacity in a school district;
382 amending s. 1013.74, F.S.; requiring public hurricane
383 evacuation shelters in certain regional planning
384 council regions, as such regions existed on January 1,
385 2021, to be constructed in accordance with public

**SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL
BASIC FINANCIAL STATEMENTS
TOGETHER WITH ADDITIONAL REPORTS
YEAR ENDED
SEPTEMBER 30, 2019**

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Private Companies Practice Section

Tax Division

INDEPENDENT AUDITOR'S REPORT

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1400 Colonial Blvd., Suite 1
Fort Myers, Florida 33907

Report on the Financial Statements

We have audited the accompanying financial statements of governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council"), as of and for the year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We did not audit the financial statements of Florida Retirement Systems Pension Plan (FRS) or Health Insurance Subsidy Pension Plan (HIS) as of and for the year ended June 30, 2019. The Council is required to record its proportionate share of the FRS and HIS liability in the Council's government-wide financial statements as of September 30, 2019 and for the year then ended. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for Southwest Florida Regional Planning Council's government-wide financial statements, is based on the report of the other auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Council's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness

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of the Council's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Summary of Opinions

<u>Opinion Unit</u>	<u>Type of Opinion</u>
Governmental Activities	Unmodified
General Fund	Unmodified

Opinion

Unmodified Opinion

In our opinion, based on our report and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of Southwest Florida Regional Planning Council as of September 30, 2019, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis Of Matter

Substantial Doubt About the Council's Ability to Continue as a Going Concern

Over the course of the last two (2) fiscal years, the Council was informed that five (5) of the six (6) member counties and substantially all of the participating cities intended to withdraw future financial support from the Council. The financial effect of this intended action is approximately \$540,000 of unrestricted revenue annually.

The accompanying financial statements have been prepared assuming that the Council will continue as a going concern. As discussed in Note O to the financial statements, the Council, as noted above, has suffered substantially all its member governments withdrawal of funding. As a result of such action by its member governments the Council's operational shortfall has been funded by use of fundal balance for the year ended September 30, 2019. The Council's financial situation is continuing to deteriorate in fiscal year 2020. It is likely the Council will be forced to cease operations on or about September 30, 2021 without significant change in circumstances.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages i - vi, Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information - management's discussion and analysis (MD&A), Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the required supplementary information - management's discussion and analysis (MD&A), Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), Notes to Required Supplementary Information and Schedule of Changes in the Net OPEB Liability and Related Ratios GASB No. 75 and Notes to the Schedule, as listed in the table of contents, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Required Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Southwest Florida Regional Planning Council's basic financial statements. The required supplementary information other than the MD&A - budgetary comparison information is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The required supplementary information other than the MD&A - budgetary comparison information is the responsibility of management as was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting

and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the required supplementary information other than MD&A - budgetary comparison information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Council's basic financial statements. The Exhibit - Management's Response to Independent Auditor's Report to Management is not a required part of the basic financial statements but is required by Government Auditing Standards. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by Section 218.415, Florida Statutes

In accordance with Section 218.415, Florida Statutes, we have also issued our report dated March 9, 2020 on our consideration of Southwest Florida Regional Planning Council's compliance with provisions of Section 218.415, Florida Statutes. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing, and to provide an opinion on compliance with the aforementioned Statute. That report is an integral part of an audit performed in accordance with Sections 218.39 and 218.415, Florida Statutes in considering Southwest Florida Regional Planning Council's compliance with Section 218.415, Florida Statutes.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated March 9, 2020 on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contract and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control over financial reporting and compliance.



TUSCAN & COMPANY, P.A.
Fort Myers, Florida
March 9, 2020

**MANAGEMENT'S DISCUSSION
AND ANALYSIS
(MD&A)**

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

As management for the Southwest Florida Regional Planning Council (the "Council") this narrative overview and analysis of the financial statements is designed to provide a helpful viewpoint as to the Council's financial activities for the fiscal year ending September 30, 2019. We recommend readers consider this information in conjunction with the financial statements taken as a whole.

Financial Highlights

- The net position of the Council at the close of its fiscal year ended September 30, 2018 was \$201,644. The Council's total net position increased \$13,194 or 7% from the prior year, after a \$36,047 adjustment to beginning net position for GASB No. 75.
- The net position (deficit) of the Council at the close of its fiscal year ended September 30, 2019 was (\$40,358). The Council's total net position decreased \$242,002 or 120% from the prior year.
- As of the close of the fiscal year 2018, the Council reported an ending fund balance of \$854,470 an increase of \$2,092 from the prior year. \$848,089 of this amount is available for spending at the Council's discretion.
- As of the close of the fiscal year 2019, the Council reported an ending fund balance of \$631,414 a decrease of \$223,056 from the prior year. \$625,033 of this amount is available for spending at the Council's discretion.
- Total revenues decreased \$361,384 in comparison to the prior year. The decrease in revenue was substantially due to the withdrawal of funding by member governments. Total expenses decreased \$106,188, in comparison to the prior year. The decrease in expenses was related to less employees and projects.
- The mortgage payable was due and payable on June 1, 2016. However, the related building was placed for sale and sold in November 2015. Therefore, the note payable of \$879,263 was recorded as a current liability at September 30, 2015 and paid in full during the year ended September 30, 2016 plus accrued interest and prepayment penalty of \$25,851.
- Effective June 15, 2015, the Council adopted the provisions of Governmental Accounting Standards Board Statement No. 68 "*Accounting and Financial Reporting for Pensions*" (Statement No. 68). The implementation of this accounting standard required the Council to report its actuarially determined net pension liability of \$574,362 and \$581,945 in the government-wide financial statements as of September 30, 2018 and 2019, respectively.
- Effective September 30, 2018, the Council adopted the provisions of Governmental Accounting Standards Board Statement No. 75 "*Accounting and Financial Reporting for Post Employment Benefits Other Than Pensions (OPEB)*" (Statement No. 75). This accounting standard requires the Council to report its actuarially determined net OPEB liability of \$28,092 and \$16,710 in the government-wide financial statements of the Council as of September 30, 2018 and 2019, respectively.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Government-Wide Financial Statements

Government-wide financial statements (statement of net position and statement of activities found on pages 5 and 6, respectively) are intended to provide readers with a broad overview of the Council's finances and financial health in a manner similar to a private sector business. They are prepared using the full accrual method of accounting, (revenue is recognized when earned and expenses are recognized when incurred. Amounts expended for capital assets are capitalized rather than expensed).

The *Statement of Net Position* (page 5) presents information on all of the Council's assets and liabilities, with the difference between the two reported as net position. The Council's capital assets, equipment, furniture and fixtures, and vehicles) are included in this statement and are reported at historical cost, or fair market value at the date of donation if they were donated to the Council, net of their accumulated depreciation.

The *Statement of Activities* (page 6) presents revenue and expense information showing how the Council's net assets changed during the fiscal year.

Governmental Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain financial control over resources that have been segregated for specific activities or objectives. Fund financial statements explain how the Council's services were paid for as well as what remains for future spending. Fund financial statements report the Council's operations in more detail than the government-wide financial statements by providing information about the Council's funds.

Governmental funds financial statements (found on pages 7 and 9) are prepared on the modified accrual basis using the current financial resources measurement focus. Under the modified accrual basis of accounting, revenues are recognized when they become measurable and available as net current assets.

Notes to the Financial Statements

The notes to the financial statements provide additional information so that a reader may more fully understand the information provided in the basic financial statements. The information contained in the notes is essential to a full understanding of the government-wide and fund financial statements. The notes are on pages 11 through 50.

Supplementary information consists of more detailed information on the budget to actual revenues and expenditures.

Government-Wide Financial Analysis

The government-wide financial statements were designed so that the user could determine if the Council is in a better or worse financial condition from the prior year. The net position may serve, over time, as a useful indicator of the Council's financial position.

The net investment in capital assets are used by the Council to provide services and consequently these assets are not available to liquidate liabilities and are not available for other spending.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Government-Wide Financial Analysis, (continued)

The following table reflects a Summary of Net Position for fiscal years 2019 and 2018:

Southwest Florida Regional Planning Council			
Summary of Net Position			
September 30			
	<u>2019</u>	<u>2018</u>	<u>Change</u>
Assets:			
Current assets	\$ 674,453	\$ 912,225	\$ (237,772)
Capital assets, net	15,794	23,561	(7,767)
Total assets	<u>690,247</u>	<u>935,786</u>	<u>(245,539)</u>
Deferred outflows of resources	<u>190,907</u>	<u>260,925</u>	<u>(70,018)</u>
Liabilities:			
Current liabilities	43,039	57,755	(14,716)
Noncurrent liabilities	<u>633,368</u>	<u>643,088</u>	<u>(9,720)</u>
Total liabilities	<u>676,407</u>	<u>700,843</u>	<u>(24,436)</u>
Deferred inflows of resources	<u>245,105</u>	<u>294,224</u>	<u>(49,119)</u>
Net Position:			
Net investment in capital assets	15,794	23,561	(7,767)
Restricted	-	-	-
Unrestricted (Deficit)	<u>(56,152)</u>	<u>178,083</u>	<u>(234,235)</u>
Total net position (deficit)	<u>\$ (40,358)</u>	<u>\$ 201,644</u>	<u>\$ (242,002)</u>

For the fiscal year 2019, current assets are comprised of cash and cash equivalents of \$421,164, investments of \$144,009, contract and other receivables of \$6,000, due from other governments of \$96,899, and deposits and other of \$6,381.

For the fiscal year 2019, current liabilities are comprised of accounts payable and accrued expenses of \$39,267, unearned contract, grant and DRI/NOPC revenue of \$3,772. The balance of the long term liabilities consist of pension, OPEB and accrued compensation liabilities.

For the fiscal year 2019, the net investment in capital assets of \$15,794 is a component of net position and is comprised of equipment, furniture and fixtures, and vehicles, net of accumulated depreciation.

The fiscal year 2019 net asset (deficit) balance of (\$40,358) decreased by \$242,002 due to the current year operations.

For the fiscal year 2018, current assets are comprised of cash and cash equivalents of \$603,015, investments of \$140,425, contract and other receivables of \$33,380, due from other governments of \$129,024, and deposits and other of \$6,381.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Government-Wide Financial Analysis, (continued)

For the fiscal year 2018, current liabilities are comprised of accounts payable and accrued expenses of \$32,107, unearned contract, grant and DRI/NOPC revenue of \$25,648.

For the fiscal year 2018, the net investment in capital assets of \$23,561 is a component of net position and is comprised of equipment, furniture and fixtures, and vehicles, net of accumulated depreciation and the outstanding related debt used to acquire the assets.

The unrestricted net asset balance of \$178,083 increased by \$57,061 due substantially to the implementation of GASB Statement No. 75.

The following schedule reports the revenues, expenses, and changes in net position for the Council for the current and previous fiscal year:

Southwest Florida Regional Planning Council			
Summary of Changes in Net Position			
Years Ended September 30			
	2019	2018	Change
Revenues:			
Program Revenues			
Charges for services – dues & fees	\$ 215,498	\$ 450,881	\$ (235,383)
Contracts, grants and contributions	494,939	623,328	(128,389)
General Revenues			
Interest and miscellaneous	8,385	5,997	2,388
Total revenues	718,822	1,080,206	(361,384)
Expenses:			
Project Planning			
Personnel services	509,878	635,259	(125,381)
Operating expenses	443,506	423,933	19,573
Depreciation	7,440	7,820	(380)
Interest and fiscal charges	-	-	-
Total expenses	960,824	1,067,012	106,188
Change in net position	(242,002)	13,194	\$ <u>(255,196)</u>
Net Position – Beginning, as Orig. Stated	201,644	152,403	
Prior Period Adjustment – GASB No. 75	-	36,047	
Net Position – As Restated	201,644	188,450	
Net Position (Deficit) - Ending	\$ (40,358)	\$ 201,644	

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Budgetary Highlights

Budget versus actual comparisons are presented in the required supplementary information other than the Management's Discussion and Analysis. The significant budget variations versus actual results were due to the Council budgeting use of its reserves carryforward then not having to use them, a reduction in contract and grant related revenue and the reduction in the respective expenditures.

Original to Final Budget Variances

The Council Members approved no budget amendments during the fiscal year ended September 30, 2019.

The Council Members approved several budget amendments during the fiscal year ended September 30, 2018. The amendments were between various revenue and expenditure line items and did change the total budgeted revenues and expenditures in the general fund by \$19,036 and the special revenue fund by \$207,610.

Capital Assets

Non-depreciable capital assets include land. Depreciable capital assets include building, equipment, furniture and fixtures, and vehicles. The following is a schedule of the Council's capital assets as of September 30, 2019 and 2018.

Southwest Florida Regional Planning Council			
Capital Assets			
Years Ended September 30			
	2019	2018	Change
Depreciable Capital Assets			
Total depreciable capital assets	\$ 167,948	\$ 237,171	\$ (69,223)
Less Accumulated Depreciation	(152,154)	(213,610)	(61,456)
Depreciable capital assets, net	15,794	23,561	(7,767)
Capital Assets, net	\$ 15,794	\$ 23,561	\$ (7,767)

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Debt Administration

At September 30, 2019, the Council had \$633,368 of outstanding liabilities, which is comprised as noted below. The following is a detailed schedule of the Council's outstanding liabilities as of September 30, 2019 and 2018.

Southwest Florida Regional Planning Council			
Outstanding Liabilities			
Years Ended September 30			
	2019	2018	Change
Compensated Absences	\$ 34,713	\$ 40,634	\$ (5,921)
(59)Net OPEB Liability	16,710	28,092	(11,382)
Net Pension Liability	581,945	574,362	7,583
Total Outstanding Liabilities	633,368	643,088	\$ (9,720)
Less current portion	-	-	
Noncurrent portion	\$ 633,368	\$ 643,088	

The note payable used to finance the purchase of the office building had a monthly payment of \$10,646, including interest at 5.68%, with a final payment of \$826,523 due June 1, 2016. As such, the note payable was paid in full in November 2015 at the time of the sale of the Council's office building.

The amount reported as compensated absences represents the total amount the Council had due at the termination of all employees' employment. The net OPEB liability is the actuarially determined cost to offer retirees health, dental, and vision coverage.

Net pension liability reflects the Council's proportionate share of its FRS and HIS liability.

During November 2015, subsequent to the year ended September 30, 2015, the Council sold its building for approximately \$1,200,000. The Council then moved its operations and entered a five year lease for office space.

Future Operations

During the year ended September 30, 2019, the Council was informed by five of its six member Counties as well as most cities of their respective intent to withdraw financial support from the Council. The Council estimates the financial effect of such withdrawal to be approximately \$540,000 annually. This loss of funding has created substantial doubt as to the Council's ability to continue as a going concern past September 30, 2021.

Request for Information

This financial report is designed to provide the reader an overview of the Council. Questions regarding any information provided in this report should be directed to: Southwest Florida Regional Planning Council, 1400 Colonial Boulevard, Suite 1, Fort Myers, Florida 33907.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF NET POSITION
September 30, 2019

	<u>Governmental Activities</u>
ASSETS	
Current assets:	
Cash and cash equivalents	\$ 421,164
Investments	144,009
Due from other governments - grants	96,899
Receivables - contracts and other	6,000
Deposits and other	<u>6,381</u>
Total current assets	<u>674,453</u>
Noncurrent assets:	
Capital assets:	
Depreciable furniture and fixtures, equipment and vehicles (net of \$152,154 accumulated depreciation)	<u>15,794</u>
Total noncurrent assets	<u>15,794</u>
 TOTAL ASSETS	 <u>690,247</u>
 DEFERRED OUTFLOWS OF RESOURCES	 <u>190,907</u>
 LIABILITIES	
Current liabilities:	
Accounts payable and accrued expenses	39,267
Unearned revenue - DRI/NOPC	3,772
Current portion of long-term obligations	<u>-</u>
Total current liabilities	43,039
Noncurrent liabilities:	
Noncurrent portion of long-term obligations	633,368
Commitments and Contingencies	<u>-</u>
 TOTAL LIABILITIES	 <u>676,407</u>
 DEFERRED INFLOWS OF RESOURCES	 <u>245,105</u>
 NET POSITION	
Net investment in capital assets	15,794
Restricted	-
Unrestricted	<u>(56,152)</u>
 TOTAL NET POSITION (DEFICIT)	 <u><u>\$ (40,358)</u></u>

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF ACTIVITIES
Year Ended September 30, 2019

	<u>Governmental Activities</u>
EXPENSES	
Governmental Activities	
Project Planning:	
Personnel services	\$ 509,878
Operating expenses	443,506
Depreciation	7,440
Interest and fiscal charges	-
TOTAL EXPENSES - GOVERNMENTAL ACTIVITIES	<u>960,824</u>
 PROGRAM REVENUES	
Charges for services:	
Assessments and fees	215,498
Contracts, local grants and events	14,900
Operating grants and contributions	<u>480,039</u>
TOTAL PROGRAM REVENUES	<u>710,437</u>
 NET PROGRAM REVENUES (EXPENSES)	 <u>(250,387)</u>
 GENERAL REVENUES (LOSS)	
Rental income	-
Loss on disposition of capital assets (including cost of sale)	(327)
Interest and miscellaneous	<u>8,712</u>
TOTAL GENERAL REVENUES (LOSS)	<u>8,385</u>
 INCREASE (DECREASE) IN NET POSITION	 (242,002)
 NET POSITION - Beginning of the year	 <u>201,644</u>
 NET POSITION (DEFICIT) - End of the year	 <u>\$ (40,358)</u>

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
BALANCE SHEET - GOVERNMENTAL FUND
September 30, 2019

	General Fund	Total Governmental Fund
	<u> </u>	<u> </u>
ASSETS		
Cash and cash equivalents	\$ 421,164	\$ 421,164
Investments	144,009	144,009
Due from other governments - grants	96,899	96,899
Receivables - contracts and other	6,000	6,000
Deposits and other	<u>6,381</u>	<u>6,381</u>
TOTAL ASSETS	<u>\$ 674,453</u>	<u>\$ 674,453</u>
LIABILITIES AND FUND BALANCE		
LIABILITIES		
Accounts payable and accrued expenses	\$ 39,267	\$ 39,267
Due to other governments	-	-
Unearned revenue - grants	-	-
Unearned revenue - DRI/NOPC	<u>3,772</u>	<u>3,772</u>
TOTAL LIABILITIES	<u>43,039</u>	<u>43,039</u>
FUND BALANCE		
Nonspendable	6,381	6,381
Restricted	-	-
Assigned	625,033	625,033
Unassigned	<u>-</u>	<u>-</u>
TOTAL FUND BALANCE	<u>631,414</u>	<u>631,414</u>
TOTAL LIABILITIES AND FUND BALANCE	<u>\$ 674,453</u>	<u>\$ 674,453</u>

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL
FUND TO THE STATEMENT OF NET POSITION
September 30, 2019

	<u>Amount</u>
Total fund balance for governmental funds	\$ 631,414
<p>Amounts reported for governmental activities in the Statement of Net Position are different because:</p>	
<p>Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds.</p>	
<p>Capital assets being depreciated:</p>	
Furniture and fixtures, equipment and vehicles	167,948
Less accumulated depreciation	<u>(152,154)</u>
	15,794
<p>Deferred outflows and deferred inflows are applied to future periods and, therefore, are not reported in the governmental funds.</p>	
Deferred outflows related to OPEB	1,727
Deferred outflows related to pensions	<u>189,180</u>
	190,907
Deferred inflows related to pensions	<u>(245,105)</u>
	(245,105)
<p>Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.</p>	
Net pension liability - FRS	(443,544)
Net pension liability - HIS	(138,401)
Compensated absences	(34,713)
Net OPEB liability	<u>(16,710)</u>
	<u>(633,368)</u>
Total net position (deficit) of governmental activities	<u><u>\$ (40,358)</u></u>

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCE - GOVERNMENTAL FUND
Year Ended September 30, 2019**

	General Fund	Total Governmental Fund
	<u> </u>	<u> </u>
REVENUES		
Federal and state grants	\$ 480,039	\$ 480,039
Contracts, local grants and events	14,900	14,900
County and city assessments	165,053	165,053
NOPC & DRI fees	50,445	50,445
DRI monitoring fees	-	-
Rental income	-	-
Interest and miscellaneous	8,712	8,712
TOTAL REVENUES	<u>719,149</u>	<u>719,149</u>
EXPENDITURES		
Current		
Personnel services	498,699	498,699
Operating expenditures	443,506	443,506
Capital outlay	-	-
Debt service	-	-
TOTAL EXPENDITURES	<u>942,205</u>	<u>942,205</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>(223,056)</u>	<u>(223,056)</u>
OTHER FINANCING SOURCES (USES)		
Operating transfers in	-	-
Operating transfers out	-	-
TOTAL OTHER FINANCING SOURCES (USES)	<u>-</u>	<u>-</u>
NET CHANGE IN FUND BALANCE	(223,056)	(223,056)
FUND BALANCE - Beginning of the year	<u>854,470</u>	<u>854,470</u>
FUND BALANCE - End of the year	<u>\$ 631,414</u>	<u>\$ 631,414</u>

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCE -
GOVERNMENTAL FUND TO THE STATEMENT
OF ACTIVITIES**

Year Ended September 30, 2019

	<u>Amount</u>
Net change (revenues and other financing sources (uses) in excess (under) of expenditures) in fund balance - total governmental funds	\$ (223,056)
The increase (decrease) in net position reported for governmental activities in the Statement of Activities is different because:	
Governmental funds report capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.	
Plus: expenditures for capital assets	-
Less: current year depreciation	(7,440)
Less: proceeds from disposition of capital assets	-
Less: loss on disposition of capital assets	<u>(327)</u>
	(7,767)
Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds.	
(Increase) decrease in net pension liability - FRS	(19,939)
(Increase) decrease in net pension liability - HIS	12,356
Increase (decrease) in deferred outflow - OPEB	1,727
Increase (decrease) in deferred outflow - Pensions	(71,745)
(Increase) decrease in deferred inflow - Pensions	49,119
Net decrease (increase) in compensated absences	5,921
Net (increase) decrease in net OPEB liability	<u>11,382</u>
	<u>(11,179)</u>
Increase (decrease) in net position of governmental activities	<u>\$ (242,002)</u>

The accompanying notes are an integral part of this statement.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

Southwest Florida Regional Planning Council (the "Council") is a governmental agency, created on November 8, 1973 via interlocal agreements as provided by Florida Statutes, Chapters 163.01 and 163.02, as amended, to assist other governmental and private agencies in the planning of projects in the Southwest Florida area under Florida Statutes, Chapter 186.504. The Council acts as a regional planning agency and exercises its rights and duties pursuant to Florida Statutes Chapters 23, 160, 163, 186 and 380. By Florida Statute, the Council's principal member entities consist of Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties, although certain cities within these counties are participating entities. The Council's Board Members are appointed per statutory requirement. By Florida Statute the Council is funded through member assessments determined by interlocal agreement, various fees, and multiple federal, state, and local grants and contracts. A substantial amount of the Council's member entities have resolved to cease paying the annual assessments which has resulted in the Council likely ceasing operations on or about December 31, 2020. See further discussion in Note O.

Specifically, the Council's mission is:

1. To make the most efficient use of its powers to promote cooperation for mutual advantage in order to provide services and facilities that will accord best with geographic, economic, social, land use, transportation, public safety resources, and other factors influencing the needs and development of local communities within its six county region;
2. To serve as a regional coordinator for the local governmental units comprising the region;
3. To exchange information on and review programs of regional concerns;
4. To promote communication between the local governments for the conservation and compatible development of the Southwest region;
5. To cooperate with Federal, State, and local government and non-government agencies to accomplish regional objectives; and
6. To do all things authorized for a Regional Planning Agency under Chapters 163, 186 and 380 of the Florida Statutes and other applicable Florida, Federal, State, and local laws, rules, and regulations.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Summary of Significant Accounting Policies

The following is a summary of the significant accounting policies used in the preparation of these basic financial statements.

The basic financial statements of the Council are comprised of the following:

- Government-wide financial statements
- Fund financial statements
- Notes to the financial statements

Reporting Entity

The Council has adopted Governmental Accounting Standards Board (GASB) Statement Number 14, "Financial Reporting Entity" (GASB 14), as amended by GASB Statement Number 39, "Determining Whether Certain Organizations Are Component Units" (GASB 39) and GASB Statement Number 61, "The Financial Reporting Entity: Omnibus - An Amendment of GASB Statements No. 14 and No. 34" (GASB 61). These Statements require the financial statements of the Council (the primary government) to include its component units, if any. A component unit is a legally separate organization for which the elected officials of the primary government are financially accountable. Based on the criteria established in GASB Statement 14, as amended, there are no component units included or required to be included in the Council's financial statements.

The Council assisted in the creation and establishment of Southwest Florida Resource Conservation and Development Council, Inc. ("Conservation"), an independent Florida not-for-profit corporation. Conservation's mission is to develop a resource conservation plan for its service area, as well as to act as a clearinghouse for other conservation groups and efforts.

The Council provides no direct support to Conservation and does not have authority to exercise economic control over Conservation. The Council, however, provides Conservation with bookkeeping services free of charge. The Council cannot appoint or remove the Board members of Conservation. Therefore, Conservation is not considered a component unit of the Council, and its financial activity is not included within these financial statements.

**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Government-wide Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the Council and do not emphasize fund types. These governmental activities comprise the primary government. General governmental and intergovernmental revenues support the governmental activities. The purpose of the government-wide financial statements is to allow the user to be able to determine if the Council is in a better or worse financial position than the prior year. The effect of all interfund activity between governmental funds has been removed from the government-wide financial statements.

Government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, and liabilities resulting from nonexchange transactions are recognized in accordance with the requirements of GASB Statement 33, "Accounting and Financial Reporting for Nonexchange Transactions."

Amounts paid to acquire capital assets are capitalized as assets in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as liabilities in the government-wide financial statements, rather than as other financing sources. Amounts paid to reduce long-term indebtedness of the reporting government are reported as a reduction of the related liability in the government-wide financial statements, rather than as expenditures.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function, and 2) grants and contributions that are restricted to meeting the operational or capital improvements of a particular function. Taxes and other items not properly included among program revenues are reported instead as general revenues.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Government-wide Financial Statements, continued

Program revenues are considered to be revenues generated by services performed and/or by fees charged such as dues, assessments, fees, and operating grants and contracts.

Fund Financial Statements

The Council adheres to GASB Number 54, "Fund Balance Reporting and Governmental Fund Type Definitions," that required a change in the reporting format of fund balances in the governmental fund statements.

The accounts of the Council are organized on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity or retained earnings, revenues, and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled. Fund financial statements for the Council's governmental funds are presented after the government-wide financial statements. These statements display information about major funds individually and nonmajor funds, in aggregate, for governmental funds.

Governmental Funds

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period.

The Council's major funds are presented in separate columns on the governmental fund financial statements. The definition of a major fund is one that meets certain criteria set forth in GASB Statement Number 34, "Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments". The funds that do not meet the criteria of a major fund are considered non-major funds and are combined into a single column on the governmental fund financial statements.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported in separate columns on the fund financial statements.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Measurement Focus and Basis of Accounting

Basis of accounting refers to when revenues and expenditures, or expenses, are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period and soon enough thereafter to pay liabilities of the current period. For this purpose, the Council considers tax revenues to be available if they are collected within sixty days of the end of the current fiscal period.

Revenues susceptible to accrual are interest on investments and intergovernmental revenues. Interest on invested funds is recognized when earned. Intergovernmental revenues that are reimbursements for specific purposes or projects are recognized when all eligibility requirements are met.

Expenditures are generally recognized under the modified accrual basis of accounting when the related fund liability is incurred. Exceptions to this general rule include: (1) principal and interest on the long-term debt, if any, which is recognized when due; and (2) expenditures are generally not divided between years by the recording of prepaid expenditures.

When both restricted and unrestricted resources are available for use, it is the Council's policy to use restricted resources first, then unrestricted resources as they are needed.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Measurement Focus and Basis of Accounting, continued

The Council adheres to the provisions of Government Accounting Standards Board Statement No. 68 "Accounting and Financial Reporting for Pensions" (GASB 68), which requires the Council to report its proportionate share of the actuarially determined net pension liability of defined benefit plans in the statement of net position, in the Council's financial statements. The Council participates in the FRS defined benefit pension plan and the HIS defined benefit plan administered by the Florida Department of Management Services, Division of Retirement.

Non-current Government Assets/Liabilities

GASB 34 requires non-current governmental assets, such as land and buildings, and non-current governmental liabilities, such as notes payable and capital leases to be reported in the governmental activities column in the government-wide Statement of Net Position.

Major Funds

The Council reports the following major governmental fund:

The General Fund is the Council's primary operating fund. It accounts for all financial resources of the Council.

Prior to the year ended September 30, 2019, the Council used a special revenue fund for its contract and grant activities. Due to the current financial condition the Special Revenue fund was closed and all activity is accounted for in the General Fund.

Budgetary Information

The Council has elected to report budgetary comparison of major funds as required supplementary information (RSI).

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Investments

The Council adheres to the requirements of Governmental Accounting Standards Board (GASB) Statement Number 31, "Accounting and Financial Reporting for Certain Investments and for External Investment Pools," in which all investments are reported at fair value, with the exception of the Local Government Surplus Funds Investment Pool Trust Fund (State Board of Administration), an external 2a7-like investment pool. The Local Government Surplus Funds Investment Pool Trust Fund's shares are stated at amortized cost (otherwise known as fluctuating net asset value or "NAV"), which approximates fair value.

Investments, including restricted investments (if any), may consist of the State of Florida Local Government Surplus Funds Trust Fund and Certificates of Deposit held at local depositories.

Capital Assets

Capital assets, which include furniture and fixtures, equipment, and vehicles, are reported in the government-wide financial statements in the Statement of Net Position.

The Council follows a capitalization policy which calls for capitalization of all fixed assets that have a cost or donated value of \$1,000 or more and have a useful life in excess of one year.

All capital assets are valued at historical cost, or estimated historical cost if actual historical cost is not available. Donated capital assets are valued at their estimated fair market value on the date donated. Public domain (infrastructure) capital assets consisting of certain improvements other than building, including curbs, gutters, and drainage systems, are not capitalized, as the Council generally does not acquire such assets. No debt-related interest expense is capitalized as part of capital assets in accordance with GASB Statement Number 34.

Maintenance, repairs, and minor renovations are not capitalized. The acquisition of land and construction projects utilizing resources received from Federal and State agencies are capitalized when the related expenditure is incurred.

Expenditures that materially increase values, change capacities, or extend useful lives

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Capital Assets, continued

are capitalized. Upon sale or retirement, the cost is eliminated from the respective accounts.

Expenditures for capital assets are recorded in the fund statements as current expenditures. However, such expenditures are not reflected as expenditures in the government-wide statements, but rather are capitalized and depreciated.

Depreciable capital assets are depreciated using the straight-line method over the following estimated useful lives:

<u>Asset</u>	<u>Years</u>
Improvements Other Than Buildings	7-15
Furniture & Fixtures	7
Equipment	3-10
Vehicles	3

Budgets and Budgetary Accounting

The Council has adopted an annual budget for the General Fund.

The Council follows these procedures in establishing budgetary data for the General Fund.

1. During the summer of each year but no later than August 15, the Council management submits to the Board a proposed operating budget for the fiscal year commencing on October 1. The operating budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain public comments.
3. The budget is adopted by approval of the Board Members no later than August 15 each year.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Budgets and Budgetary Accounting, continued

4. The budget for the General Fund is, generally, adopted on a basis consistent with accounting principles generally accepted in the United States of America.
5. Budget transfers can be made throughout the year between expenditure accounts by approval of the Board Members. The level of control for appropriations is exercised at the fund level.
6. Budget amounts, as shown in these basic financial statements, are as originally adopted or as amended by the Board Members.
7. Appropriations lapse at year-end.
8. The Board Members approved no budget amendment during the fiscal year ended September 30, 2019.

Encumbrances

Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is not employed by the Council because it is, at present, not necessary to assure effective budgetary control or to facilitate effective cash planning and control.

Compensated Absences

The Council's employees accumulate leave based on various criteria including the number of years of continuous service and job classification.

Leave which is requested and approved prior to the day in which it is taken by the employee (vacation) shall be considered to be scheduled leave. At September 30, 2019 any scheduled leave accrued above 160 hours shall be used or forfeited except for the Executive Director which is limited to 240 hours. Any employee who is separated from the Council staff by layoff, resignation, death, disability, or other cause shall be paid for the number of working hours of unused scheduled (vacation) leave accrued, not to exceed 160 hours.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Compensated Absences, continued

Leave not requested/approved prior to the day it is taken (sick time) shall be considered unscheduled. Unscheduled leave may be accumulated to a total of 200 hours. There is no reimbursement for unscheduled leave accrual at the time of an employee's termination from the Council and therefore, not accrued.

Due From Other Governments

No allowances for losses on uncollectible accounts has been recorded since the Council considers all amounts to be fully collectible.

Management Estimates

The preparation of the basic financial statements in conformity with accounting principles generally accepted in the United States of America requires the Council to make estimates and assumptions that affect the reported amounts of assets, liabilities, fund equity, and disclosure of contingent assets and liabilities at the date of the basic financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

Net Position

In the government-wide financial statements no net assets have been identified as restricted. Restricted net assets are those net assets that have constraints as to their use externally imposed by creditors, through debt covenants, by grantors, or by law.

Fund Balances

The governmental fund financial statements the Council maintains include nonspendable, assigned, and unassigned fund balances. Nonspendable balances are those that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. Criteria include items that are not expected to be converted into cash, for example prepaid expenses and deposits.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Fund Balances, continued

The Council's assigned balances are a result of the Council's Board approval of actions prior to October 1, 2018. The Council's intent and policy is to maintain a minimum assigned fund balance level between four (4) to six (6) months of prior year total expenditures. This assigned fund balance will serve as the Council's operational and capital reserve as well as its disaster reserve. At September 30, 2019, the entire fund balance is classified as assigned since the balance is less than the Council's minimum target fund balance. Any use of the fund balance requires the Council's Board approval.

Pensions

In the government-wide statement of net position, liabilities are recognized for the Council's proportionate share of each pension plan's net pension liability. For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Florida Retirement System (FRS) and the Health Insurance Subsidy (HIS) defined benefit plan and additions to/deductions from fiduciary net position have been determined on the same basis as they are reported by the Plans. For this purpose, benefit payments, (including refunds of employees contributions) are recognized when due and payable in accordance with the benefit terms.

The Council's retirement plans and related amounts are described in a subsequent note.

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position reports a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to future periods and so will not be recognized as an outflow of resources (expense/expenditure) until then. The deferred amount on pensions and OPEB is reported in the government-wide statement of net position. The deferred outflows of resources related to pensions and OPEB are discussed in a subsequent note.

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Deferred Outflows/Inflows of Resources, continued

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The deferred amount on pensions and OPEB is reported only in the government-wide statement of net position. A deferred amount on pension results from the difference in the expected and actual amounts of experience, earnings, and contributions. This amount is deferred and amortized over the service life of all employees that are provided with pensions and OPEB through these plans except earnings which are amortized over five to seven years.

Subsequent Events

Subsequent events have been evaluated through March 9, 2020, which is the date the financial statements were available to be issued.

NOTE B - CASH AND CASH EQUIVALENTS

Cash was \$421,164, including cash on hand of \$200 at September 30, 2019.

Deposits

The Council's deposit policy allows deposits to be held in demand deposits and money market accounts. All Council depositories are institutions designated as qualified depositories by the State Treasurer at September 30, 2019.

The Council's deposits consist of the following at September 30, 2019:

	<u>Bank Balance</u>	<u>Carrying Amount</u>
Depository Accounts	\$ 440,586	\$ 420,964

These deposits were entirely covered by federal depository insurance or by collateral pursuant to the Public Depository Security Act (Florida Statute 280) of the State of Florida. Bank balances approximate market value. Depository accounts are fully insured and/or collateralized.

NOTE C - INVESTMENTS

Florida Statutes and the Council's investment policy authorize investments in the Local Government Surplus Funds Trust Fund (SBA) administered by the State Board of Administration, and certificates of deposit held in financial institutions.

At September 30, 2019, the Council's investments consist of the following:

	Cost Basis	Fair Value (NAV)/ Carrying Amount
	<u> </u>	<u> </u>
<u>General Fund</u>		
Local Government Surplus Trust Fund (SBA)		
Fund "A" (Florida PRIME)	\$ 144,009	\$ 144,009
Total Investments	<u>\$ 144,009</u>	<u>\$ 144,009</u>

The Local Government Surplus Funds Trust Fund (Florida PRIME (formerly Fund "A")) is an external 2a7-like investment pool, administered by the Florida State Board of Administration. The Local Government Surplus Funds Investment Pool Trust Fund is not categorized as it is not evidenced by securities that exist in physical or book entry form. The Local Government Surplus Trust Funds Investment Pool's shares are stated at amortized cost (NAV), which approximates fair value. These investments are subject to the risk that the market value of an investment, collateral protecting a deposit or securities underlying a repurchase agreement, will decline. The Council's investment in the Fund represented less than 1% of the Fund's total investments. Investments held in the Fund include, but are not limited to, short-term federal agency obligations, treasury bills, repurchase agreements and commercial paper. These short-term investments are stated at cost, which approximates market. Investment income is recognized as earned and is allocated to participants of the Fund based on their equity participation.

NOTE C - INVESTMENTS, CONTINUED

At September 30, 2019, the Council reported SBA investments of \$144,009 for amounts held in Florida PRIME. Florida PRIME carried a credit rating of AAAM by Standard and Poors and had a weighted average days to maturity (WAM) of 37 days at September 30, 2019. The weighted average life (WAL) of Florida PRIME at September 30, 2019 was 85 days. Florida PRIME was not exposed to foreign currency risk during the period October 1, 2018 through September 30, 2019. Rule 2a7 allows funds to use amortized cost to maintain a constant NAV of \$1.00 per share. Accordingly, the District's investment in Florida PRIME is reported at the account balance (pooled shares), which is considered fair value.

The District adheres to GASB Statement No. 79 which requires the following disclosures related to its Florida PRIME investment:

Redemption Gates: Chapter 218.409(8)(a), Florida Statutes, states that "The principal, and any part thereof, of each account constituting the trust fund is subject to a payment at any time from the moneys in the trust fund. However, the Executive Director of the fund 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, 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 to 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 the contributions and withdrawals, the Executive Director may extend the moratorium until the Trustees are able to meet to review the necessity for the moratorium. If the 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."

NOTE C - INVESTMENTS, CONTINUED

Liquidity Fees: Florida Statute 218.409(4) provides authority for the SBA to impose penalties for early withdrawal, subject to disclosures in the enrollment materials of the amount and purpose of such fees. At September 30, 2019, no such disclosure has been made.

Redemption Fees: As of September 30, 2019, there were no redemption fees (gates) or maximum transaction amounts, or any other requirements that serve to limit a participant's daily access to 100 percent of their account value.

Fair Value: The carrying value of cash, cash equivalents, and investments held by the Council is reported at amortized cost which approximates fair value.

Foreign Currency: Florida PRIME was not exposed to foreign currency risk during the period October 1, 2018 to September 30, 2019.

Securities Lending: Florida PRIME did not participate in securities lending program during the period October 1, 2018 through September 30, 2019.

Separate financial statements for Florida PRIME are available from Florida PRIME as of and for the year ended June 30, 2019.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2019

NOTE D - DUE FROM OTHER GOVERNMENTS - GRANTS

Due from other governments-grants receivable consisted of the following at September 30, 2019:

	<u>Amount</u>
<u>Federal</u>	
U.S. Economic Development Administration Economic Development Support (CFDA 11.302)	\$ 35,000
U.S. Economic Development Administration Disaster Recovery Coordination (CFDA 11.307)	21,223
U.S. Economic Development Administration Agriculture Sustainability (CFDA 11.307)	14,737
<u>State</u>	
Florida Division of Emergency Management - DEM-LEPC 19/20 (CSFA 31.067)	10,300
Florida Division of Emergency Management - DEM-LEPC 18/19 (CSFA 31.067)	11,639
<u>Other</u>	
City of Punta Gorda (CHNEP)	<u>4,000</u>
Total due from other governments	<u>\$ 96,899</u>

The due from other governments grants receivable balances as of September 30, 2019, are considered by management to be fully collectible.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2019

NOTE E - CAPITAL ASSETS ACTIVITY

The following is a summary of changes in capital assets activity for the year ended September 30, 2019:

	Balance October 1 2018	Increases/ Additions	Decreases/ Deletions	Adjustments/ Reclassifications	Balance September 30 2019
Capital Assets					
Being Depreciated:					
Furniture & Fixtures	\$ 5,377	\$ -	\$ -	\$ -	\$ 5,377
Equipment	210,007	-	(47,436)	-	162,571
Vehicles	<u>21,787</u>	<u>-</u>	<u>(21,787)</u>	<u>-</u>	<u>-</u>
Total Capital Assets					
Being Depreciated	<u>237,171</u>	<u>-</u>	<u>(69,223)</u>	<u>-</u>	<u>167,948</u>
Less Accumulated					
Depreciation:					
Furniture & Fixtures	(5,377)	-	-	-	(5,377)
Equipment	(186,446)	(7,440)	47,109	-	(146,777)
Vehicles	<u>(21,787)</u>	<u>-</u>	<u>21,787</u>	<u>-</u>	<u>-</u>
Total Accumulated Depreciation	<u>(213,610)</u>	<u>(7,440)</u>	<u>68,896</u>	<u>-</u>	<u>(152,154)</u>
Total Capital Assets Being Depreciated, Net	<u>23,561</u>	<u>(7,440)</u>	<u>(327)</u>	<u>-</u>	<u>15,794</u>
Capital Assets, Net	<u>\$ 23,561</u>	<u>\$ (7,440)</u>	<u>\$ (327)</u>	<u>\$ -</u>	15,794
				Related debt	<u>-</u>
				Net investment in capital assets	<u>\$ 15,794</u>

Depreciation expense was charged to the following functions during the year ended September 30, 2019:

	<u>Amount</u>
General Government	<u>\$ 7,440</u>
Total Depreciation Expense	<u>\$ 7,440</u>

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2019

NOTE F - UNEARNED REVENUE

Unearned revenue (by type) consisted of the following at September 30, 2019:

	<u>Amount</u>
DRI's & NOPC's	\$ 3,772
	<u>\$ 3,772</u>

NOTE G - LONG-TERM LIABILITIES

The following is a summary of changes in long-term liabilities for the year ended September 30, 2019:

	Balance October 1 2018	Additions	Retirements / Adjustments	Balance September 30 2019	Amounts Due Within One Year
Net Pension Liability - FRS	\$ 423,605	\$ 19,939	\$ -	\$ 443,544	\$ -
Net Pension Liability - HIS	150,757	-	(12,356)	138,401	-
Compensated absences	40,634	-	(5,921)	34,713	-
Net OPEB liability	<u>28,092</u>	<u>-</u>	<u>(11,382)</u>	<u>16,710</u>	<u>-</u>
	<u>\$ 643,088</u>	<u>\$ 19,939</u>	<u>\$ (29,659)</u>	<u>\$ 633,368</u>	<u>\$ -</u>

The following is a summary of the long-term liabilities at September 30, 2019:

	<u>Amount</u>
Net pension obligation - FRS pension plan. This amount is actuarially determined through calculation based upon the audited financial statements of the Florida FRS Plan.	\$ 443,544
Net pension obligation - HIS plan. This amount is actuarially determined through calculation based upon the audited financial statements of the Florida FRS Plan.	138,401
Non-current portion of compensated absences. Employees of the Council are entitled to paid scheduled (vacation) leave based on length of service and job classification.	34,713
Net OPEB liability - actuarially determined - GASB No. 75.	<u>16,710</u>
	<u>\$ 633,368</u>

NOTE H - OPERATING LEASE COMMITMENTS

The Council leases certain copiers and office space under agreements classified as operating leases.

Future minimum lease payments under the operating leases are as follows:

Years Ending September 30	Amount
2020	\$ 53,432
2021	11,295
2022	2,786
2023	2,786
2024	464
	\$ 70,763

For the year ended September 30, 2019, total rent expense was \$53,105.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN

General Information about the Florida Retirement System

The Florida Retirement System ("FRS") was created in Chapter 121, Florida Statutes. The FRS was created to provide a defined benefit pension plan ("Pension Plan") for participating public employees. All Council employees are participants in the Statewide Florida Retirement System (FRS) under authority of Article X, Section 14 of the State Constitution and Florida Statutes, Chapters 112 and 121. The FRS was amended in 1998 to add the Deferred Retirement Option Program ("DROP") under the defined benefit plan and amended in 2000 to provide an integrated defined contribution plan alternative to the defined benefit plan for FRS members effective July 1, 2002. This integrated defined contribution pension plan is the FRS Investment Plan. Chapter 112, Florida Statutes, established the Retiree Health Insurance Subsidy (HIS) Program, a separate cost-sharing, multiple-employer defined benefit pension plan to assist retired members of any State-administered retirement system in paying the costs of health insurance.

Essentially all regular employees of the Council are eligible to enroll as members of the State-administered FRS. Provisions relating to the FRS are established by Chapters 121 and 122, Florida Statutes; Chapter 112, Part IV, Florida Statutes; Chapter 238, Florida Statutes; and Florida Retirement System Rules, Chapter 60S, Florida

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

General Information about the Florida Retirement System, continued

Administrative Code; wherein eligibility, contributions, and benefits are defined and described in detail. Such provisions may be amended at any time by further action from the Florida Legislature. The FRS is a single retirement system administered by the Florida Department of Management Services, Division of Retirement, and consists of two cost-sharing, multiple-employer defined benefit plans (Pension and HIS Plans) and other nonintegrated programs. A comprehensive annual financial report of the FRS, which includes its financial statements, required supplementary information, actuarial report, and other relevant information dated June 30, 2019, is available from the Florida Department of Management Services' Website (www.dms.myflorida.com).

The Council's total pension expense, \$78,306 for the year ended September 30, 2019, is recorded in the government-wide financial statements. Total Council retirement actual contribution expenditures were \$48,097, \$56,794 and \$49,312 for the years ended September 30, 2019, 2018 and 2017, respectively. The Council contributed 100% of the required contributions.

FRS Pension Plan

Plan Description. The FRS Pension Plan ("Plan") is a cost-sharing, multiple-employer defined benefit pension plan, with a Deferred Retirement Option Program (DROP) for eligible employees. The general classes of membership are as follows:

Regular Class - Members of the FRS who do not qualify for membership in the other classes.

Senior Management Service Class (SMSC) - Members in senior management level positions.

Special Risk Class - Members who are employed as law enforcement officers and meet the criteria to qualify for this class.

Elected Officials - Members who are elected by the voters within the District boundaries.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Employees enrolled in the Plan prior to July 1, 2011, vest at six years of creditable service and employees enrolled in the Plan on or after July 1, 2011, vest at eight years of creditable service. All vested members, enrolled prior to July 1, 2011, are eligible for normal retirement benefits at age 62 or at any age after 30 years of service, except for those members classified as special risk who are eligible for normal retirement benefits at age 55 or at any age after 25 years of service. All members enrolled in the Plan on or after July 1, 2011, once vested, are eligible for normal retirement benefits at age 65 or any time after 33 years of creditable service, except for members classified as special risk who are eligible for normal retirement benefits at age 60 or at any age after 30 years of service. Members of both Plans (Pension and HIS) may include up to 4 years of credit for military service toward creditable service. The Plan also includes an early retirement provision; however, there is a benefit reduction for each year a member retires before his or her normal retirement date. The Plan provides retirement, disability, death benefits, and annual cost of living adjustments to eligible participants.

DROP, subject to provisions of Section 121.091, Florida Statutes, permits employees eligible for normal retirement under the Plan to defer receipt of monthly benefit payments while continuing employment with an FRS employer. An employee may participate in DROP for a period not to exceed 60 months after electing to participate. During the period of DROP participation, deferred monthly benefits are held in the FRS Trust Fund and accrue interest. The net pension liability does not include amounts for DROP participants, as these members are considered retired and are not accruing additional pension benefits.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Benefits Provided. Benefits under the Plan are computed on the basis of age, and/or years of service, average final compensation, and credit service. Credit for each year of service is expressed as a percentage of the average final compensation. For members initially enrolled before July 1, 2011, the average final compensation is the average of the five highest fiscal years' earnings; for the members initially enrolled on or after July 1, 2011, the average final compensation is the average of the eight highest fiscal years' earnings. The total percentage value of the benefit received is determined by calculating the total value of all service, which is based on retirement plan and/or the class to which the member belonged when the service credit was earned. Members are eligible for in-line-of-duty or regular disability and survivors' benefits. The following chart shows the percentage value of each year of service credit earned:

<u>Class, Initial Enrollment, and Retirement Age/Years of Service</u>	<u>%Value</u>
Regular Class and elected members initially enrolled before July 1, 2011	
Retirement up to age 62, or up to 30 years of service	1.60
Retirement at age 63 or with 31 years of service	1.63
Retirement at age 64 or with 32 years of service	1.65
Retirement at age 65 or with 33 or more years of service	1.68
Regular Class and elected members initially enrolled on or after July 1, 2011	
Retirement up to age 65 or up to 33 years of service	1.60
Retirement at age 66 or with 34 years of service	1.63
Retirement at age 67 or with 35 years of service	1.65
Retirement at age 68 or with 36 or more years of service	1.68
Special Risk Regular	
Service from December 1, 1970 through September 30, 1974	2.00
Service on or after October 1, 1974	3.00
Senior Management Service Class	2.00
Elected Officers' Class	3.00

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

As provided in Section 121.101, Florida Statutes, if the member is initially enrolled in the FRS before July 1, 2011, and all service credit was accrued before July 1, 2011, the annual cost-of-living adjustment is 3 percent per year. If the member is initially enrolled before July 1, 2011, and has service credit on or after July 1, 2011, there is an individually calculated cost-of-living adjustment. The annual cost-of-living adjustment is a proportion of 3 percent determined by dividing the sum of the pre-July 2011 service credit by the total service credit at retirement multiplied by 3 percent. Plan members initially enrolled on or after July 1, 2011, will not have a cost-of-living adjustment after retirement.

Contributions. The Florida Legislature establishes contribution rates for participating employers and employees. Contribution rates during the year ended September 30, 2019 were as follows:

Class	Percent of Gross Salary*		
	Employee	Employer (1)	Employer (3)
Florida Retirement System, Regular	3.00	8.26	8.47
Florida Retirement System, Senior Management Service	3.00	24.06	25.41
Florida Retirement System, Special Risk	3.00	24.50	25.48
Deferred Retirement Option Program - Applicable to Members from All of the Above Classes	0.00	14.03	14.60
Florida Retirement System, Reemployed Retiree	(2)	N/A	N/A
Florida Retirement System, Elected Official	3.00	48.70	48.82

Notes:

- (1) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/18 - 6/30/19.
- (2) Contribution rates are dependent upon retirement class in which reemployed.
- (3) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/19 - 6/30/20.

* As defined by the Plan.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to the Pension Plan. At September 30, 2019, the Council reported a net pension liability of \$443,544 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2019, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2019. The Council's proportionate share of the net pension liability was based on the Council's 2018-19 fiscal year contributions relative to the total 2018-19 fiscal year contributions of all participating members. At September 30, 2019, the Council's proportionate share was .001287928 percent, which was a decrease of .000118440 percent from its proportionate share measure as of September 30, 2019.

For the year ended September 30, 2019, the Council recognized FRS pension expense of \$62,645. In addition, the Council reported deferred outflows of resources and deferred inflows of resources related to the pension from the following sources at September 30, 2019:

<u>Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 26,308	\$ 275
Change of assumptions	113,921	-
Net difference between projected and actual earnings on pension plan investments	-	24,539
Changes in proportion and differences between Council contributions and proportionate share of contributions	11,898	117,025
Council contributions subsequent to the measurement date	<u>9,008</u>	<u>-</u>
Total	<u>\$ 161,135</u>	<u>\$ 141,839</u>

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

The deferred outflows of resources related to the FRS pension, totaling \$9,008 resulting from Council contributions subsequent to the measurement date, will be recognized as a reduction on the net pension liability in the year ended September 30, 2020. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to the pension will be recognized in pension expense over the remaining service period of 6.4 years as follows:

<u>Fiscal Years Ending September 30</u>	<u>Amount</u>
2020	\$ 314
2021	314
2022	314
2023	315
2024	6,449
Thereafter	<u>2,582</u>
Total	<u>\$ 10,288</u>

Actuarial Assumptions. The total pension liability in the July 1, 2019, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Measurement date	June 30, 2019
Inflation	2.60 percent
Real payroll growth	0.65 percent
Salary increases	3.25 percent, average, including inflation
Investment rate of return	6.90 percent, net of pension plan investment expense, including inflation
Actuarial cost method	Individual entry age

Mortality rates were based on the Generational RP-2000 with Projection Scale BB.

The actuarial assumptions used in the July 1, 2019, valuation were based on the results of an actuarial experience study for the period July 1, 2013 through June 30, 2019.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

The long-term expected rate of return on pension plan investments was not based on historical returns, but instead is based on a forward-looking capital market economic model. The allocation policy's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions, and includes an adjustment for the inflation assumption. The target allocation and best estimates of arithmetic and geometric real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation (1)	Annual Arithmetic Return	Compound Annual (Geometric) Return	Standard Deviation
Cash	1%	3.3%	3.3%	1.2%
Fixed income	18%	4.1%	4.1%	3.5%
Global equity	54%	8.0%	6.8%	16.5%
Real estate (property)	10%	6.7%	6.1%	11.7%
Private equity	11%	11.2%	8.4%	25.8%
Strategic investments	<u>6%</u>	5.9%	5.7%	6.7%
Total	<u>100%</u>			
Assumed inflation - Mean		2.60%		1.70%

(1) As outlined in the Plan's investment policy

Money-Weighted Rate of Return. The annual money-weighted rate of return on the FRS Pension Plan investments was 5.98%

Discount Rate. The discount rate used to measure the total pension liability was reduced to 6.90 percent from 7.00 percent in the prior year. The Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Sensitivity of the District's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate. The following presents the Council's proportionate share of the net pension liability calculated using the discount rate of 6.90 percent which was reduced from 7.00%, as well as what the Council's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.90 percent) or 1-percentage-point higher (7.90 percent) than the current rate:

	1% Decrease <u>(5.90%)</u>	Current Discount Rate <u>(6.90%)</u>	1% Increase <u>(7.90%)</u>
Council's proportionate share of the net pension liability	<u>\$ 766,741</u>	<u>\$ 443,544</u>	<u>\$ 173,621</u>

Pension Plan Fiduciary Net Position. Detailed information about pension plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State Administered Systems Comprehensive Annual Financial Report (FRS CAFR) dated June 30, 2019.

The FRS CAFR and actuarial reports may also be obtained by contacting the Division of Retirement at:

Department of Management Services
 Division of Retirement
 Bureau of Research and Member Communications
 P.O. Box 9000
 Tallahassee, FL 32315-9000
 850-488-5706 or toll free at 877-377-1737

http://www.dms.myflorida.com/workforce_operations/retirement/publications

Payables to the Pension Plan. At September 30, 2019, the Council reported a payable of \$262 for the outstanding amount of contributions in the pension plan required for the year ended September 30, 2019.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan

Plan Description. The Health Insurance Subsidy Plan ("HIS Plan") is a cost-sharing, multiple-employer defined benefit pension plan established under Section 112.363, Florida Statutes. The benefit is a monthly payment to assist retirees of State-administered retirement systems in paying their health insurance costs and is administered by the Division of Retirement within the Florida Department of Management Services.

Benefits Provided. For the year ended September 30, 2019, eligible retirees and beneficiaries received a monthly HIS payment equal to the number of years of creditable service completed at the time of retirement multiplied by \$5. The payments are at least \$30 but not more than \$150 per month, pursuant to Section 112.363, Florida Statutes. To be eligible to receive a HIS Plan benefit, a retiree under a State-administered retirement system must provide proof of health insurance coverage, which can include Medicare.

Contributions. The HIS Plan is funded by required contributions from FRS participating employers as set by the Florida Legislature. Employer contributions are a percentage of gross compensation for all active FRS members. For the year ended September 30, 2019, the contribution rate ranged between 1.66 percent and 1.66 percent of payroll pursuant to Section 112.363, Florida Statutes. The Council contributed 100 percent of its statutorily required contributions for the current and preceding three years. HIS Plan contributions are deposited in a separate trust fund from which HIS payments are authorized. HIS Plan benefits are not guaranteed and are subject to annual legislative appropriation. In the event the legislative appropriation or available funds fail to provide full subsidy benefits to all participants, benefits may be reduced or cancelled.

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to the HIS Plan. At September 30, 2019, the Council reported a HIS net pension liability of \$138,401 for its proportionate share of the net HIS Plan's net pension liability. The net pension liability was measured as of June 30, 2019, and the total pension liability was used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2019. The Council's proportionate share of the net HIS liability was based on the District's 2018-19 fiscal year contributions relative to the total 2018-19 fiscal

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

year contributions of all participating members. At September 30, 2019, the Council's proportionate share was .001236934 percent, which was a decrease of .000187438 percent from its proportionate share measured as of June 30, 2019.

For the fiscal year ended September 30, 2019, the Council recognized HIS expense (income) of \$15,661. In addition, the Council reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

<u>Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 1,681	\$ 169
Change of assumptions	16,025	11,312
Net difference between projected and actual earnings on pension plan investments	89	-
Changes in proportion and differences between Council contributions and proportionate share of contributions	8,931	91,785
Council contributions subsequent to the measurement date	<u>1,319</u>	<u>-</u>
Total	<u>\$ 28,045</u>	<u>\$ 103,266</u>

The deferred outflows of resources related to HIS, totaling \$1,319, resulting from Council contributions subsequent to the measurement date, will be recognized as a reduction on the net pension liability in the year ended September 30, 2020. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense of the remaining service period of 7.2 years as follows:

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

<u>Fiscal Years Ending September 30</u>	<u>Amount</u>
2020	\$ (12,338)
2021	(12,338)
2022	(12,338)
2023	(12,337)
2024	(12,360)
Thereafter	<u>(14,829)</u>
Total	<u>\$ (76,540)</u>

Actuarial Assumptions. The total pension liability in the July 1, 2019, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.60 percent
Real Payroll Growth	0.65 percent
Salary Increases	3.25 percent, average, including inflation
Municipal Bond Rate	3.50 percent
Actuarial Cost Method	Individual entry age

Mortality rates were based on the Generational RP-2000 with Projected Scale BB.

Because the HIS Plan is funded on a pay-as-you-go basis, no experience study has been completed for this plan.

Discount Rate. The discount rate used to measure the total HIS liability was decreased from 3.87% to 3.50%. In general, the discount rate for calculating the total HIS liability is equal to the single rate equivalent to discounting at the long-term expected rate of return for benefit payments prior to the projected depletion date. Because the HIS benefit is essentially funded on a pay-as-you-go basis, the depletion date is considered to be immediate, and the single equivalent discount rate is equal to the municipal bond rate selected by the plan sponsor. The Bond Buyer General Obligation 20-Bond Municipal Bond Index was adopted as the applicable municipal bond index.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

Sensitivity of the District's Proportionate Share of the Net HIS Liability to Changes in the Discount Rate. The following presents the Council's proportionate share of the net HIS liability calculated using the discount rate of 3.50 percent, as well as what the Council's proportionate share of the net HIS liability would be if it were calculated using a discount rate that is 1-percentage-point lower (2.50 percent) or 1-percentage-point higher (4.50 percent) than the current rate:

	1% Decrease (2.50%)	Current Discount Rate (3.50%)	1% Increase (4.50%)
Council's proportionate share of the net HIS liability	<u>\$ 157,991</u>	<u>\$ 138,401</u>	<u>\$ 122,084</u>

Pension Plan Fiduciary Net Position. Detailed information about the HIS plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State Administered Comprehensive Annual Financial Report (FRS CAFR) dated June 30, 2019.

The FRS CAFR and actuarial reports may also be obtained by contacting the Division of Retirement at:

Department of Management Services
 Division of Retirement
 Bureau of Research and Member Communications
 P.O. Box 9000
 Tallahassee, FL 32315-9000
 850-488-5706 or toll free at 877-377-1737

http://www.dms.myflorida.com/workforce_operations/retirement/publications

Payables to the Pension Plan. At September 30, 2019 the Council reported a payable of \$66 for the outstanding amount of contributions to the HIS plan required for the fiscal year ended September 30, 2019.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS - Defined Contribution Pension Plan

The SBA administers the defined contribution plan officially titled the FRS Investment Plan (Investment Plan). The Investment Plan is reported in the SBA's annual financial statements and in the State of Florida Comprehensive Annual Financial Report.

As provided in Section 121.4501, Florida Statutes, eligible FRS members may elect to participate in the Investment Plan in lieu of the FRS defined benefit plan. Council employees participating in DROP are not eligible to participate in the Investment Plan. Employer and employee contributions, including amounts contributed to individual member's accounts, are defined by law, but the ultimate benefit depends in part on the performance of investment funds. Benefit terms, including contribution requirements, for the Investment Plan are established and may be amended by the Florida Legislature. The Investment Plan is funded with the same employer and employee contribution rates that are based on salary and membership class (Regular Class, Elected County Officers, etc.) as the FRS defined benefit plan. Contributions are directed to individual member accounts, and the individual members allocate contributions and account balances among various approved investment choices. Costs of administering the plan, including FRS Financial Guidance Program, are funded through an employer contribution of 0.06 percent of payroll and by forfeited benefits of plan members. Allocations to the investment member's accounts during the 2018-19 fiscal year were as follows:

Class	Percent of Gross Salary*		
	Employee	Employer (1)	Employer (3)
Florida Retirement System, Regular	3.00	8.26	8.47
Florida Retirement System, Senior Management Service	3.00	24.06	25.41
Florida Retirement System, Special Risk	3.00	24.50	25.48
Deferred Retirement Option Program - Applicable to Members from All of the Above Classes	0.00	14.03	14.60
Florida Retirement System, Reemployed Retiree	(2)	N/A	N/A
Florida Retirement System, Elected Official	3.00	48.70	48.82

Notes:

- (1) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/18 - 6/30/19.
 - (2) Contribution rates are dependent upon retirement class in which reemployed.
 - (3) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/19 - 6/30/20.
- * As defined by the Plan.

NOTE I - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS - Defined Contribution Pension Plan, continued

For all membership classes, employees are immediately vested in their own contributions and are vested after 1 year of service for employer contributions and investment earnings. If an accumulated benefit obligation for service credit originally earned under the FRS Pension Plan is transferred to the Investment Plan, the member must have the years of service required for FRS Pension Plan vesting (including the service credit represented by the transferred funds) to be vested for these funds and the earnings on the funds. Nonvested employer contributions are placed in a suspense account for up to 5 years. If the employee returns to FRS-covered employment within the 5-year period, the employee will regain control over their account. If the employee does not return within the 5 year period, the employee will forfeit the accumulated account balance. For the fiscal year ended September 30, 2019, the information for the amount of forfeitures was unavailable from the SBA; however, management believes that these amounts, if any, would be immaterial to the Council.

After termination and applying to receive benefits, the member may rollover vested funds to another qualified plan, structure a periodic payment under the Investment Plan, receive a lump-sum distribution, leave the funds invested for future distribution, or any combination of these options. Disability coverage is provided; the member may either transfer the account balance to the FRS Pension Plan when approved for disability retirement to receive guaranteed lifetime monthly benefits under the FRS Pension Plan, or remain in the Investment Plan and rely upon that account balance for retirement income.

The Council's Investment Plan pension expense totaled \$28,992 for the fiscal year ended September 30, 2019.

Payables to the Investment Plan. At September 30, 2019, the Council reported a payable of \$0 for the outstanding amount of contributions to the Plan required for the fiscal year ended September 30, 2019.

NOTE J - COMMITMENTS/CONTINGENCIES

Grants

The Council is currently receiving, and has received in the past, grants which are subject to special compliance audits by the grantor agency. The grantor agency may at times disallow expenditure amounts associated with a contract based on the outcome of an audit. These amounts would constitute a contingent liability of the Council. The Council has not, as of September 30, 2019, been notified of any existing contingent liabilities related to prior grants or the grants currently in process. The Council has not had any special compliance audits conducted by grantor agencies or any disallowed costs during the year ended September 30, 2019. The management of the Council does not believe contingent liabilities, if any exist, to be material.

NOTE K - ECONOMIC DEPENDENCE

The Council's operations are substantially dependent on the receipt of revenue from grantor and contract agencies as well as Florida Statute mandated member assessments. Loss of these funds and/or large decreases in this type of funding would have a material effect on the financial position of the Council and a negative impact on overall operations. For the fiscal year ended September 30, 2019, approximately 92% of total revenue is attributable to funds received from grantor and contract agencies and assessments.

NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB)

Plan Description

The Council's single employer defined benefit OPEB Plan provides the opportunity to obtain health insurance, pharmacy, dental and vision benefits to its retired employees and their dependents. The year ended September 30, 2018 was the Council's transition year and as such, the Council implemented GASB No. 75 "Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions". GASB No. 75 requires the Council record its actuarially determined total OPEB liability for the year ended September 30, 2019.

**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS
(OPEB), CONTINUED**

Plan Description, continued

All retired full-time employees are eligible for OPEB benefits if actively employed by the Council immediately before retirement. As of September 30, 2019, there were zero (0) retirees eligible to receive benefits. At September 30, 2019, there were five (5) active Council employees. The benefits are provided both with contractual or labor agreements. The benefits may require contribution from the retirees, depending on certain specified criteria and, in particular, length of creditable employment. The minimum retirement age is 62. The minimum years of service requirement is 8 years.

The retiree's premiums for these benefits totaled \$0 during the year ended September 30, 2019, of which the Council paid \$0.

Funding Policy

The Council's OPEB benefits are unfunded. The retiree is eligible for benefits under the Council's health, pharmacy dental and vision plan, but is obligated to reimburse the Council for 100% of the cost of the retiree's health coverage. As such, the Council has no ultimate obligation (explicit subsidy) for the retiree's health insurance premium. The Council acts as agent for the retiree on a pay-as-you-go basis and recognizes expenditures at the time the premiums are due. The Council does, however, incur the cost of premium rate being increased on its active employees due to providing coverage to its retirees (implicit subsidy). The Council has not determined if a separate trust fund or equivalent arrangement will be established into which the Council would make contributions to advance-fund the obligation. Therefore, no separate financial statement is issued. All required disclosures are presented herein. The Plan's measurement date was September 30, 2018 for the October 1, 2018 - September 30, 2019 reporting period.

The retiree pays 100% of the retiree health only coverage less the FRS health insurance subsidy (HIS) reimbursement amount until age 65. The retiree may purchase dependent coverage through the Council. At age 65 the retiree then must move to Medicare but may continue to purchase dental and vision coverage through the Council. The Council finances the benefits on a pay-as-you-go basis and recognizes expenditures at the time the premiums are due.

**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS
(OPEB), CONTINUED**

Funding Policy, continued

The Council subsidizes the premium rates paid by retirees by allowing them to participate at blended premium rates for both active and retired employees. These rates provide an implicit subsidy for retirees because, on an actuarial basis, retiree claims are expected to result in higher costs to the plan on average than those of active employees.

The projection of future benefit payments for an ongoing plan involves estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress presents multiyear trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

Actuarial Methods and Assumptions

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

At September 30, 2019, the Council's Net OPEB Liability of \$16,710 was measured as of September 30, 2018, and was determined by an actuarial valuation as of that date using the alternate measurement method. The following actuarial assumptions and other inputs were applied to all periods included in the measurement:

NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB), CONTINUED

Actuarial Methods and Assumptions, continued

The following simplifying assumptions were made:

Mortality - Life expectancies were based on RP2000 Mortality Tables projected to the valuation date using scale AA.

Annual healthcare cost trend using the Society of Actuaries Long-Run Medical Cost Trend Model baseline assumptions with an initial rate of 8.0% per year trending to 4.0% by 2075. Years to ultimate 56.

Turnover - Non-group-specific age-based turnover data from GASB Statement 45 were used as the basis for assigning active members a probability of remaining employed until the assumed retirement age and for developing an expected future working lifetime assumption for purposes of allocating to periods the present value of total benefits paid.

Amortization Period: Rolling 20 year amortization

Funding Method: entry age cost method (level percent of payroll)

The discount rate was 4.18% (3.64% for 2018) (3.06% for 2017) and was based on the 20 Year Municipal Bond Rate with AA/Aa or higher.

Retirement Rate	100% at age 58
Inflation Rate	2.50%
Salary Increases	2.50%
Discount Rate	4.18%

The FRS salary scale was used

Participation percentage: 25%

The actuarial assumptions used in the September 30, 2019 valuation were based on results of an actuarial experience study performed for the FRS Retirement Plan.

The rationales for selecting each of the assumptions used in the financial accounting valuation and for the assumptions changes summarized above are to best reflect the current market conditions and recent plan experience.

**NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS
(OPEB), CONTINUED**

Changes in the Net OPEB Liability

	<u>Amount</u>
Balance at September 30, 2018	\$ 28,092
Changes for the Year:	
Service Cost	526
Interest Cost on Total OPEB Liability	1,008
Change in Benefit Terms	-
Difference Between Expected and Actual Experience	(6,521)
Changes in Assumptions	(4,520)
Benefit Payments	<u>(1,875)</u>
Net Changes	<u>(11,382)</u>
Balance at September 30, 2019	<u>\$ 16,710</u>

The following presents the net OPEB liability of the Council as well as what the Council's net OPEB liability would be if it were calculated using a discount rate that is 1 percent higher or 1 percent lower than the current discount rate.

	1% Decrease	Current Rate	1% Increase
	<u>3.18%</u>	<u>4.18%</u>	<u>5.18%</u>
Net OPEB Liability	\$ 18,590	\$ 16,710	\$ 15,171

The following presents the net OPEB liability of the Council as well as what the Council's net OPEB liability would be if it were calculated using healthcare trend rates that are 1 percent higher or 1 percent lower than the current healthcare trend rate.

	1% Decrease	Healthcare Trend Rate	1% Increase
	<u>3.00-7.00%</u>	<u>4.00-8.00%</u>	<u>5.00-9.00%</u>
Net OPEB Liability	\$ 15,158	\$ 16,710	\$ 18,630

NOTE L - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB), CONTINUED

Changes in the Net OPEB Liability, continued

For the year ended September 30, 2019, the Council recognized OPEB expense (revenue) credit of \$5,807. At September 30, 2019, the Council reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources*	Deferred Inflows of Resources*
	<u> </u>	<u> </u>
Differences Between Expected and Actual Experience	\$ -	\$ -
Changes in Assumptions	-	-
Net difference between projected and actual earnings	-	-
Employer contribution subsequent to measurement date	<u>1,727</u>	<u>-</u>
Total	<u>\$ 1,727</u>	<u>\$ -</u>

Amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

Year Ended September 30:	<u>Amount*</u>
	\$ -
	-
	-
	-
	-
Total Thereafter	<u>1,727</u>
	<u>\$ 1,727</u>

*Per GASB No. 75 paragraph 43(a) since the Council used the alternative measurement method the effects of assumptions are recognized immediately. As such, since the Plan holds no assets their deferred inflows/outflows are zero except employer contribution.

NOTE M - RISK MANAGEMENT

The Council is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees, and natural disasters.

Insurance programs for general/professional liability, automobile, and property are through commercial insurance carriers. The Council retains the risk of loss, on insured claims, up to a deductible amount (depending on the type of loss) with the risk of loss in excess of this amount transferred to the insurance carrier. The Council is third party insured for employee health as well as workers' compensation. There were no claims paid in excess of insurance coverage during the past three (3) fiscal years.

NOTE N - FUND BALANCE

Fund balance was classified for the following purposes at September 30, 2019:

<u>Nonspendable fund balance - General Fund</u>	<u>Amount</u>
Deposits	<u>\$ 6,381</u>
<u>Assigned fund balance - General Fund</u>	<u>Amount</u>
Operating reserves	<u>\$ 625,033</u>
	<u><u>\$ 631,414</u></u>

NOTE O - CONTINGENCY

During the year ended September 30, 2018, the Council was informed by Sarasota, Lee and Charlotte Counties as well as two (2) cities of their respective intent to withdraw financial support from the Council. The Council estimated the financial effect of such withdrawal to be approximately \$350,000 of unrestricted revenue annually.

During the year ended September 30, 2019, and through the date of this report all Counties except one have withdrawn their funding as have most participating cities. As a result there is substantial doubt the Council will continue operations past September 30, 2021.

**REQUIRED SUPPLEMENTARY
INFORMATION
OTHER THAN MD&A**

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET-AND ACTUAL - GENERAL FUND -
SUMMARY STATEMENT
Year Ended September 30, 2019

	General Fund			
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
REVENUES				
Federal and state grants	\$ 393,005	\$ 393,005	\$ 480,039	\$ 87,034
Contracts, local grants and events	374,133	374,133	14,900	(359,233)
County and city assessments	181,713	181,713	165,053	(16,660)
DRI fees	-	-	50,445	50,445
DRI monitoring fees	-	-	-	-
Rental income	-	-	-	-
Interest and miscellaneous	6,000	6,000	8,712	2,712
Fund balance carryforward	852,378	852,378	-	(852,378)
TOTAL REVENUES	<u>1,807,229</u>	<u>1,807,229</u>	<u>719,149</u>	<u>(1,088,080)</u>
EXPENDITURES				
Current				
Personnel services	695,349	695,349	498,699	196,650
Operating expenditures	1,111,880	1,111,880	443,506	668,374
Capital outlay	-	-	-	-
Debt service	-	-	-	-
TOTAL EXPENDITURES	<u>1,807,229</u>	<u>1,807,229</u>	<u>942,205</u>	<u>865,024</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>-</u>	<u>-</u>	<u>(223,056)</u>	<u>(223,056)</u>
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	-	-
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
NET CHANGE IN FUND BALANCE	<u>\$ -</u>	<u>\$ -</u>	<u>(223,056)</u>	<u>\$ (223,056)</u>
FUND BALANCE, October 1, 2018			<u>854,470</u>	
FUND BALANCE, September 30, 2019			<u>\$ 631,414</u>	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND -
DETAILED STATEMENT

Year Ended September 30, 2019

	General Fund			
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
REVENUES				
Federal and state grants	\$ 393,005	\$ 393,005	\$ 480,039	\$ 87,034
Contracts, local grants and events	374,133	374,133	14,900	(359,233)
County and city assessments	181,713	181,713	165,053	(16,660)
DRI fees	-	-	50,445	50,445
DRI monitoring fees	-	-	-	-
Rental income	-	-	-	-
Interest and miscellaneous	6,000	6,000	8,712	2,712
Fund balance carryforward	852,378	852,378	-	(852,378)
TOTAL REVENUES	1,807,229	1,807,229	719,149	(1,088,080)
EXPENDITURES				
Current				
Personnel services				
Salaries	511,780	511,780	365,980	145,800
Fringe benefits:				
FICA	39,151	39,151	26,816	12,335
Retirement	58,184	58,184	48,097	10,087
Health insurance	83,330	83,330	56,702	26,628
Severance	-	-	-	-
Workers compensation/unemployment	2,904	2,904	1,104	1,800
Total personnel services	695,349	695,349	498,699	196,650
Operating expenditures				
Professional fees:				
Legal fees	-	-	-	-
Consultant fees	42,650	42,650	117,986	(75,336)
Grant/Consulting expense	-	-	135,968	(135,968)
Audit fees	32,000	32,000	26,500	5,500
Telephone, rent, supplies, etc:				
Office supplies	3,500	3,500	1,979	1,521
Equipment rental	6,695	6,695	4,871	1,824
Building rental	48,233	48,233	48,234	(1)
Repairs and maintenance	1,000	1,000	-	1,000
Telephone	4,600	4,600	3,869	731
Miscellaneous and insurance:				
Insurance	11,612	11,612	12,161	(549)
Other miscellaneous	200	200	287	(87)
Computer supplies and graphics	24,917	24,917	26,052	(1,135)
Professional development/meetings:				
Professional development/dues	26,095	26,095	16,118	9,977
Meetings/events	7,000	7,000	5,656	1,344

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND -
DETAILED STATEMENT, CONTINUED
Year Ended September 30, 2019

	General Fund			
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Operating expenditures (continued)				
Travel	24,000	24,000	25,538	(1,538)
Postage	1,200	1,200	359	841
Printing/reproduction	3,100	3,100	1,316	1,784
Utilities	21,100	21,100	7,470	13,630
Advertising/legal notices	1,600	1,600	992	608
Publications	-	-	-	-
Bad debt	-	-	8,150	(8,150)
Moving expense	-	-	-	-
Expense of sale	-	-	-	-
Amount to be reserved for A/C	-	-	-	-
Reserves - operations	852,378	852,378	-	852,378
Total operating expenditures	<u>1,111,880</u>	<u>1,111,880</u>	<u>443,506</u>	<u>668,374</u>
Capital outlay				
Capital purchases	-	-	-	-
Allocation of indirect expenditures	-	-	-	-
Total capital outlay	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Debt service				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Allocation of indirect expenditures	-	-	-	-
Total debt service	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
TOTAL EXPENDITURES	<u>1,807,229</u>	<u>1,807,229</u>	<u>942,205</u>	<u>865,024</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>-</u>	<u>-</u>	<u>(223,056)</u>	<u>(223,056)</u>
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	-	-
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
NET CHANGE IN FUND BALANCE	<u>\$ -</u>	<u>\$ -</u>	<u>(223,056)</u>	<u>\$ (223,056)</u>
FUND BALANCE, October 1, 2018			<u>854,470</u>	
FUND BALANCE, September 30, 2019			<u>\$ 631,414</u>	

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF COUNCIL'S PROPORTIONATE SHARE OF THE NET
PENSION LIABILITY - FLORIDA RETIREMENT SYSTEM (FRS) PENSION
PLAN (1)**

	2019	2018	2017	2016
Council's proportion of the net pension liability	0.001287928%	0.001406368%	0.001383839%	0.017879380%
Council's proportionate share of the net pension liability	\$ 443,544	\$ 423,605	\$ 409,330	\$ 451,456
Council's covered-employee payroll	\$ 365,980	\$ 486,876	\$ 421,146	\$ 463,600
Council's proportionate share of the net pension liability as a percentage of its covered-employee payroll	121.19%	87.00%	97.19%	97.38%
Plan fiduciary net position as a percentage of the total pension liability	82.61%	84.26%	83.89%	84.88%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

**SCHEDULE OF COUNCIL CONTRIBUTIONS -
FLORIDA RETIREMENT SYSTEM (FRS) PENSION PLAN (1)**

	2019	2018	2017	2016
Contractually required contribution	\$ 38,478	\$ 45,435	\$ 38,956	\$ 55,506
Contributions in relation to the contractually required contribution	<u>38,478</u>	<u>45,435</u>	<u>38,956</u>	<u>55,506</u>
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Council's covered-employee payroll	\$ 365,980	\$ 486,876	\$ 421,146	\$ 463,600
Contributions as a percentage of covered-employee payroll	10.51%	9.33%	9.25%	11.97%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

GASB 68 requires information for 10 years. However, until a full 10-year trend is compiled, governments should present information for only those years for which information is available.

<u>2015</u>	<u>2014</u>
0.002458057%	0.003334835%
\$ 317,491	\$ 203,474
\$ 596,412	\$ 978,831
53.23%	20.79%
92.00%	96.09%

<u>2015</u>	<u>2014</u>
\$ 49,187	\$ 84,553
<u>49,187</u>	<u>84,553</u>
<u>\$ -</u>	<u>\$ -</u>
\$ 596,412	\$ 978,831
8.25%	8.64%

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF COUNCIL'S PROPORTIONATE SHARE OF THE NET
PENSION LIABILITY - HEALTH INSURANCE SUBSIDY (HIS) PENSION
PLAN (1)**

	2019	2018	2017	2016
Council's proportion of the net pension liability	0.001269934%	0.001424372%	0.001317335%	0.001573392%
Council's proportionate share of the net pension liability	\$ 138,401	\$ 150,757	\$ 140,856	\$ 183,372
Council's covered-employee payroll	\$ 365,980	\$ 486,876	\$ 421,146	\$ 463,600
Council's proportionate share of the net pension liability as a percentage of its covered-employee payroll	37.82%	30.96%	33.45%	39.55%
Plan fiduciary net position as a percentage of the total pension liability	2.63%	2.15%	1.64%	0.97%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

**SCHEDULE OF COUNCIL CONTRIBUTIONS -
HEALTH INSURANCE SUBSIDY (HIS) PENSION PLAN (1)**

	2019	2018	2017	2016
Contractually required contribution	\$ 9,619	\$ 11,359	\$ 10,356	\$ 4,521
Contributions in relation to the contractually required contribution	<u>9,619</u>	<u>11,359</u>	<u>10,356</u>	<u>4,521</u>
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Council's covered-employee payroll	\$ 365,980	\$ 486,876	\$ 421,146	\$ 463,600
Contributions as a percentage of covered-employee payroll	2.63%	2.33%	2.46%	0.98%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

GASB 68 requires information for 10 years. However, until a full 10-year trend is compiled, governments should present information for only those years for which information is available.

<u>2015</u>	<u>2014</u>
0.002434150%	0.003320373%
\$ 248,245	\$ 310,463
\$ 596,412	\$ 978,831
41.62%	31.72%
0.50%	0.99%

<u>2015</u>	<u>2014</u>
\$ 14,527	\$ 17,441
<u>14,527</u>	<u>17,441</u>
<u>\$ -</u>	<u>\$ -</u>
\$ 596,412	\$ 978,831
2.44%	1.78%

Changes of Assumptions

Actuarial assumptions for both cost-sharing defined benefit plans are reviewed annually by the Florida Retirement System Actuarial Assumptions Conference. The FRS Pension Plan has a valuation performed annually. The HIS Program has a valuation performed biennially that is updated for GASB reporting in the year a valuation is not performed. The most recent experience study for the FRS Pension Plan was completed in 2019 for the period July 1, 2013 through June 30, 2018. Because the HIS Program is funded on a pay-as-you-go basis, no experience study has been completed for that program. The actuarial assumptions that determined the total pension liability for the HIS Program were based on certain results of the most recent experience study for the FRS Pension Plan.

The total pension liability for each cost-sharing defined benefit plan was determined using the individual entry age actuarial cost method. Inflation increases for both plans is assumed at 2.60%. Payroll growth, including inflation, for both plans is assumed at 3.25%. Both the discount rate and the long-term expected rate of return used for FRS Pension Plan investments was reduced from 7.00% to 6.90%. The Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return.

Because the HIS Program uses a pay-as-you-go funding structure, a municipal bond rate was decreased from 3.87% to 3.50% to determine the total pension liability for the program (Bond Buyer General Obligation 20-Bond Municipal Bond Index). Mortality assumptions for both plans were based on the Generational RP-2000 with Projection Scale BB tables.

Florida Retirement System Pension Plan

There were changes in actuarial assumptions. As of June 30, 2019, the inflation rate assumption remained at 2.6 percent, the real payroll growth assumption was 0.65 percent, and the overall payroll growth rate assumption remained at 3.25 percent. The long-term expected rate of return was reduced from 7.00 percent to 6.90 percent.

Health Insurance Subsidy Pension Plan

The municipal rate used to determine total pension liability decreased from 3.87 percent to 3.50 percent.

Pension Expense and Deferred Outflows/Inflows of Resources

In accordance with GASB 68, paragraphs 54 and 71, changes in the net pension liability are recognized in pension expense in the current measurement period, except as indicated below. For each of the following, a portion is recognized in pension expense in the current reporting period, and the balance is amortized as deferred outflows or deferred inflows of resources using a systematic and rational method over a closed period, as defined below:

- Differences between expected and actual experience with regard to economic and demographic factors - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Changes of assumptions or other inputs - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Changes in proportion and differences between contributions and proportionate share of contributions - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Differences between expected and actual earnings on pension plan investments - amortized over five years

Employer contributions to the pension plans from employers are not included in collective pension expense. However, employee contributions are used to reduce pension expense.

The average expected remaining service life of all employees provided with pensions through the pension plans at June 30, 2019, remained unchanged from the prior year at 6.4 years for FRS and 7.2 years for HIS.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF CHANGES IN THE NET OPEB LIABILITY AND
RELATED RATIOS GASB 75**

Changes in Employer's Net OPEB Liability and Related Ratios as of September 30:

	2019	2018
Net OPEB Liability		
Service Cost	\$ 526	\$ 513
Interest Cost on Total OPEB Liability	1,008	911
Changes in Benefit Terms	-	-
Differences Between Expected and Actual Experience	(6,521)	-
Changes in Assumptions	(4,520)	(1,729)
Benefit Payments	(1,875)	(1,728)
Net Change in net OPEB Liability	(11,382)	(2,033)
Net OPEB Liability - Beginning of Year	28,092	30,125
Net OPEB Liability - End of Year	<u>\$ 16,710</u>	<u>\$ 28,092</u>

NOTE: Information for FY 2017 and earlier is not available.

Plan Fiduciary Net Position as of September 30:

	2019	2018
Contributions - Employer	\$ 1,875	\$ 1,728
Net Investment Income	-	-
Benefit Payments	(1,875)	(1,728)
Administrative Expense	-	-
Net Change in Fiduciary Net Position	-	-
Fiduciary Net Position - Beginning of Year	-	-
Fiduciary Net Position - End of Year	<u>\$ -</u>	<u>\$ -</u>
Net OPEB Liability	\$ 16,710	\$ 28,092
Fiduciary Net Position as a % of Net OPEB Liability	0.00%	0.00%
Covered-Employee Payroll	\$387,712	\$431,145
Net OPEB Liability as a % of Payroll	4.31%	6.52%

NOTE: Information for FY 2017 and earlier is not available.

Notes to the Schedule:

Benefit Changes	None
Changes of Assumptions	The discount rate was changed as follows:
9/30/17	3.06%
9/30/18	3.64%
9/30/19	4.18%

Population covered by Plan: 5 active 0 retired

Plan has no specific trust established. \$0 assigned for OPEB.

ADDITIONAL REPORTS



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Florida Institute of Certified Public Accountants

American Institute of Certified Public Accountants

Private Companies Practice Section

Tax Division

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL
 CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE
 AND OTHER MATTERS BASED ON AN AUDIT OF BASIC
 FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
 WITH GOVERNMENT AUDITING STANDARDS**

Executive Committee and Council Members
 Southwest Florida Regional Planning Council
 1400 Colonial Blvd., Suite 1
 Fort Myers, Florida 33907

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America, the basic financial statements of the governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents and have issued our report thereon dated March 9, 2020.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Council's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, we do not express an opinion on the effectiveness of the Council's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Council's financial statements will not be prevented, or detected and

INTEGRITY SERVICE EXPERIENCE

corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses, as defined previously. However, material weaknesses may exist that have not been identified.

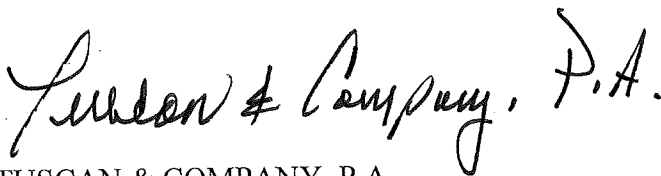
Further, we did, however, note a certain other matter that we have reported in our Report to Management dated March 9, 2020.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Southwest Florida Regional Planning Council's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance that is required to be reported under Government Auditing Standards in our Report to Management dated March 9, 2020.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Council's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



TUSCAN & COMPANY, P.A.

Fort Myers, Florida

March 9, 2020



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& Company, PA

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Affiliations

Florida Institute of Certified Public Accountants

American Institute of Certified Public Accountants

Private Companies Practice Section

Tax Division

**INDEPENDENT ACCOUNTANT'S REPORT ON COMPLIANCE
WITH SECTION 218.415, FLORIDA STATUTES**

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1400 Colonial Blvd., Suite 1
Fort Myers, Florida 33907

We have examined Southwest Florida Regional Planning Council's compliance with Section 218.415, Florida Statutes, regarding the investment of public funds during the year ended September 30, 2019. Management is responsible for Southwest Florida Regional Planning Council's compliance with those requirements. Our responsibility is to express an opinion on Southwest Florida Regional Planning Council's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about Southwest Florida Regional Planning Council's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on Southwest Florida Regional Planning Council's compliance with specified requirements.

In our opinion, Southwest Florida Regional Planning Council complied, in all material respects, with the aforementioned requirements for the year ended September 30, 2019.

This report is intended solely for the information and use of the Southwest Florida Regional Planning Council and the Auditor General, State of Florida, and is not intended to be and should not be used by anyone other than these specified parties.

Tuscan & Company, P.A.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
March 9, 2020

INTEGRITY SERVICE EXPERIENCE



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INDEPENDENT AUDITOR'S REPORT TO MANAGEMENT

Executive Committee and Council Members
 Southwest Florida Regional Planning Council
 1400 Colonial Blvd., Suite 1
 Fort Myers, Florida 33907

We have audited the accompanying basic financial statements of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2019 and have issued our report thereon dated March 9, 2020.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America and Chapter 10.550, Rules of the Florida Auditor General. We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards and Chapter 10.550, Rules of the Florida Auditor General. Disclosures in those reports, which are dated March 9, 2020, should be considered in conjunction with this report to management.

Additionally, our audit was conducted in accordance with Chapter 10.550, Rules of the Auditor General, which governs the conduct of local governmental entity audits performed in the State of Florida. This letter included the following information, which is not included in the aforementioned auditor's reports:

- Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There was a financially significant prior year comment. The financial condition of the Council is continuing to deteriorate therefore a going concern paragraph has been included in the Auditor's Report.
- Section 10.554(1)(i)2., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. A prior year recommendation was noted to improve financial management. The financial condition of the Council is continuing to deteriorate therefore a going concern paragraph has been included in the Auditor's Report.

INTEGRITY SERVICE EXPERIENCE

- Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have an effect on the financial statements that is less than material but more than inconsequential. In connection with our audit, we did not have any such findings.
- Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in the management letter, unless disclosed in the notes to the financial statements. The Council discloses this information in the notes to the financial statements.
- Section 10.554(1)(i)5.a., Rules of the Auditor General, requires a statement be included as to whether or not the local government entity has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that this item is not applicable to the Council.
- Pursuant to Sections 10.554(1)(i)5.b. and 10.556(7), Rules of the Auditor General, we applied financial condition assessment procedures. It is management's responsibility to monitor the Council's financial condition. However, we determined this item is not applicable to the Council.
- Pursuant to Section 10.554(1)(i)5b.2, Rules of the Auditor General, if a deteriorating financial condition(s) is noted then a statement is so required along with the conditions causing the auditor to make such a conclusion. We did note a deteriorating financial condition that resulted in the inclusion of a going concern paragraph in the Auditor's Report.
- Pursuant to Section 10.554(1)(i)5.c., Rules of the Auditor General, requires a statement indicating a failure, if any, of a component unit Special District to provide financial information necessary to a proper reporting of the component unit within the audited financial statements of this entity (F.S. Section 218.39(3)(b)). There are no known component special districts required to report within these financial statements.
- Section 10.556(10)(a), Rules of the Auditor General, requires that the scope of our audit to determine the Council's compliance with the provisions of Section 218.415, Florida Statutes, regarding the investment of public funds. In connection with our audit, we determined that the Council complied with Section 218.415, Florida Statutes as reported in our Independent Accountant's Report on Compliance with Section 218.415, Florida Statutes dated March 9, 2020, included herein.

PRIOR YEAR COMMENTS:

2017-2 The Board has a Fiduciary Responsibility to the Regional Planning Council

As the Board of the Regional Planning Council, per Florida Statute Section 186.505(8) (9) and (12) there is a duty of care to act in the best interest on the Regional Planning Council. While debate may exist as to the entity's mission and role, the entity is,

nevertheless, created by Statute Section 186.504 and acts as an independent governmental entity under Florida Law. Its Board members are charged with all the responsibility typically assigned by Statute to a governmental entity.

As such, we recommend the Board seek all available means to satisfactorily address the issue of funding the Council in a sustainable manner.

FY 2018 Addendum

During the fiscal year ended September 30, 2018, Lee, Charlotte and Sarasota Counties as well as the City of Cape Coral and the City of Sanibel gave their notice to discontinue their respective contribution (Interlocal Agreement Section 23.019). Subsequent to year end, Hendry County gave notice to discontinue funding the Council and Collier County stopped paying their contribution without notice. The amount of lost unrestricted revenue approximates \$350,000 annually.

FY 2019 Addendum

Substantially all of the Council's member entities have resolved to cease paying the annual assessments which is resulting in the Council likely ceasing operations on or about September 30, 2021. See further discussion in Note O.

CURRENT YEAR COMMENTS:

2019-1 Budget Carryforward Not Included in Budget

During the audit, it was noted that the budget was not amended to include prior year's audited carryover fund balance per Florida Statute 189.016(3).

We recommend the Council include in its annual budget the estimated carryforward from prior year. Once the audit is completed for the prior year the budget of the current fiscal year should be officially amended to update the estimated carryforward to the audited balance.

Pursuant to Chapter 119, Florida Statutes, this management letter is a public record and its distribution is not limited. Auditing standards generally accepted in the United States of America require us to indicate that this letter is intended solely for the information and use of the Executive Committee, Council members, management, the Auditor General of the State of Florida, federal and state awarding agencies, pass-through entities and other federal and state audit agencies. However, this report is not intended to be and should not be used by anyone other than these specified parties.

Tuscan & Company, P.A.

TUSCAN & COMPANY, P.A.

Fort Myers, Florida

March 9, 2020

EXHIBIT

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfrpc.org

06/12/2020

Jeff Tuscan
Tuscan and Company, P.A.
12621 World Plaza Lane
Building 55
Fort Myers, FL 33901

Dear Mr. Tuscan:

The records for the Southwest Florida Regional Planning Council (SWFRPC), Fiscal Year 2018 ending September 30, 2019 have been audited by your firm.

This correspondence is our response to your management letter as it relates to your comments and recommendations.

CURRENT YEAR COMMENTS

2019-1 Budget Carryforward Not Included in Budget

During the audit, it was noted that the budget was not amended to include prior year's audited carryover fund balance per Florida Statute 189.016(3). We recommend the Council include in its annual budget the estimated carryforward from prior year. Once the audit is completed for the prior year the budget of the current fiscal year should be officially amended to update the estimated carryforward to the audited balance.

Response to Current Year: The Southwest Florida Regional Planning Council will amend the budget of the current fiscal year with the estimated carryforward to the audited balance.

FY 2019 Addendum

Substantially all of the Council's member entities have resolved to cease paying the annual assessments which is resulting in the Council likely ceasing operations on or about September 30, 2021. See further discussion in Note O.

Response to Current Year Addendum: The Southwest Florida Regional Planning Council receives revenues from one County Government and a few City Governments. However, the Council's main source of funding is revenues awarded from grant sources. In response to lost revenue from County governments we have cut costs significantly by the non-renewal of office lease space and reduced staff. Grant funding has increased, and pending grand funds will have a positive impact on our proposed budget. At the present time we have adequate reserves to operate through 2021. While we have not depended upon reserves to fund operations in the past, we will have to use reserves to maintain the current and proposed budget. Furthermore, the board members that sit on the Council have a conflicted fiduciary responsibility because of their dual roles of elected officials and board member. This constrains the Council's ability to aggressively pursue a resolution.

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfrpc.org

PRIOR YEAR COMMENTS

2017-2 The Board has a Fiduciary Responsibility to the Regional Planning Council

As the Board of the Regional Planning Council, per Florida Statute Section 186.505(8) (9) and (12) there is a duty of care to act in the best interest on the Regional Planning Council. While debate may exist as to the entity's mission and role, the entity is, nevertheless, created by Statute Section 186.504 and acts as an independent governmental entity under Florida Law. Its Board members are charged with all the responsibility typically assigned by Statute to a governmental entity. As such, we recommend the Board seek all available means to satisfactorily address the issue of funding the Council in a sustainable manner.

FY 2018 Addendum

During the fiscal year ended September 30, 2018, Lee, Charlotte and Sarasota Counties as well as the City of Cape Coral and the City of Sanibel gave their notice to discontinue their respective contribution (Interlocal Agreement Section 23.019). Subsequent to year end, Hendry County gave notice to discontinue funding the Council and Collier County stopped paying their contribution without notice. The amount of lost unrestricted revenue approximates \$350,000 annually.

Response to Prior Year Addendum: The Southwest Florida Regional Planning Council receives revenues from County Governments and grant sources. In response to lost revenue from County governments we have cut costs significantly and have increased grant funding. At the present time we have adequate reserves to operate for multiple years. While we have not depended upon reserves to fund operations in the past, we likely will have to use reserves at some point in the future. Furthermore, the board members that sit on the Council have a conflicted fiduciary responsibility because of their dual roles of elected officials and board member. This constrains the Council's ability to aggressively pursue a resolution.

Sincerely,

A handwritten signature in black ink that reads 'Willie Charles Shaw'.

Willie Shaw

Chair

Southwest Florida Regional Planning Council

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/26/2021

SB 62

Meeting Date

Bill Number (if applicable)

Topic Florida's Regional Planning Councils

Amendment Barcode (if applicable)

Name Denise Imbler

Job Title Statewide Coordinator

Address 2507 Callaway Road, Suite 200

Phone 850-509-4320

Street

Tallahassee

Florida

32301

Email dimbler@arpc.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Regional Councils Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

602
Bill Number (if applicable)

Topic RPCs

Amendment Barcode (if applicable)

Name Vivian Young

Job Title Communications Dir.

Address 308 N. Monroe

Phone 850-264-4090

Street

Tallahassee FL 32301

City

State

Zip

Email vyoung@1000fof.org

Speaking: For Against Information

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

Representing 1000 Friends 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.

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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)

1/26/2021

Meeting Date

SB 62

Bill Number (if applicable)

Topic Regional Planning Councils

Amendment Barcode (if applicable)

Name Mindy Gibson

Job Title City Councilmember - City of Satellite Beach

Address 565 Cassia Blvd

Street

Phone 321-773-4407

Satellite Beach

FL

City

State

Zip

Email mgibson@satellitebeach.org

Speaking: For Against Information

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

Representing City of Satellite Beach

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)

01-26-2021

Meeting Date

62

Bill Number (if applicable)

Topic Regional Planning Councils

Amendment Barcode (if applicable)

Name Carl Mikyska (Mi - Kiss - Ka)

Job Title Executive Director

Address 605 Suwannee St

Street

Phone 850-414-4062

Tallahassee,

FL

32399

Email Carl.Mikyska@mpoac.org

City

State

Zip

Speaking: [] For [x] Against [] Information

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

Representing Florida MPO Advisory Council

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-26-21

Meeting Date

SB 62

Bill Number (if applicable)

Topic SB 62

Amendment Barcode (if applicable)

Name Courtney Barker

Job Title City Manager City of Satellite Bch

Address 565 Cassia Blvd

Phone 321-773-4407

Street Satellite Bch

Email cbarker@satellibch.org

City Satellite Bch State FL Zip 32909

Speaking: For Against Information

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

Representing City of Satellite Bch

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

January 26, 2021

Meeting Date

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

62

Bill Number (if applicable)

Topic Regional Planning Councils

Name Thomas J. Lanahan

Amendment Barcode (if applicable)

Job Title Executive Director

Address 421 SW Camden Avenue

Street

Stuart

City

FL

State

34994

Zip

Phone 772-221-4060

Email tlanahan@tcrpc.org

Speaking: For Against Information

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

Representing Treasure Coast Regional Planning Council

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)

1-26-2021

Meeting Date

Senate Bill 62

Bill Number (if applicable)

Topic Regional Planning Councils

Name Julie Dennis

Amendment Barcode (if applicable)

Job Title Owner, OVID Solutions

Address 47 Andrew J. Hargrett Sr. Road

Street

Crawfordville

City

Florida

State

32327

Zip

Phone 850-445-1932

Email julie@ovidsolutions.net

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

January 26, 2021

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

Meeting Date

62

Bill Number (if applicable)

Topic Regional Planning Councils

Amendment Barcode (if applicable)

Name Doug Smith

Job Title Martin County Commissioner

Address 2401 SE Monterey Road

Phone 772-288-5400

Street

Stuart

FL

34994

Email dsmith@martin.fl.us

City

State

Zip

Speaking: [] For [x] 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

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1/26/2021

Meeting Date

SB 62

Bill Number (if applicable)

Topic Regional Planning Councils

Amendment Barcode (if applicable)

Name Jimmy Anderson

Job Title Baker County Board of County Commissioners

Address 55 North 3rd Street

Street

Phone 904-591-2790

Macclenny

Florida

32063

Email jimmy.anderson@bakercountyfl.org

City

State

Zip

Speaking: For Against Information

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

Representing Baker 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

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1/26/21

Meeting Date

5B 62

Bill Number (if applicable)

Topic Regional Planning Councils

Amendment Barcode (if applicable)

Name Deborah Foote

Job Title Deputy Chapter Director

Address 200 W. College # 314

Phone 8507274039

Street

Tallahassee

FL

32311

Email deborah.foote@sierraclub.org

City

State

Zip

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/26/2021

Meeting Date

62

Bill Number (if applicable)

Topic Florida's Regional Planning Councils

Amendment Barcode (if applicable)

Name Sean Sullivan

Job Title Executive Director

Address 4000 Gateway Centre Blvd, Unit 100

Street

Phone 772-648-1273

Pinellas Park

FL

33782

City

State

Zip

Email sean@tbrpc.org

Speaking: For Against Information

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

Representing Tampa Bay Regional Planning Council

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

January 26, 2021

Meeting Date

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

62

Bill Number (if applicable)

Topic Regional Planning Councils

Name Peter O'Bryan

Amendment Barcode (if applicable)

Job Title Indian River County Commissioner

Address 1801 27th Street

Street

Phone 772-226-1440

Vero Beach

FL

32960

City

State

Zip

Email pobryan@ircgov.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)

January 26, 2021

Meeting Date

SB62

Bill Number (if applicable)

Topic Eliminating Regional Planning Councils

Name Tom Lewis, PG

Amendment Barcode (if applicable)

Job Title Environmental Department Manager

Address 2930 Wellington Circle, Suite 201

Street

Tallahassee

City

FL

State

32309

Zip

Phone 850 692-7194

Email tom.lewis@terracon.com

Speaking: For Against Information

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

Representing Regional Planning Councils

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)

1/26/2021

Meeting Date

SB 62

Bill Number (if applicable)

Topic Regional Planning Councils

Amendment Barcode (if applicable)

Name Ronald L. Book

Job Title Ronald L. Book, P.A.

Address 104 W Jefferson Street

Phone 850.224.3427

Street

Tallahassee

FL

32301

Email Ron@rlbookpa.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Regional Councils Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1/26/2021
Meeting Date

SB 62
Bill Number (if applicable)

Topic Public Service Commission

Amendment Barcode (if applicable)

Name LARA Reynolds

Job Title Consultant - physician

Address 2730 SW 3rd Ave.

Phone 786-543-1926

Miami FL 33129
City State Zip

Email lreynolds@conceptshc.org

Speaking: For Against Information

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

Representing Hold the Line Coalition // IWC Florida Division

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)

26 Jan 2021

Meeting Date

SB 62

Bill Number (if applicable)

Topic ~~SB 62~~ Wekiva Basin Committee

Amendment Barcode (if applicable)

Name ROXANNE GROOVER

Job Title EXEC DIRECTOR

Address 5115 SR 557

Phone 813-504-8340

Street

LAKE ACRETS FL 33850

City

State

Zip

Email rgroover@fowaonline.com

Speaking: For Against Information

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

Representing FLORIDA ONSITE WASTEWATER ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

✓

62

Meeting Date

Bill Number (if applicable)

Topic Regional Planning Council

Amendment Barcode (if applicable)

Name Mario Bailey

Job Title Council Member

Address 555 NE 34th St Apt 1608

Phone 205-246-3932

Street Miami State FL Zip 33137

Email mario@convey.gov.com

City

Speaking: For Against Information

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

Representing South FL Regional Planning Council

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 Bradley

5-00364C-21

202162__

1 A bill to be entitled
 2 An act relating to regional planning councils;
 3 amending s. 186.007, F.S.; revising a requirement for
 4 the Executive Office of the Governor to review and
 5 consider certain reports, data, and analyses relating
 6 to the revision of the state comprehensive plan;
 7 eliminating the advisory role of regional planning
 8 councils in state comprehensive plan preparation and
 9 revision; repealing ss. 186.501, 186.502, 186.503,
 10 186.504, 186.505, 186.506, 186.507, 186.508, 186.509,
 11 186.511, 186.512, and 186.513, F.S., relating to the
 12 Florida Regional Planning Council Act, including a
 13 short title, legislative findings, definitions, the
 14 creation and membership of regional planning councils,
 15 the powers and duties of regional planning councils,
 16 the powers and duties of the Executive Office of the
 17 Governor relating to the act, strategic regional
 18 policy plans, strategic regional policy plan adoption,
 19 a dispute resolution process, the evaluation of
 20 strategic regional policy plans, the designation of
 21 regional planning councils, and reports; repealing s.
 22 186.515, F.S., relating to the creation of regional
 23 planning councils under ch. 163, F.S.; amending s.
 24 215.559, F.S.; requiring the Division of Emergency
 25 Management to give funding priority to certain
 26 projects in counties, rather than regional planning
 27 council regions, that meet specified criteria;
 28 amending s. 252.385, F.S.; revising the requirements
 29 for the statewide emergency shelter plan to include

Page 1 of 84

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

5-00364C-21

202162__

30 the general location and square footage of special
 31 needs shelters by county rather than by regional
 32 planning council region; requiring state funds to be
 33 maximized and targeted to counties with hurricane
 34 evacuation shelter deficits rather than regional
 35 planning council regions; amending s. 320.08058, F.S.;
 36 revising the distribution of annual use fees collected
 37 for the Tampa Bay Estuary license plate; amending s.
 38 369.307, F.S.; requiring the St. Johns River Water
 39 Management District, rather than the East Central
 40 Florida Regional Planning Council, to adopt policies
 41 to protect the Wekiva River Protection Area; revising
 42 requirements for such policies; amending s. 369.324,
 43 F.S.; requiring the St. Johns River Water Management
 44 District, rather than the East Central Florida
 45 Regional Planning Council, to provide staff support to
 46 the Wekiva River Basin Commission; requiring the
 47 district to serve as a clearinghouse of baseline or
 48 specialized studies; amending s. 380.05, F.S.;
 49 authorizing local governments to recommend areas of
 50 critical state concern to the state land planning
 51 agency; amending s. 403.7225, F.S.; requiring counties
 52 to make arrangements with the Department of
 53 Environmental Protection, rather than their regional
 54 planning councils, to perform hazardous waste
 55 management assessments; amending s. 403.723, F.S.;
 56 requiring the department, rather than regional
 57 planning councils, to designate sites for construction
 58 of regional hazardous waste storage or treatment

Page 2 of 84

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

5-00364C-21

202162__

59 facilities; amending s. 1013.372, F.S.; providing that
 60 if a county does not have a hurricane evacuation
 61 shelter deficit, educational facilities within the
 62 county are not required to incorporate the public
 63 shelter criteria; requiring the Division of Emergency
 64 Management to identify the general location and square
 65 footage of existing and needed shelters by county
 66 rather than by regional planning council region;
 67 amending s. 1013.385, F.S.; authorizing counties,
 68 rather than regional planning councils, to determine
 69 whether there is sufficient shelter capacity in a
 70 school district; amending s. 1013.74, F.S.; requiring
 71 public hurricane evacuation shelters in certain
 72 counties rather than in regional planning council
 73 regions to be constructed in accordance with public
 74 shelter standards; amending ss. 68.082, 120.52,
 75 120.525, 120.65, 163.3164, 163.3177, 163.3178,
 76 163.3184, 163.3245, 163.568, 164.1031, 186.003,
 77 186.006, 186.008, 186.803, 187.201, 218.32, 258.501,
 78 260.0142, 288.0656, 288.975, 335.188, 338.2278,
 79 339.155, 339.175, 339.63, 339.64, 341.041, 343.54,
 80 369.303, 373.309, 377.703, 378.411, 380.031, 380.045,
 81 380.055, 380.06, 380.061, 380.07, 380.507, 403.0752,
 82 403.503, 403.50663, 403.507, 403.518, 403.522,
 83 403.526, 403.5272, 403.5363, 403.5365, 403.537,
 84 403.704, 403.7226, 403.9403, 403.941, 403.9422,
 85 403.973, 408.033, 420.609, 427.012, 501.171, and
 86 1013.30, F.S.; conforming provisions and cross-
 87 references to changes made by the act; amending ss.

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88 339.285, 373.415, and 403.5115, F.S.; conforming
 89 cross-references; reenacting ss. 57.105(5),
 90 57.111(3)(f), and 216.241(3), F.S., relating to
 91 attorney fees, civil actions and administrative
 92 proceedings initiated by state agencies, and
 93 initiation or commencement of new programs,
 94 respectively, to incorporate the amendment made to s.
 95 120.52, F.S., in references thereto; reenacting s.
 96 380.0552(6), F.S., relating to the Florida Keys Area
 97 and its protection and designation as an area of
 98 critical state concern, to incorporate the amendment
 99 made to s. 380.045, F.S., in a reference thereto;
 100 authorizing local governments to enter into agreements
 101 to create regional planning entities; providing an
 102 effective date.

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

106 Section 1. Subsections (7) and (8) of section 186.007,
 107 Florida Statutes, are amended to read:

108 186.007 State comprehensive plan; preparation; revision.—

109 (7) In preparing and revising the state comprehensive plan,
 110 the Executive Office of the Governor shall, to the extent
 111 feasible, consider studies, reports, and plans of each
 112 department, agency, and institution of state and local
 113 government, ~~each regional planning agency,~~ and the Federal
 114 Government and shall take into account the existing and
 115 prospective resources, capabilities, and needs of state and
 116 local levels of government.

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117 (8) The revision of the state comprehensive plan is a
 118 continuing process. Each section of the plan shall be reviewed
 119 and analyzed biennially by the Executive Office of the Governor
 120 in conjunction with the planning officers of other state
 121 agencies significantly affected by the provisions of the
 122 particular section under review. In conducting this review and
 123 analysis, the Executive Office of the Governor shall review and
 124 consider, with the assistance of the state land planning agency,
 125 any relevant reports, data, or analyses and ~~regional planning~~
 126 ~~councils, the evaluation and appraisal reports prepared pursuant~~
 127 ~~to s. 186.511.~~ Any necessary revisions of the state
 128 comprehensive plan shall be proposed by the Governor in a
 129 written report and be accompanied by an explanation of the need
 130 for such changes. If the Governor determines that changes are
 131 unnecessary, the written report must explain why changes are
 132 unnecessary. The proposed revisions and accompanying
 133 explanations may be submitted in the report required by s.
 134 186.031. Any proposed revisions to the plan shall be submitted
 135 to the Legislature as provided in s. 186.008(2) at least 30 days
 136 prior to the regular legislative session occurring in each even-
 137 numbered year.

138 Section 2. Sections 186.501, 186.502, 186.503, 186.504,
 139 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512,
 140 and 186.513, Florida Statutes, are repealed.

141 Section 3. Section 186.515, Florida Statutes, is repealed.

142 Section 4. Paragraph (b) of subsection (1) of section
 143 215.559, Florida Statutes, is amended to read:

144 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
 145 Mitigation Program is established in the Division of Emergency

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146 Management.

147 (1) The Legislature shall annually appropriate \$10 million
 148 of the moneys authorized for appropriation under s.
 149 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
 150 division for the purposes set forth in this section. Of the
 151 amount:

152 (b) Three million dollars in funds shall be used to
 153 retrofit existing facilities used as public hurricane shelters.
 154 Each year the division shall prioritize the use of these funds
 155 for projects included in the annual report of the Shelter
 156 Retrofit Report prepared in accordance with s. 252.385(3). The
 157 division must give funding priority to projects in counties
 158 ~~regional planning council regions~~ that have shelter deficits and
 159 to projects that maximize the use of state funds.

160 Section 5. Paragraph (b) of subsection (2) and subsection
 161 (3) of section 252.385, Florida Statutes, are amended to read:
 162 252.385 Public shelter space.—

163 (2)

164 (b) By January 31 of each even-numbered year, the division
 165 shall prepare and submit a statewide emergency shelter plan to
 166 the Governor and Cabinet for approval, subject to the
 167 requirements for approval in s. 1013.37(2). The plan shall
 168 identify the general location and square footage of special
 169 needs shelters, by county ~~regional planning council region~~,
 170 during the next 5 years. The plan shall also include information
 171 on the availability of shelters that accept pets. The Department
 172 of Health shall assist the division in determining the estimated
 173 need for special needs shelter space and the adequacy of
 174 facilities to meet the needs of persons with special needs based

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175 on information from the registries of persons with special needs
176 and other information.

177 (3) The division shall annually provide to the President of
178 the Senate, the Speaker of the House of Representatives, and the
179 Governor a list of facilities recommended to be retrofitted
180 using state funds. State funds should be maximized and targeted
181 to counties ~~regional planning council regions~~ with hurricane
182 evacuation shelter deficits. Retrofitting facilities in regions
183 with public hurricane evacuation shelter deficits shall be given
184 first priority and should be completed by 2003. All recommended
185 facilities should be retrofitted by 2008. The owner or lessee of
186 a public hurricane evacuation shelter that is included on the
187 list of facilities recommended for retrofitting is not required
188 to perform any recommended improvements.

189 Section 6. Paragraph (b) of subsection (26) of section
190 320.08058, Florida Statutes, is amended to read:

191 320.08058 Specialty license plates.—

192 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

193 (b) The annual use fees shall be distributed to the Tampa
194 Bay Estuary Program created by s. 163.01.

195 1. A maximum of 5 percent of such fees may be used for
196 marketing the plate.

197 2. ~~Twenty percent of the proceeds from the annual use fee,
198 not to exceed \$50,000, shall be provided to the Tampa Bay
199 Regional Planning Council for activities of the Agency on Bay
200 Management implementing the Council/Agency Action Plan for the
201 restoration of the Tampa Bay estuary, as approved by the Tampa
202 Bay Estuary Program Policy Board.~~

203 3. The remaining proceeds must be used to implement the

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204 Comprehensive Conservation and Management Plan for Tampa Bay,
205 pursuant to priorities approved by the Tampa Bay Estuary Program
206 Policy Board.

207 Section 7. Subsection (3) of section 369.307, Florida
208 Statutes, is amended to read:

209 369.307 Developments of regional impact in the Wekiva River
210 Protection Area; land acquisition.—

211 (3) The Wekiva River Protection Area is hereby declared to
212 be a natural resource of state and regional importance. The St.
213 Johns River Water Management District East-Central Florida
214 Regional Planning Council shall adopt policies that as part of
215 its strategic regional policy plan and regional issues list
216 which will protect the water quantity, water quality, hydrology,
217 wetlands, aquatic and wetland-dependent wildlife species,
218 habitat of species ~~designated pursuant to rules 39-27.003, 39-~~
219 ~~27.004, and 39-27.005, Florida Administrative Code,~~ and native
220 vegetation in the Wekiva River Protection Area. The water
221 management district council shall also cooperate with the
222 department in the department's implementation of ~~the provisions~~
223 ~~of~~ s. 369.305.

224 Section 8. Subsections (1) and (4) of section 369.324,
225 Florida Statutes, are amended to read:

226 369.324 Wekiva River Basin Commission.—

227 (1) The Wekiva River Basin Commission is created to monitor
228 and ensure the implementation of the recommendations of the
229 Wekiva River Basin Coordinating Committee for the Wekiva Study
230 Area. The St. Johns River Water Management District East-Central
231 Florida Regional Planning Council shall provide staff support to
232 the commission with funding assistance from the Department of

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233 Economic Opportunity. The commission shall be comprised of a
 234 total of 18 members appointed by the Governor, 9 of whom shall
 235 be voting members and 9 shall be ad hoc nonvoting members. The
 236 voting members shall include:

237 (a) One member of each of the Boards of County
 238 Commissioners for Lake, Orange, and Seminole Counties.

239 (b) One municipal elected official to serve as a
 240 representative of the municipalities located within the Wekiva
 241 Study Area of Lake County.

242 (c) One municipal elected official to serve as a
 243 representative of the municipalities located within the Wekiva
 244 Study Area of Orange County.

245 (d) One municipal elected official to serve as a
 246 representative of the municipalities located within the Wekiva
 247 Study Area of Seminole County.

248 (e) One citizen representing an environmental or
 249 conservation organization, one citizen representing a local
 250 property owner, a land developer, or an agricultural entity, and
 251 one at-large citizen who shall serve as chair of the council.

252 (f) The ad hoc nonvoting members shall include one
 253 representative from each of the following entities:

- 254 1. St. Johns River Management District.
- 255 2. Department of Economic Opportunity.
- 256 3. Department of Environmental Protection.
- 257 4. Department of Health.
- 258 5. Department of Agriculture and Consumer Services.
- 259 6. Fish and Wildlife Conservation Commission.
- 260 7. Department of Transportation.
- 261 8. MetroPlan Orlando.

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262 9. Central Florida Expressway Authority.

263 (4) To assist the commission in its mission, the St. Johns
 264 River Water Management District ~~East Central Florida Regional~~
 265 ~~Planning Council~~, in coordination with the applicable regional
 266 and state agencies, shall serve as a clearinghouse of baseline
 267 or specialized studies through modeling and simulation,
 268 including collecting and disseminating data on the demographics,
 269 economics, and the environment of the Wekiva Study Area
 270 including the changing conditions of the Wekiva River surface
 271 and groundwater basin and associated influence on the Wekiva
 272 River and the Wekiva Springs.

273 Section 9. Subsections (3), (4), (7), (8), and (12) of
 274 section 380.05, Florida Statutes, are amended to read:

275 380.05 Areas of critical state concern.-

276 (3) Each local government ~~regional planning agency~~ may
 277 ~~recommend to the state land planning agency from time to time~~
 278 ~~areas wholly or partially within its jurisdiction that meet the~~
 279 ~~criteria for areas of critical state concern as defined in this~~
 280 ~~section. Each regional planning agency shall solicit from the~~
 281 ~~local governments within its jurisdiction suggestions as to~~
 282 ~~areas to be recommended. A local government in an area where~~
 283 ~~there is no regional planning agency~~ may recommend to the state
 284 land planning agency from time to time areas wholly or partially
 285 within its jurisdiction that meet the criteria for areas of
 286 critical state concern as defined in this section. If the state
 287 land planning agency does not recommend to the commission as an
 288 area of critical state concern an area substantially similar to
 289 one that has been recommended, it shall respond in writing as to
 290 its reasons therefor.

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291 (4) Before ~~Prior to~~ submitting any recommendation to the
 292 commission under subsection (1), the state land planning agency
 293 shall give notice to any committee appointed pursuant to s.
 294 380.045 and to all local governments ~~and regional planning~~
 295 ~~agencies~~ that include within their boundaries any part of any
 296 area of critical state concern proposed to be designated by the
 297 rule, in addition to any notice otherwise required under chapter
 298 120.

299 (7) The state land planning agency ~~and any applicable~~
 300 ~~regional planning agency~~ shall, to the greatest extent possible,
 301 provide technical assistance to local governments in the
 302 preparation of the land development regulations and local
 303 comprehensive plan for areas of critical state concern.

304 (8) If any local government fails to submit land
 305 development regulations or a local comprehensive plan, or if the
 306 regulations or plan or plan amendment submitted do not comply
 307 with the principles for guiding development set out in the rule
 308 designating the area of critical state concern, within 120 days
 309 after the adoption of the rule designating an area of critical
 310 state concern, or within 120 days after the issuance of a
 311 recommended order on the compliance of the plan or plan
 312 amendment pursuant to s. 163.3184, or within 120 days after the
 313 effective date of an order rejecting a proposed land development
 314 regulation, the state land planning agency shall submit to the
 315 commission recommended land development regulations and a local
 316 comprehensive plan or portions thereof applicable to that local
 317 government's portion of the area of critical state concern.
 318 Within 45 days following receipt of the recommendation from the
 319 agency, the commission shall either reject the recommendation as

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320 tendered or adopt the recommendation with or without
 321 modification, and by rule establish land development regulations
 322 and a local comprehensive plan applicable to that local
 323 government's portion of the area of critical state concern.
 324 However, such rule shall not become effective before ~~prior to~~
 325 legislative review of an area of critical state concern pursuant
 326 to paragraph (1)(c). In the rule, the commission shall specify
 327 the extent to which its land development regulations, plans, or
 328 plan amendments will supersede, or will be supplementary to,
 329 local land development regulations and plans. Notice of any
 330 proposed rule issued under this section shall be given to all
 331 local governments and regional ~~planning~~ agencies in the area of
 332 critical state concern, in addition to any other notice required
 333 under chapter 120. The land development regulations and local
 334 comprehensive plan adopted by the commission under this section
 335 may include any type of regulation and plan that could have been
 336 adopted by the local government. Any land development
 337 regulations or local comprehensive plan or plan amendments
 338 adopted by the commission under this section shall be
 339 administered by the local government as part of, or in the
 340 absence of, the local land development regulations and local
 341 comprehensive plan.

342 (12) Upon the request of a substantially interested person
 343 pursuant to s. 120.54(7), a local government or regional
 344 ~~planning~~ agency within the designated area, or the state land
 345 planning agency, the commission may by rule remove, contract, or
 346 expand any designated boundary. Boundary expansions are subject
 347 to legislative review pursuant to paragraph (1)(c). No boundary
 348 may be modified without a specific finding by the commission

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349 that such changes are consistent with necessary resource
 350 protection. The total boundaries of an entire area of critical
 351 state concern shall not be removed by the commission unless a
 352 minimum time of 1 year has elapsed from the adoption of
 353 regulations and a local comprehensive plan pursuant to
 354 subsection (1), subsection (6), subsection (8), or subsection
 355 (10). Before totally removing such boundaries, the commission
 356 shall make findings that the regulations and plans adopted
 357 pursuant to subsection (1), subsection (6), subsection (8), or
 358 subsection (10) are being effectively implemented by local
 359 governments within the area of critical state concern to protect
 360 the area and that adopted local government comprehensive plans
 361 within the area have been conformed to principles for guiding
 362 development for the area.

363 Section 10. Subsections (3) and (6) of section 403.7225,
 364 Florida Statutes, are amended to read:

365 403.7225 Local hazardous waste management assessments.—

366 (3) Each county ~~or regional planning council~~ shall
 367 coordinate the local hazardous waste management assessments
 368 within its jurisdiction according to guidelines established
 369 under s. 403.7226. If a county declines to perform the local
 370 hazardous waste management assessment, the county shall make
 371 arrangements with the department ~~its regional planning council~~
 372 to perform the assessment.

373 (6) Unless performed by the county pursuant to subsection
 374 (3), the department ~~the regional planning councils~~ shall upon
 375 successful arrangements with a county:

376 (a) Perform local hazardous waste management assessments;
 377 and

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378 (b) Provide any technical expertise needed by the counties
 379 in developing the assessments.

380 Section 11. Subsection (2) of section 403.723, Florida
 381 Statutes, is amended to read:

382 403.723 Siting of hazardous waste facilities.—It is the
 383 intent of the Legislature to facilitate siting of proper
 384 hazardous waste storage facilities in each region and any
 385 additional storage, treatment, or disposal facilities as
 386 required. The Legislature recognizes the need for facilitating
 387 disposal of waste produced by small generators, reducing the
 388 volume of wastes generated in the state, reducing the toxicity
 389 of wastes generated in the state, and providing treatment and
 390 disposal facilities in the state.

391 (2) After each county designates areas for storage
 392 facilities, the department ~~each regional planning council~~ shall
 393 designate one or more sites at which a regional hazardous waste
 394 storage or treatment facility could be constructed.

395 Section 12. Subsections (1) and (2) of section 1013.372,
 396 Florida Statutes, are amended to read:

397 1013.372 Education facilities as emergency shelters.—

398 (1) The Department of Education shall, in consultation with
 399 boards and county and state emergency management offices,
 400 include within the standards to be developed under this
 401 subsection public shelter design criteria to be incorporated
 402 into the Florida Building Code. The new criteria must be
 403 designed to ensure that appropriate new educational facilities
 404 can serve as public shelters for emergency management purposes.
 405 A facility, or an appropriate area within a facility, for which
 406 a design contract is entered into after the effective date of

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407 the inclusion of the public shelter criteria in the code must be
 408 built in compliance with the amended code unless the facility or
 409 a part of it is exempted from using the new shelter criteria due
 410 to its location, size, or other characteristics by the
 411 applicable board with the concurrence of the applicable local
 412 emergency management agency or the Division of Emergency
 413 Management. Any educational facility located or proposed to be
 414 located in an identified category 1, 2, or 3 evacuation zone is
 415 not subject to the requirements of this subsection. If the
 416 county regional planning council region in which the county is
 417 ~~located~~ does not have a hurricane evacuation shelter deficit, as
 418 determined by the Division of Emergency Management, educational
 419 facilities within the county planning council region are not
 420 required to incorporate the public shelter criteria.

421 (2) By January 31 of each even-numbered year, the Division
 422 of Emergency Management shall prepare and submit a statewide
 423 emergency shelter plan to the Governor and the Cabinet for
 424 approval. The plan must identify the general location and square
 425 footage of existing shelters, by county regional planning
 426 ~~council region~~, and the general location and square footage of
 427 needed shelters, by county regional planning council region,
 428 during the next 5 years. The plan must identify the types of
 429 public facilities that should be constructed to comply with
 430 emergency-shelter criteria and must recommend an appropriate and
 431 available source of funding for the additional cost of
 432 constructing emergency shelters within these public facilities.
 433 After the approval of the plan, a board may not be required to
 434 build more emergency-shelter space than identified as needed in
 435 the plan, and decisions pertaining to exemptions pursuant to

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436 subsection (1) must be guided by the plan.

437 Section 13. Paragraph (e) of subsection (2) of section
 438 1013.385, Florida Statutes, is amended to read:

439 1013.385 School district construction flexibility.—

440 (2) A resolution adopted under this section may propose
 441 implementation of exceptions to requirements of the uniform
 442 statewide building code for the planning and construction of
 443 public educational and ancillary plants adopted pursuant to ss.
 444 553.73 and 1013.37 relating to:

445 (e) Any other provisions that limit the ability of a school
 446 to operate in a facility on the same basis as a charter school
 447 pursuant to s. 1002.33(18) so long as the county regional
 448 ~~planning council~~ determines that there is sufficient shelter
 449 capacity within the school district as documented in the
 450 Statewide Emergency Shelter Plan.

451 Section 14. Subsection (4) of section 1013.74, Florida
 452 Statutes, is amended to read:

453 1013.74 University authorization for fixed capital outlay
 454 projects.—

455 (4) The university board of trustees shall, in consultation
 456 with local and state emergency management agencies, assess
 457 existing facilities to identify the extent to which each campus
 458 has public hurricane evacuation shelter space. The board shall
 459 submit to the Governor and the Legislature by August 1 of each
 460 year a 5-year capital improvements program that identifies new
 461 or retrofitted facilities that will incorporate enhanced
 462 hurricane resistance standards and that can be used as public
 463 hurricane evacuation shelters. Enhanced hurricane resistance
 464 standards include fixed passive protection for window and door

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465 applications to provide mitigation protection, security
 466 protection with egress, and energy efficiencies that meet
 467 standards required in the 130-mile-per-hour wind zone areas. The
 468 board must also submit proposed facility retrofit projects to
 469 the Division of Emergency Management for assessment and
 470 inclusion in the annual report prepared in accordance with s.
 471 252.385(3). Until a county regional planning council region in
 472 which a campus is located has sufficient public hurricane
 473 evacuation shelter space, any campus building for which a design
 474 contract is entered into subsequent to July 1, 2001, and which
 475 has been identified by the board, with the concurrence of the
 476 local emergency management agency or the Division of Emergency
 477 Management, to be appropriate for use as a public hurricane
 478 evacuation shelter, must be constructed in accordance with
 479 public shelter standards.

480 Section 15. Paragraph (f) of subsection (1) of section
 481 68.082, Florida Statutes, is amended to read:

482 68.082 False claims against the state; definitions;
 483 liability.-

484 (1) As used in this section, the term:

485 (f) "State" means the government of the state or any
 486 department, division, bureau, commission, regional ~~planning~~
 487 agency, board, district, authority, agency, or other
 488 instrumentality of the state.

489 Section 16. Paragraph (a) of subsection (1) of section
 490 120.52, Florida Statutes, is amended to read:

491 120.52 Definitions.—As used in this act:

492 (1) "Agency" means the following officers or governmental
 493 entities if acting pursuant to powers other than those derived

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494 from the constitution:

495 (a) The Governor; each state officer and state department,
 496 and each departmental unit described in s. 20.04; the Board of
 497 Governors of the State University System; the Commission on
 498 Ethics; the Fish and Wildlife Conservation Commission; a
 499 regional water supply authority; ~~a regional planning agency;~~ a
 500 multicounty special district, but only if a majority of its
 501 governing board is comprised of nonelected persons; educational
 502 units; and each entity described in chapters 163, 373, 380, and
 503 582 ~~and s. 186.504.~~

504
 505 This definition does not include a municipality or legal entity
 506 created solely by a municipality; a legal entity or agency
 507 created in whole or in part pursuant to part II of chapter 361;
 508 a metropolitan planning organization created pursuant to s.
 509 339.175; a separate legal or administrative entity created
 510 pursuant to s. 339.175 of which a metropolitan planning
 511 organization is a member; an expressway authority pursuant to
 512 chapter 348 or any transportation authority or commission under
 513 chapter 343 or chapter 349; or a legal or administrative entity
 514 created by an interlocal agreement pursuant to s. 163.01(7),
 515 unless any party to such agreement is otherwise an agency as
 516 defined in this subsection.

517 Section 17. Subsection (4) of section 120.525, Florida
 518 Statutes, is amended to read:

519 120.525 Meetings, hearings, and workshops.—

520 ~~(4) For purposes of establishing a quorum at meetings of~~
 521 ~~regional planning councils that cover three or more counties, a~~
 522 ~~voting member who appears via telephone, real-time~~

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523 ~~videoconferencing, or similar real-time electronic or video~~
 524 ~~communication that is broadcast publicly at the meeting location~~
 525 ~~may be counted toward the quorum requirement if at least one~~
 526 ~~third of the voting members of the regional planning council are~~
 527 ~~physically present at the meeting location. A member must~~
 528 ~~provide oral, written, or electronic notice of his or her intent~~
 529 ~~to appear via telephone, real-time videoconferencing, or similar~~
 530 ~~real-time electronic or video communication to the regional~~
 531 ~~planning council at least 24 hours before the scheduled meeting.~~

532 Section 18. Subsection (9) of section 120.65, Florida
 533 Statutes, is amended to read:

534 120.65 Administrative law judges.—

535 (9) The division shall be reimbursed for administrative law
 536 judge services and travel expenses by the following entities:
 537 water management districts, ~~regional planning councils~~, school
 538 districts, community colleges, the Division of Florida Colleges,
 539 state universities, the Board of Governors of the State
 540 University System, the State Board of Education, the Florida
 541 School for the Deaf and the Blind, and the Commission for
 542 Independent Education. These entities shall contract with the
 543 division to establish a contract rate for services and
 544 provisions for reimbursement of administrative law judge travel
 545 expenses and video teleconferencing expenses attributable to
 546 hearings conducted on behalf of these entities. The contract
 547 rate must be based on a total-cost-recovery methodology.

548 Section 19. Subsections (41) and (45) of section 163.3164,
 549 Florida Statutes, are amended to read:

550 163.3164 Community Planning Act; definitions.—As used in
 551 this act:

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552 ~~(41) "Regional planning agency" means the council created~~
 553 ~~pursuant to chapter 186.~~

554 ~~(44)-(45) "Structure" has the same meaning as in s.~~

555 380.031(18) ~~s. 380.031(19).~~

556 Section 20. Paragraph (h) of subsection (6) of section
 557 163.3177, Florida Statutes, is amended to read:

558 163.3177 Required and optional elements of comprehensive
 559 plan; studies and surveys.—

560 (6) In addition to the requirements of subsections (1)-(5),
 561 the comprehensive plan shall include the following elements:

562 (h)1. An intergovernmental coordination element showing
 563 relationships and stating principles and guidelines to be used
 564 in coordinating the adopted comprehensive plan with the plans of
 565 school boards, regional water supply authorities, and other
 566 units of local government providing services but not having
 567 regulatory authority over the use of land, with the
 568 comprehensive plans of adjacent municipalities, the county,
 569 adjacent counties, or the region, with the state comprehensive
 570 plan and with the applicable regional water supply plan approved
 571 pursuant to s. 373.709, as the case may require and as such
 572 adopted plans or plans in preparation may exist. This element of
 573 the local comprehensive plan must demonstrate consideration of
 574 the particular effects of the local plan, when adopted, upon the
 575 development of adjacent municipalities, the county, adjacent
 576 counties, or the region, or upon the state comprehensive plan,
 577 as the case may require.

578 a. The intergovernmental coordination element must provide
 579 procedures for identifying and implementing joint planning
 580 areas, especially for the purpose of annexation, municipal

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581 incorporation, and joint infrastructure service areas.

582 b. The intergovernmental coordination element shall provide
583 for a dispute resolution process, ~~as established pursuant to s.~~
584 ~~186.509~~, for bringing intergovernmental disputes to closure in a
585 timely manner.

586 c. The intergovernmental coordination element shall provide
587 for interlocal agreements as established pursuant to s.
588 333.03(1)(b).

589 2. The intergovernmental coordination element shall also
590 state principles and guidelines to be used in coordinating the
591 adopted comprehensive plan with the plans of school boards and
592 other units of local government providing facilities and
593 services but not having regulatory authority over the use of
594 land. In addition, the intergovernmental coordination element
595 must describe joint processes for collaborative planning and
596 decisionmaking on population projections and public school
597 siting, the location and extension of public facilities subject
598 to concurrency, and siting facilities with countywide
599 significance, including locally unwanted land uses whose nature
600 and identity are established in an agreement.

601 3. Within 1 year after adopting their intergovernmental
602 coordination elements, each county, all the municipalities
603 within that county, the district school board, and any unit of
604 local government service providers in that county shall
605 establish by interlocal or other formal agreement executed by
606 all affected entities, the joint processes described in this
607 subparagraph consistent with their adopted intergovernmental
608 coordination elements. The agreement must:

609 a. Ensure that the local government addresses through

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610 coordination mechanisms the impacts of development proposed in
611 the local comprehensive plan upon development in adjacent
612 municipalities, the county, adjacent counties, the region, and
613 the state. The area of concern for municipalities shall include
614 adjacent municipalities, the county, and counties adjacent to
615 the municipality. The area of concern for counties shall include
616 all municipalities within the county, adjacent counties, and
617 adjacent municipalities.

618 b. Ensure coordination in establishing level of service
619 standards for public facilities with any state, regional, or
620 local entity having operational and maintenance responsibility
621 for such facilities.

622 Section 21. Subsection (5) of section 163.3178, Florida
623 Statutes, is amended to read:

624 163.3178 Coastal management.—

625 (5) A ~~The appropriate~~ dispute resolution process provided
626 ~~under s. 186.509~~ must be used to reconcile inconsistencies
627 between port master plans and local comprehensive plans. In
628 recognition of the state's commitment to deepwater ports, the
629 state comprehensive plan must include goals, objectives, and
630 policies that establish a statewide strategy for enhancement of
631 existing deepwater ports, ensuring that priority is given to
632 water-dependent land uses. As an incentive for promoting plan
633 consistency, port facilities as defined in s. 315.02(6) on lands
634 owned or controlled by a deepwater port as defined in s.
635 311.09(1), as of the effective date of this act shall not be
636 subject to development-of-regional-impact review provided the
637 port either successfully completes an alternative comprehensive
638 development agreement with a local government pursuant to ss.

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639 163.3220-163.3243 or successfully enters into a development
 640 agreement with the state land planning agency and applicable
 641 local government pursuant to s. 380.032 or, where the port is a
 642 department of a local government, successfully enters into a
 643 development agreement with the state land planning agency
 644 pursuant to s. 380.032. Port facilities as defined in s.
 645 315.02(6) on lands not owned or controlled by a deepwater port
 646 as defined in s. 311.09(1) as of the effective date of this act
 647 shall not be subject to development-of-regional-impact review
 648 provided the port successfully enters into a development
 649 agreement with the state land planning agency and applicable
 650 local government pursuant to s. 380.032 or, where the port is a
 651 department of a local government, successfully enters into a
 652 development agreement with the state land planning agency
 653 pursuant to s. 380.032.

654 Section 22. Paragraph (c) of subsection (1) and paragraph
 655 (b) of subsection (3) of section 163.3184, Florida Statutes, are
 656 amended to read:

657 163.3184 Process for adoption of comprehensive plan or plan
 658 amendment.—

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

660 (c) "Reviewing agencies" means:

661 1. The state land planning agency;

662 2. ~~The appropriate regional planning council;~~

663 ~~3.~~ The appropriate water management district;

664 3.4. The Department of Environmental Protection;

665 4.5. The Department of State;

666 5.6. The Department of Transportation;

667 6.7. In the case of plan amendments relating to public

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668 schools, the Department of Education;

669 ~~7.8.~~ In the case of plans or plan amendments that affect a
 670 military installation listed in s. 163.3175, the commanding
 671 officer of the affected military installation;

672 ~~8.9.~~ In the case of county plans and plan amendments, the
 673 Fish and Wildlife Conservation Commission and the Department of
 674 Agriculture and Consumer Services; and

675 ~~9.10.~~ In the case of municipal plans and plan amendments,
 676 the county in which the municipality is located.

677 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
 678 COMPREHENSIVE PLAN AMENDMENTS.—

679 (b)1. The local government, after the initial public
 680 hearing held pursuant to subsection (11), shall transmit within
 681 10 working days the amendment or amendments and appropriate
 682 supporting data and analyses to the reviewing agencies. The
 683 local governing body shall also transmit a copy of the
 684 amendments and supporting data and analyses to any other local
 685 government or governmental agency that has filed a written
 686 request with the governing body.

687 2. The reviewing agencies and any other local government or
 688 governmental agency specified in subparagraph 1. may provide
 689 comments regarding the amendment or amendments to the local
 690 government. State agencies shall only comment on important state
 691 resources and facilities that will be adversely impacted by the
 692 amendment if adopted. Comments provided by state agencies shall
 693 state with specificity how the plan amendment will adversely
 694 impact an important state resource or facility and shall
 695 identify measures the local government may take to eliminate,
 696 reduce, or mitigate the adverse impacts. Such comments, if not

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697 resolved, may result in a challenge by the state land planning
698 agency to the plan amendment. Agencies and local governments
699 must transmit their comments to the affected local government
700 such that they are received by the local government not later
701 than 30 days after the date on which the agency or government
702 received the amendment or amendments. Reviewing agencies shall
703 also send a copy of their comments to the state land planning
704 agency.

705 3. Comments to the local government from a ~~regional~~
706 ~~planning council~~, county, or municipality shall be limited as
707 follows:

708 a. ~~The regional planning council review and comments shall~~
709 ~~be limited to adverse effects on regional resources or~~
710 ~~facilities identified in the strategic regional policy plan and~~
711 ~~extrajurisdictional impacts that would be inconsistent with the~~
712 ~~comprehensive plan of any affected local government within the~~
713 ~~region. A regional planning council may not review and comment~~
714 ~~on a proposed comprehensive plan amendment prepared by such~~
715 ~~council unless the plan amendment has been changed by the local~~
716 ~~government subsequent to the preparation of the plan amendment~~
717 ~~by the regional planning council.~~

718 ~~b.~~ County comments shall be in the context of the
719 relationship and effect of the proposed plan amendments on the
720 county plan.

721 ~~d.~~ Municipal comments shall be in the context of the
722 relationship and effect of the proposed plan amendments on the
723 municipal plan.

724 ~~c.~~ Military installation comments shall be provided in
725 accordance with s. 163.3175.

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726 4. Comments to the local government from state agencies
727 shall be limited to the following subjects as they relate to
728 important state resources and facilities that will be adversely
729 impacted by the amendment if adopted:

730 a. The Department of Environmental Protection shall limit
731 its comments to the subjects of air and water pollution;
732 wetlands and other surface waters of the state; federal and
733 state-owned lands and interest in lands, including state parks,
734 greenways and trails, and conservation easements; solid waste;
735 water and wastewater treatment; and the Everglades ecosystem
736 restoration.

737 b. The Department of State shall limit its comments to the
738 subjects of historic and archaeological resources.

739 c. The Department of Transportation shall limit its
740 comments to issues within the agency's jurisdiction as it
741 relates to transportation resources and facilities of state
742 importance.

743 d. The Fish and Wildlife Conservation Commission shall
744 limit its comments to subjects relating to fish and wildlife
745 habitat and listed species and their habitat.

746 e. The Department of Agriculture and Consumer Services
747 shall limit its comments to the subjects of agriculture,
748 forestry, and aquaculture issues.

749 f. The Department of Education shall limit its comments to
750 the subject of public school facilities.

751 g. The appropriate water management district shall limit
752 its comments to flood protection and floodplain management,
753 wetlands and other surface waters, and regional water supply.

754 h. The state land planning agency shall limit its comments

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755 to important state resources and facilities outside the
 756 jurisdiction of other commenting state agencies and may include
 757 comments on countervailing planning policies and objectives
 758 served by the plan amendment that should be balanced against
 759 potential adverse impacts to important state resources and
 760 facilities.

761 Section 23. Subsection (2) of section 163.3245, Florida
 762 Statutes, is amended to read:

763 163.3245 Sector plans.—

764 (2) The ~~Upon the request of~~ a local government having
 765 jurisdiction, ~~the applicable regional planning council~~ shall
 766 conduct a scoping meeting with affected local governments and
 767 those agencies identified in s. 163.3184(1)(c) before
 768 preparation of the sector plan. The purpose of this meeting is
 769 to assist the state land planning agency ~~and the local~~
 770 ~~government~~ in the identification of the relevant planning issues
 771 to be addressed and the data and resources available to assist
 772 in the preparation of the sector plan. ~~If a scoping meeting is~~
 773 ~~conducted, the regional planning council shall make written~~
 774 ~~recommendations to the state land planning agency and affected~~
 775 ~~local governments on the issues requested by the local~~
 776 ~~government.~~ The scoping meeting shall be noticed and open to the
 777 public. If the entire planning area proposed for the sector plan
 778 is within the jurisdiction of two or more local governments,
 779 some or all of them may enter into a joint planning agreement
 780 pursuant to s. 163.3171 with respect to the geographic area to
 781 be subject to the sector plan, the planning issues that will be
 782 emphasized, procedures for intergovernmental coordination to
 783 address extrajurisdictional impacts, supporting application

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784 materials including data and analysis, procedures for public
 785 participation, or other issues.

786 Section 24. Paragraph (i) of subsection (2) of section
 787 163.568, Florida Statutes, is amended to read:

788 163.568 Purposes and powers.—

789 (2) The authority is granted the authority to exercise all
 790 powers necessary, appurtenant, convenient, or incidental to the
 791 carrying out of the aforesaid purposes, including, but not
 792 limited to, the following rights and powers:

793 (i) To develop transportation plans, and to coordinate its
 794 planning and programs with those of appropriate municipal,
 795 county, and state agencies and other political subdivisions of
 796 the state. All transportation plans are subject to review and
 797 approval by the Department of Transportation ~~and by the regional~~
 798 ~~planning agency, if any,~~ for consistency with programs or
 799 planning for the area and region.

800 Section 25. Subsection (2) of section 164.1031, Florida
 801 Statutes, is amended to read:

802 164.1031 Definitions.—For purposes of this act:

803 (2) "Regional governmental entities" includes ~~regional~~
 804 ~~planning councils,~~ metropolitan planning organizations, water
 805 supply authorities that include more than one county, local
 806 health councils, water management districts, and other regional
 807 entities that are authorized and created by general or special
 808 law that have duties or responsibilities extending beyond the
 809 jurisdiction of a single county.

810 Section 26. Subsection (5) of section 186.003, Florida
 811 Statutes, is amended to read:

812 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—

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813 As used in ss. 186.001-186.031 and 186.801-186.901, the term:
 814 ~~(5) "Regional planning agency" means the regional planning~~
 815 ~~council created pursuant to ss. 186.501-186.515 to exercise~~
 816 ~~responsibilities under ss. 186.001-186.031 and 186.801-186.901~~
 817 ~~in a particular region of the state.~~

818 Section 27. Subsection (7) of section 186.006, Florida
 819 Statutes, is amended to read:

820 186.006 Powers and responsibilities of Executive Office of
 821 the Governor.—For the purpose of establishing consistency and
 822 uniformity in the state and regional planning process and in
 823 order to ensure that the intent of ss. 186.001-186.031 and
 824 186.801-186.901 is accomplished, the Executive Office of the
 825 Governor shall:

826 (7) Act as the state clearinghouse ~~and designate the~~
 827 ~~regional planning councils as the regional data clearinghouses.~~

828 Section 28. Subsection (1) of section 186.008, Florida
 829 Statutes, is amended to read:

830 186.008 State comprehensive plan; revision;
 831 implementation.—

832 (1) On or before October 1 of every odd-numbered year, the
 833 Executive Office of the Governor shall prepare, and the Governor
 834 shall recommend to the Administration Commission, any proposed
 835 revisions to the state comprehensive plan deemed necessary. The
 836 Governor shall transmit his or her recommendations and
 837 explanation as required by s. 186.007(8). Copies shall also be
 838 provided to each state agency, ~~to each regional planning agency,~~
 839 to any other unit of government that requests a copy, and to any
 840 member of the public who requests a copy.

841 Section 29. Section 186.803, Florida Statutes, is amended

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842 to read:

843 186.803 Use of geographic information by governmental
 844 entities.—When state agencies, water management districts,
 845 ~~regional planning councils,~~ local governments, and other
 846 governmental entities use maps, including geographic information
 847 maps and other graphic information materials, as the source of
 848 data for planning or any other purposes, they must take into
 849 account that the accuracy and reliability of such maps and data
 850 may be limited by various factors, including the scale of the
 851 maps, the timeliness and accuracy of the underlying information,
 852 the availability of more accurate site-specific information, and
 853 the presence or absence of ground truthing or peer review of the
 854 underlying information contained in such maps and other graphic
 855 information. This section does not apply to maps adopted
 856 pursuant to part II of chapter 163.

857 Section 30. Paragraph (b) of subsection (20) of section
 858 187.201, Florida Statutes, is amended to read:

859 187.201 State Comprehensive Plan adopted.—The Legislature
 860 hereby adopts as the State Comprehensive Plan the following
 861 specific goals and policies:

862 (20) GOVERNMENTAL EFFICIENCY.—

863 (b) *Policies*.—

864 1. Encourage greater cooperation between, among, and within
 865 all levels of Florida government through the use of appropriate
 866 interlocal agreements and mutual participation for mutual
 867 benefit.

868 2. Allow the creation of independent special taxing
 869 districts which have uniform general law standards and
 870 procedures and do not overburden other governments and their

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871 taxpayers while preventing the proliferation of independent
 872 special taxing districts which do not meet these standards.

873 3. Encourage the use of municipal services taxing units and
 874 other dependent special districts to provide needed
 875 infrastructure where the fiscal capacity exists to support such
 876 an approach.

877 4. Eliminate regulatory activities that are not tied to
 878 specific public and natural resource protection needs.

879 5. Eliminate needless duplication of, and promote
 880 cooperation in, governmental activities between, among, and
 881 within state, regional, county, city, and other governmental
 882 units.

883 6. Ensure, wherever possible, that the geographic
 884 boundaries of water management districts, regional planning
 885 ~~councils~~, and substate districts of the executive departments
 886 shall be coterminous for related state or agency programs and
 887 functions and promote interagency agreements in order to reduce
 888 the number of districts ~~and councils~~ with jurisdiction in any
 889 one county.

890 7. Encourage and provide for the restructuring of city and
 891 county political jurisdictions with the goals of greater
 892 efficiency and high-quality and more equitable and responsive
 893 public service programs.

894 8. Replace multiple, small scale, economically inefficient
 895 local public facilities with regional facilities where they are
 896 proven to be more economical, particularly in terms of energy
 897 efficiency, and yet can retain the quality of service expected
 898 by the public.

899 9. Encourage greater efficiency and economy at all levels

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900 of government through adoption and implementation of effective
 901 records management, information management, and evaluation
 902 procedures.

903 10. Throughout government, establish citizen management
 904 efficiency groups and internal management groups to make
 905 recommendations for greater operating efficiencies and improved
 906 management practices.

907 11. Encourage governments to seek outside contracting on a
 908 competitive-bid basis when cost-effective and appropriate.

909 12. Discourage undue expansion of state government and make
 910 every effort to streamline state government in a cost-effective
 911 manner.

912 13. Encourage joint venture solutions to mutual problems
 913 between levels of government and private enterprise.

914 Section 31. Paragraph (c) of subsection (1) and subsection
 915 (2) of section 218.32, Florida Statutes, are amended to read:

916 218.32 Annual financial reports; local governmental
 917 entities.—

918 (1)

919 (c) Each ~~regional planning council created under s.~~
 920 ~~186.504, each~~ local government finance commission, board, or
 921 council, and each municipal power corporation created as a
 922 separate legal or administrative entity by interlocal agreement
 923 under s. 163.01(7) shall submit to the department a copy of its
 924 audit report and an annual financial report for the previous
 925 fiscal year in a format prescribed by the department.

926 (2) The department shall annually by December 1 file a
 927 verified report with the Governor, the Legislature, the Auditor
 928 General, and the Special District Accountability Program of the

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929 Department of Economic Opportunity showing the revenues, both
 930 locally derived and derived from intergovernmental transfers,
 931 and the expenditures of each local governmental entity, ~~regional~~
 932 ~~planning council~~, local government finance commission, and
 933 municipal power corporation that is required to submit an annual
 934 financial report. In preparing the verified report, the
 935 department may request additional information from the local
 936 governmental entity. The information requested must be provided
 937 to the department within 45 days after the request. If the local
 938 governmental entity does not comply with the request, the
 939 department shall notify the Legislative Auditing Committee,
 940 which may take action pursuant to s. 11.40(2). The report must
 941 include, but is not limited to:

942 (a) The total revenues and expenditures of each local
 943 governmental entity that is a component unit included in the
 944 annual financial report of the reporting entity.

945 (b) The amount of outstanding long-term debt by each local
 946 governmental entity. For purposes of this paragraph, the term
 947 "long-term debt" means any agreement or series of agreements to
 948 pay money, which, at inception, contemplate terms of payment
 949 exceeding 1 year in duration.

950 Section 32. Paragraph (a) of subsection (7) of section
 951 258.501, Florida Statutes, is amended to read:

952 258.501 Myakka River; wild and scenic segment.—

953 (7) MANAGEMENT COORDINATING COUNCIL.—

954 (a) Upon designation, the department shall create a
 955 permanent council to provide interagency and intergovernmental
 956 coordination in the management of the river. The coordinating
 957 council shall be composed of one representative appointed from

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958 each of the following: the department, the Department of
 959 Transportation, the Fish and Wildlife Conservation Commission,
 960 the Department of Economic Opportunity, the Florida Forest
 961 Service of the Department of Agriculture and Consumer Services,
 962 the Division of Historical Resources of the Department of State,
 963 ~~the Tampa Bay Regional Planning Council~~, the Southwest Florida
 964 Water Management District, ~~the Southwest Florida Regional~~
 965 ~~Planning Council~~, Manatee County, Sarasota County, Charlotte
 966 County, the City of Sarasota, the City of North Port,
 967 agricultural interests, environmental organizations, and any
 968 others deemed advisable by the department.

969 Section 33. Subsections (1) and (3) of section 260.0142,
 970 Florida Statutes, are amended to read:

971 260.0142 Florida Greenways and Trails Council; composition;
 972 powers and duties.—

973 (1) There is created within the department the Florida
 974 Greenways and Trails Council which shall advise the department
 975 in the execution of the department's powers and duties under
 976 this chapter. The council shall be composed of 19 ~~20~~ members,
 977 consisting of:

978 (a)1. Five members appointed by the Governor, with two
 979 members representing the trail user community, two members
 980 representing the greenway user community, and one member
 981 representing private landowners.

982 2. Three members appointed by the President of the Senate,
 983 with one member representing the trail user community and two
 984 members representing the greenway user community.

985 3. Three members appointed by the Speaker of the House of
 986 Representatives, with two members representing the trail user

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987 community and one member representing the greenway user
 988 community.

989

990 Those eligible to represent the trail user community shall be
 991 chosen from, but not be limited to, paved trail users, hikers,
 992 off-road bicyclists, users of off-highway vehicles, paddlers,
 993 equestrians, disabled outdoor recreational users, and commercial
 994 recreational interests. Those eligible to represent the greenway
 995 user community shall be chosen from, but not be limited to,
 996 conservation organizations, nature study organizations, and
 997 scientists and university experts.

998 (b) The 8 ~~9~~ remaining members shall include:

999 1. The Secretary of Environmental Protection or a designee.
 1000 2. The executive director of the Fish and Wildlife
 1001 Conservation Commission or a designee.
 1002 3. The Secretary of Transportation or a designee.
 1003 4. The Director of the Florida Forest Service of the
 1004 Department of Agriculture and Consumer Services or a designee.
 1005 5. The director of the Division of Historical Resources of
 1006 the Department of State or a designee.
 1007 6. A representative of the water management districts.
 1008 Membership on the council shall rotate among the five districts.
 1009 The districts shall determine the order of rotation.
 1010 7. A representative of a federal land management agency.
 1011 The Secretary of Environmental Protection shall identify the
 1012 appropriate federal agency and request designation of a
 1013 representative from the agency to serve on the council.
 1014 8. ~~A representative of the regional planning councils to be~~
 1015 ~~appointed by the Secretary of Environmental Protection.~~

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1016 ~~Membership on the council shall rotate among the seven regional~~
 1017 ~~planning councils. The regional planning councils shall~~
 1018 ~~determine the order of rotation.~~

1019 9. A representative of local governments to be appointed by
 1020 the Secretary of Environmental Protection. Membership shall
 1021 alternate between a county representative and a municipal
 1022 representative.

1023 (3) The term of all appointees shall be for 2 years unless
 1024 otherwise specified. The appointees of the Governor, the
 1025 President of the Senate, and the Speaker of the House of
 1026 Representatives may be reappointed for no more than four
 1027 consecutive terms. The representatives of the water management
 1028 districts, ~~regional planning councils,~~ and local governments may
 1029 be reappointed for no more than two consecutive terms. All other
 1030 appointees shall serve until replaced.

1031 Section 34. Paragraph (a) of subsection (6) of section
 1032 288.0656, Florida Statutes, is amended to read:
 1033 288.0656 Rural Economic Development Initiative.—
 1034 (6) (a) By August 1 of each year, the head of each of the
 1035 following agencies and organizations shall designate a deputy
 1036 secretary or higher-level staff person from within the agency or
 1037 organization to serve as the REDI representative for the agency
 1038 or organization:

1039 1. The Department of Transportation.
 1040 2. The Department of Environmental Protection.
 1041 3. The Department of Agriculture and Consumer Services.
 1042 4. The Department of State.
 1043 5. The Department of Health.
 1044 6. The Department of Children and Families.

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1045 7. The Department of Corrections.
 1046 8. The Department of Education.
 1047 9. The Department of Juvenile Justice.
 1048 10. The Fish and Wildlife Conservation Commission.
 1049 11. Each water management district.
 1050 12. Enterprise Florida, Inc.
 1051 13. CareerSource Florida, Inc.
 1052 14. VISIT Florida.
 1053 15. ~~The Florida Regional Planning Council Association.~~
 1054 ~~16.~~ The Agency for Health Care Administration.
 1055 16.17. The Institute of Food and Agricultural Sciences
 1056 (IFAS).
 1057
 1058 An alternate for each designee shall also be chosen, and the
 1059 names of the designees and alternates shall be sent to the
 1060 executive director of the department.
 1061 Section 35. Subsection (2), paragraph (c) of subsection
 1062 (4), and subsections (7), (8), and (9) of section 288.975,
 1063 Florida Statutes, are amended to read:
 1064 288.975 Military base reuse plans.—
 1065 (2) As used in this section, the term:
 1066 (a) "Affected local government" means a local government
 1067 adjoining the host local government and any other unit of local
 1068 government that is not a host local government but that is
 1069 identified in a proposed military base reuse plan as providing,
 1070 operating, or maintaining one or more public facilities as
 1071 defined in s. 163.3164 on lands within or serving a military
 1072 base designated for closure by the Federal Government.
 1073 (b) "Affected person" means a host local government; an

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1074 affected local government; any state, regional, or federal
 1075 agency; or a person who resides, owns property, or owns or
 1076 operates a business within the boundaries of a host local
 1077 government or affected local government.
 1078 (c) "Base reuse activities" means development as defined in
 1079 s. 380.04 on a military base designated for closure or closed by
 1080 the Federal Government.
 1081 (d) "Host local government" means a local government within
 1082 the jurisdiction of which all or part of a military base
 1083 designated for closure by the Federal Government is located.
 1084 This shall not include a county if no part of a military base is
 1085 located in its unincorporated area.
 1086 (e) "Military base" means a military base designated for
 1087 closure or closed by the Federal Government.
 1088 (f) ~~"Regional policy plan" means a strategic regional~~
 1089 ~~policy plan that has been adopted by rule by a regional planning~~
 1090 ~~council pursuant to s. 196.508.~~
 1091 ~~(g)~~ "State comprehensive plan" means the plan as provided
 1092 in chapter 187.
 1093 (4)
 1094 (c) Military base reuse plans shall identify projected
 1095 impacts to significant regional resources and natural resources
 1096 ~~of regional significance as identified by applicable regional~~
 1097 ~~planning councils in their regional policy plans~~ and the actions
 1098 that shall be taken to mitigate such impacts.
 1099 (7) A military base reuse plan shall be consistent with the
 1100 comprehensive plan of the host local government and shall not
 1101 conflict with the comprehensive plan of any affected local
 1102 governments. A military base reuse plan shall be consistent with

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1103 the nonprocedural requirements of part II of chapter 163 and
 1104 rules adopted thereunder, ~~applicable regional policy plans,~~ and
 1105 the state comprehensive plan.

1106 (8) At the request of a host local government, the
 1107 department shall coordinate a presubmission workshop concerning
 1108 a military base reuse plan within the boundaries of the host
 1109 jurisdiction. Agencies that shall participate in the workshop
 1110 shall include any affected local governments; the Department of
 1111 Environmental Protection; the department; the Department of
 1112 Transportation; the Department of Health; the Department of
 1113 Children and Families; the Department of Juvenile Justice; the
 1114 Department of Agriculture and Consumer Services; the Department
 1115 of State; the Fish and Wildlife Conservation Commission; and any
 1116 applicable water management districts ~~and regional planning~~
 1117 ~~councils~~. The purposes of the workshop shall be to assist the
 1118 host local government to understand issues of concern to the
 1119 above listed entities pertaining to the military base site and
 1120 to identify opportunities for better coordination of planning
 1121 and review efforts with the information and analyses generated
 1122 by the federal environmental impact statement process and the
 1123 federal community base reuse planning process.

1124 (9) If a host local government elects to use the optional
 1125 provisions of this act, it shall, no later than 12 months after
 1126 notifying the agencies of its intent pursuant to subsection (3)
 1127 either:

1128 (a) Send a copy of the proposed military base reuse plan
 1129 for review to any affected local governments; the Department of
 1130 Environmental Protection; the department; the Department of
 1131 Transportation; the Department of Health; the Department of

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1132 Children and Families; the Department of Juvenile Justice; the
 1133 Department of Agriculture and Consumer Services; the Department
 1134 of State; the Fish and Wildlife Conservation Commission; and any
 1135 applicable water management districts; ~~and regional planning~~
 1136 ~~councils,~~ or

1137 (b) Petition the department for an extension of the
 1138 deadline for submitting a proposed reuse plan. Such an extension
 1139 request must be justified by changes or delays in the closure
 1140 process by the federal Department of Defense or for reasons
 1141 otherwise deemed to promote the orderly and beneficial planning
 1142 of the subject military base reuse. The department may grant
 1143 extensions to the required submission date of the reuse plan.

1144 Section 36. Paragraph (b) of subsection (3) of section
 1145 335.188, Florida Statutes, as amended by section 91 of chapter
 1146 2020-114, Laws of Florida, is amended to read:

1147 335.188 Access management standards; access control
 1148 classification system; criteria.—

1149 (3) The control classification system shall be developed
 1150 consistent with the following:

1151 (b) The access control classification system shall be
 1152 developed in cooperation with counties, municipalities, the
 1153 state land planning agency, ~~regional planning councils,~~
 1154 metropolitan planning organizations, and other local
 1155 governmental entities.

1156 Section 37. Upon the expiration and reversion of the
 1157 amendments made to section 338.2278, Florida Statutes, pursuant
 1158 to section 91 of chapter 2020-114, Laws of Florida, paragraph
 1159 (c) of subsection (3) of section 338.2278, Florida Statutes, is
 1160 amended to read:

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1161 338.2278 Multi-use Corridors of Regional Economic
 1162 Significance Program.-
 1163 (3)
 1164 (c)1. During the project development phase, the department
 1165 shall utilize an inclusive, consensus-building mechanism for
 1166 each proposed multiuse corridor identified in subsection (2).
 1167 For each multiuse corridor identified in subsection (2), the
 1168 department shall convene a corridor task force composed of
 1169 appropriate representatives of:
 1170 a. The Department of Environmental Protection;
 1171 b. The Department of Economic Opportunity;
 1172 c. The Department of Education;
 1173 d. The Department of Health;
 1174 e. The Fish and Wildlife Conservation Commission;
 1175 f. The Department of Agriculture and Consumer Services;
 1176 g. The local water management district or districts;
 1177 h. A local government official from each local government
 1178 within a proposed corridor;
 1179 i. Metropolitan planning organizations;
 1180 j. ~~Regional planning councils,~~
 1181 ~~k.~~ The community, who may be an individual or a member of a
 1182 nonprofit community organization, as determined by the
 1183 department; and
 1184 k. Appropriate environmental groups, such as 1000 Friends
 1185 of Florida, Audubon Florida, the Everglades Foundation, The
 1186 Nature Conservancy, the Florida Sierra Club, and the Florida
 1187 Wildlife Corridor, as determined by the department.
 1188 2. The secretary of the department shall appoint the
 1189 members of the respective corridor task forces by August 1,

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1190 2019.
 1191 3. Each corridor task force shall coordinate with the
 1192 department on pertinent aspects of corridor analysis, including
 1193 accommodation or colocation of multiple types of infrastructure,
 1194 addressing issues such as those identified in subsection (1),
 1195 within or adjacent to the corridor.
 1196 4. Each corridor task force shall evaluate the need for,
 1197 and the economic and environmental impacts of, hurricane
 1198 evacuation impacts of, and land use impacts of, the related
 1199 corridor as identified in subsection (2).
 1200 5. Each corridor task force shall hold a public meeting in
 1201 accordance with chapter 286 in each local government
 1202 jurisdiction in which a project within an identified corridor is
 1203 being considered.
 1204 6. To the maximum extent feasible, the department shall
 1205 adhere to the recommendations of the task force created for each
 1206 corridor in the design of the multiple modes of transportation
 1207 and multiple types of infrastructure associated with the
 1208 corridor. The task force for each corridor may consider and
 1209 recommend innovative concepts to combine right-of-way
 1210 acquisition with the acquisition of lands or easements to
 1211 facilitate environmental mitigation or ecosystem, wildlife
 1212 habitat, or water quality protection or restoration. The
 1213 department, in consultation with the Department of Environmental
 1214 Protection, may incorporate those features into each corridor
 1215 during the project development phase.
 1216 7. The Southwest-Central Florida Connector corridor task
 1217 force shall:
 1218 a. Address the impacts of the construction of a project

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1219 within the corridor on panther and other critical wildlife
 1220 habitat and evaluate in its final report the need for
 1221 acquisition of lands for state conservation or as mitigation for
 1222 project construction; and

1223 b. Evaluate wildlife crossing design features to protect
 1224 panther and other critical wildlife habitat corridor
 1225 connections.

1226 8. The Suncoast Connector corridor task force and the
 1227 Northern Turnpike Connector corridor task force shall evaluate
 1228 design features and the need for acquisition of state
 1229 conservation lands that mitigate the impact of project
 1230 construction within the respective corridors on:

1231 a. The water quality and quantity of springs, rivers, and
 1232 aquifer recharge areas;

1233 b. Agricultural land uses; and

1234 c. Wildlife habitat.

1235 9. Each corridor task force shall issue its evaluations in
 1236 a final report that must be submitted to the Governor, the
 1237 President of the Senate, and the Speaker of the House of
 1238 Representatives by November 15, 2020 ~~October 1, 2020~~.

1239 10. The department shall provide affected local governments
 1240 with a copy of the applicable task force report and project
 1241 alignments. Not later than December 31, 2023, a local government
 1242 that has an interchange within its jurisdiction shall review the
 1243 applicable task force report and its local comprehensive plan as
 1244 adopted under chapter 163. The local government review must
 1245 include consideration of whether the area in and around the
 1246 interchange contains appropriate land uses and natural resource
 1247 protections and whether the comprehensive plan should be amended

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1248 to provide such appropriate uses and protections.

1249 Section 38. Subsection (4) of section 339.155, Florida
 1250 Statutes, is amended to read:

1251 339.155 Transportation planning.—

1252 (4) ADDITIONAL TRANSPORTATION PLANS.—

1253 (a) Upon request by local governmental entities, the
 1254 department may in its discretion develop and design
 1255 transportation corridors, arterial and collector streets,
 1256 vehicular parking areas, and other support facilities which are
 1257 consistent with the plans of the department for major
 1258 transportation facilities. The department may render to local
 1259 governmental entities or their planning agencies such technical
 1260 assistance and services as are necessary so that local plans and
 1261 facilities are coordinated with the plans and facilities of the
 1262 department.

1263 (b) ~~Each regional planning council, as provided for in s.~~
 1264 ~~186.504, or any successor agency thereto, shall develop, as an~~
 1265 ~~element of its strategic regional policy plan, transportation~~
 1266 ~~goals and policies. The transportation goals and policies must~~
 1267 ~~be prioritized to comply with the prevailing principles provided~~
 1268 ~~in subsection (1) and s. 334.046(1). The transportation goals~~
 1269 ~~and policies shall be consistent, to the maximum extent~~
 1270 ~~feasible, with the goals and policies of the metropolitan~~
 1271 ~~planning organization and the Florida Transportation Plan. The~~
 1272 ~~transportation goals and policies of the regional planning~~
 1273 ~~council will be advisory only and shall be submitted to the~~
 1274 ~~department and any affected metropolitan planning organization~~
 1275 ~~for their consideration and comments. Metropolitan planning~~
 1276 ~~organization plans and other local transportation plans shall be~~

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1277 ~~developed consistent, to the maximum extent feasible, with the~~
 1278 ~~regional transportation goals and policies.~~

1279 ~~(e)~~ Regional transportation plans may be developed in
 1280 regional transportation areas in accordance with an interlocal
 1281 agreement entered into pursuant to s. 163.01 by two or more
 1282 contiguous metropolitan planning organizations; one or more
 1283 metropolitan planning organizations and one or more contiguous
 1284 counties, none of which is a member of a metropolitan planning
 1285 organization; a multicounty regional transportation authority
 1286 created by or pursuant to law; two or more contiguous counties
 1287 that are not members of a metropolitan planning organization; or
 1288 metropolitan planning organizations comprised of three or more
 1289 counties.

1290 (c) ~~(d)~~ The interlocal agreement must, at a minimum,
 1291 identify the entity that will coordinate the development of the
 1292 regional transportation plan; delineate the boundaries of the
 1293 regional transportation area; provide the duration of the
 1294 agreement and specify how the agreement may be terminated,
 1295 modified, or rescinded; describe the process by which the
 1296 regional transportation plan will be developed; and provide how
 1297 members of the entity will resolve disagreements regarding
 1298 interpretation of the interlocal agreement or disputes relating
 1299 to the development or content of the regional transportation
 1300 plan. Such interlocal agreement shall become effective upon its
 1301 recordation in the official public records of each county in the
 1302 regional transportation area.

1303 (d) ~~(e)~~ The regional transportation plan developed pursuant
 1304 to this section must, at a minimum, identify regionally
 1305 significant transportation facilities located within a regional

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1306 transportation area and contain a prioritized list of regionally
 1307 significant projects. The projects shall be adopted into the
 1308 capital improvements schedule of the local government
 1309 comprehensive plan pursuant to s. 163.3177(3).

1310 Section 39. Paragraph (g) of subsection (6) of section
 1311 339.175, Florida Statutes, is amended to read:

1312 339.175 Metropolitan planning organization.—

1313 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
 1314 privileges, and authority of an M.P.O. are those specified in
 1315 this section or incorporated in an interlocal agreement
 1316 authorized under s. 163.01. Each M.P.O. shall perform all acts
 1317 required by federal or state laws or rules, now and subsequently
 1318 applicable, which are necessary to qualify for federal aid. It
 1319 is the intent of this section that each M.P.O. shall be involved
 1320 in the planning and programming of transportation facilities,
 1321 including, but not limited to, airports, intercity and high-
 1322 speed rail lines, seaports, and intermodal facilities, to the
 1323 extent permitted by state or federal law.

1324 (g) Each M.P.O. shall have an executive or staff director
 1325 who reports directly to the M.P.O. governing board for all
 1326 matters regarding the administration and operation of the M.P.O.
 1327 and any additional personnel as deemed necessary. The executive
 1328 director and any additional personnel may be employed either by
 1329 an M.P.O. or by another governmental entity, such as a county,
 1330 or city, ~~or regional planning council,~~ that has a staff services
 1331 agreement signed and in effect with the M.P.O. Each M.P.O. may
 1332 enter into contracts with local or state agencies, private
 1333 planning firms, private engineering firms, or other public or
 1334 private entities to accomplish its transportation planning and

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1335 programming duties and administrative functions.

1336 Section 40. Subsections (3) and (4) of section 339.63,

1337 Florida Statutes, are amended to read:

1338 339.63 System facilities designated; additions and

1339 deletions.-

1340 (3) After the initial designation of the Strategic

1341 Intermodal System under subsection (1), the department shall, in

1342 coordination with the metropolitan planning organizations, local

1343 governments, ~~regional planning councils~~, transportation

1344 providers, and affected public agencies, add facilities to or

1345 delete facilities from the Strategic Intermodal System described

1346 in paragraphs (2) (b) and (c) based upon criteria adopted by the

1347 department.

1348 (4) After the initial designation of the Strategic

1349 Intermodal System under subsection (1), the department shall, in

1350 coordination with the metropolitan planning organizations, local

1351 governments, ~~regional planning councils~~, transportation

1352 providers, and affected public agencies, add facilities to or

1353 delete facilities from the Strategic Intermodal System described

1354 in paragraph (2) (a) based upon criteria adopted by the

1355 department. However, an airport that is designated as a reliever

1356 airport to a Strategic Intermodal System airport which has at

1357 least 75,000 itinerant operations per year, has a runway length

1358 of at least 5,500 linear feet, is capable of handling aircraft

1359 weighing at least 60,000 pounds with a dual wheel configuration

1360 which is served by at least one precision instrument approach,

1361 and serves a cluster of aviation-dependent industries, shall be

1362 designated as part of the Strategic Intermodal System by the

1363 Secretary of Transportation upon the request of a reliever

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1364 airport meeting this criteria.

1365 Section 41. Subsection (1) and paragraph (a) of subsection

1366 (3) of section 339.64, Florida Statutes, are amended to read:

1367 339.64 Strategic Intermodal System Plan.-

1368 (1) The department shall develop, in cooperation with

1369 metropolitan planning organizations, ~~regional planning councils~~,

1370 local governments, and other transportation providers, a

1371 Strategic Intermodal System Plan. The plan shall be consistent

1372 with the Florida Transportation Plan developed pursuant to s.

1373 339.155 and shall be updated at least once every 5 years,

1374 subsequent to updates of the Florida Transportation Plan.

1375 (3) (a) During the development of updates to the Strategic

1376 Intermodal System Plan, the department shall provide

1377 metropolitan planning organizations, ~~regional planning councils~~,

1378 local governments, transportation providers, affected public

1379 agencies, and citizens with an opportunity to participate in and

1380 comment on the development of the update.

1381 Section 42. Subsection (1) of section 341.041, Florida

1382 Statutes, is amended to read:

1383 341.041 Transit responsibilities of the department.-The

1384 department shall, within the resources provided pursuant to

1385 chapter 216:

1386 (1) Develop a statewide plan that provides for public

1387 transit and intercity bus service needs at least 5 years in

1388 advance. The plan shall be developed in a manner that will

1389 assure maximum use of existing facilities, and optimum

1390 integration and coordination of the various modes of

1391 transportation, including both governmentally owned and

1392 privately owned resources, in the most cost-effective manner

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1393 possible. The plan shall also incorporate plans adopted by local
 1394 ~~and regional~~ planning agencies which are consistent, to the
 1395 maximum extent feasible, with ~~adopted strategic policy plans and~~
 1396 approved local government comprehensive plans for the region and
 1397 units of local government covered by the plan and shall, insofar
 1398 as practical, conform to federal planning requirements. The plan
 1399 shall be consistent with the goals of the Florida Transportation
 1400 Plan developed pursuant to s. 339.155.

1401 Section 43. Paragraph (m) of subsection (3) of section
 1402 343.54, Florida Statutes, is amended to read:

1403 343.54 Powers and duties.—

1404 (3) The authority may exercise all powers necessary,
 1405 appurtenant, convenient, or incidental to the carrying out of
 1406 the aforesaid purposes, including, but not limited to, the
 1407 following rights and powers:

1408 (m) To cooperate with other governmental entities and to
 1409 contract with other governmental agencies, including the
 1410 Department of Transportation, the Federal Government, ~~regional~~
 1411 ~~planning councils~~, counties, and municipalities.

1412 Section 44. Subsection (1) of section 369.303, Florida
 1413 Statutes, is amended to read:

1414 369.303 Definitions.—As used in this part:

1415 ~~(1) "Council" means the East Central Florida Regional~~
 1416 ~~Planning Council.~~

1417 Section 45. Paragraph (e) of subsection (1) of section
 1418 373.309, Florida Statutes, is amended to read:

1419 373.309 Authority to adopt rules and procedures.—

1420 (1) The department shall adopt, and may from time to time
 1421 amend, rules governing the location, construction, repair, and

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1422 abandonment of water wells and shall be responsible for the
 1423 administration of this part. With respect thereto, the
 1424 department shall:

1425 (e) Encourage prevention of potable water well
 1426 contamination and promote cost-effective remediation of
 1427 contaminated potable water supplies by use of the Water Quality
 1428 Assurance Trust Fund as provided in s. 376.307(1)(e) and
 1429 establish by rule:

1430 1. Delineation of areas of groundwater contamination for
 1431 implementation of well location and construction, testing,
 1432 permitting, and clearance requirements as set forth in
 1433 subparagraphs 2., 3., 4., 5., and 6. The department shall make
 1434 available to water management districts, ~~regional planning~~
 1435 ~~councils~~, the Department of Health, and county building and
 1436 zoning departments, maps or other information on areas of
 1437 contamination, including areas of ethylene dibromide
 1438 contamination. Such maps or other information shall be made
 1439 available to property owners, realtors, real estate
 1440 associations, property appraisers, and other interested persons
 1441 upon request and upon payment of appropriate costs.

1442 2. Requirements for testing for suspected contamination in
 1443 areas of known contamination, as a prerequisite for clearance of
 1444 a water well for drinking purposes. The department is authorized
 1445 to establish criteria for acceptance of water quality testing
 1446 results from the Department of Health and laboratories certified
 1447 by the Department of Health, and is authorized to establish
 1448 requirements for sample collection quality assurance.

1449 3. Requirements for mandatory connection to available
 1450 potable water systems in areas of known contamination, wherein

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1451 the department may prohibit the permitting and construction of
1452 new potable water wells.

1453 4. Location and construction standards for public and all
1454 other potable water wells permitted in areas of contamination.
1455 Such standards shall be designed to minimize the effects of such
1456 contamination.

1457 5. A procedure for permitting all potable water wells in
1458 areas of known contamination. Any new water well that is to be
1459 used for drinking water purposes and that does not meet
1460 construction standards pursuant to subparagraph 4. must be
1461 abandoned and plugged by the owner. Water management districts
1462 shall implement, through delegation from the department, the
1463 permitting and enforcement responsibilities of this
1464 subparagraph.

1465 6. A procedure for clearing for use all potable water
1466 wells, except wells that serve a public water supply system, in
1467 areas of known contamination. If contaminants are found upon
1468 testing pursuant to subparagraph 2., a well may not be cleared
1469 for use without a filter or other means of preventing the users
1470 of the well from being exposed to deleterious amounts of
1471 contaminants. The Department of Health shall implement the
1472 responsibilities of this subparagraph.

1473 7. Fees to be paid for well construction permits and
1474 clearance for use. The fees shall be based on the actual costs
1475 incurred by the water management districts, the Department of
1476 Health, or other political subdivisions in carrying out the
1477 responsibilities related to potable water well permitting and
1478 clearance for use. The fees shall provide revenue to cover all
1479 such costs and shall be set according to the following schedule:

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1480 a. The well construction permit fee may not exceed \$500.

1481 b. The clearance fee may not exceed \$50.

1482 8. Procedures for implementing well-location, construction,
1483 testing, permitting, and clearance requirements as set forth in
1484 subparagraphs 2.-6. within areas that research or monitoring
1485 data indicate are vulnerable to contamination with nitrate, or
1486 areas in which the department provides a subsidy for restoration
1487 or replacement of contaminated drinking water supplies through
1488 extending existing water lines or developing new water supply
1489 systems pursuant to s. 376.307(1)(e). The department shall
1490 consult with the Florida Ground Water Association in the process
1491 of developing rules pursuant to this subparagraph.

1492
1493 All fees and funds collected by each delegated entity pursuant
1494 to this part shall be deposited in the appropriate operating
1495 account of that entity.

1496 Section 46. Paragraph (k) of subsection (2) of section
1497 377.703, Florida Statutes, is amended to read:

1498 377.703 Additional functions of the Department of
1499 Agriculture and Consumer Services.—

1500 (2) DUTIES.—The department shall perform the following
1501 functions, unless as otherwise provided, consistent with the
1502 development of a state energy policy:

1503 (k) The department shall coordinate energy-related programs
1504 of state government, including, but not limited to, the programs
1505 provided in this section. To this end, the department shall:

1506 1. Provide assistance to other state agencies, counties,
1507 ~~and municipalities, and regional planning agencies~~ to further
1508 and promote their energy planning activities.

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1509 2. Require, in cooperation with the Department of
 1510 Management Services, all state agencies to operate state-owned
 1511 and state-leased buildings in accordance with energy
 1512 conservation standards as adopted by the Department of
 1513 Management Services. Every 3 months, the Department of
 1514 Management Services shall furnish the department data on
 1515 agencies' energy consumption and emissions of greenhouse gases
 1516 in a format prescribed by the department.

1517 3. Promote the development and use of renewable energy
 1518 resources, energy efficiency technologies, and conservation
 1519 measures.

1520 4. Promote the recovery of energy from wastes, including,
 1521 but not limited to, the use of waste heat, the use of
 1522 agricultural products as a source of energy, and recycling of
 1523 manufactured products. Such promotion shall be conducted in
 1524 conjunction with, and after consultation with, the Department of
 1525 Environmental Protection and the Florida Public Service
 1526 Commission where electrical generation or natural gas is
 1527 involved, and any other relevant federal, state, or local
 1528 governmental agency having responsibility for resource recovery
 1529 programs.

1530 Section 47. Subsection (3) of section 378.411, Florida
 1531 Statutes, is amended to read:

1532 378.411 Certification to receive notices of intent to mine,
 1533 to review, and to inspect for compliance.—

1534 (3) In making his or her determination, the secretary shall
 1535 consult with the Department of Economic Opportunity, ~~the~~
 1536 ~~appropriate regional planning council~~, and the appropriate water
 1537 management district.

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1538 Section 48. Subsection (15) of section 380.031, Florida
 1539 Statutes, is amended to read:

1540 380.031 Definitions.—As used in this chapter:

1541 ~~(15) "Regional planning agency" means the agency designated~~
 1542 ~~by the state land planning agency to exercise responsibilities~~
 1543 ~~under this chapter in a particular region of the state.—~~

1544 Section 49. Subsection (2) of section 380.045, Florida
 1545 Statutes, is amended to read:

1546 380.045 Resource planning and management committees;
 1547 objectives; procedures.—

1548 (2) The committee shall include, but shall not be limited
 1549 to, representation from each of the following: elected officials
 1550 from the local governments within the area under study; the
 1551 planning office of each of the local governments within the area
 1552 under study; the state land planning agency; any other state
 1553 agency under chapter 20 a representative of which the Governor
 1554 feels is relevant to the compilation of the committee; and a
 1555 water management district, if appropriate, ~~and regional planning~~
 1556 ~~council all or part of whose jurisdiction lies within the area~~
 1557 ~~under study~~. After the appointment of the members, the Governor
 1558 shall select a chair and vice chair. A staff member of the state
 1559 land planning agency shall be appointed by the director of such
 1560 agency to serve as the secretary of the committee. The state
 1561 land planning agency shall, to the greatest extent possible,
 1562 provide technical assistance and administrative support to the
 1563 committee. Meetings will be called as needed by the chair or on
 1564 the demand of three or more members of the committee. The
 1565 committee will act on a simple majority of a quorum present and
 1566 shall make a report within 6 months to the head of the state

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1567 land planning agency. The committee shall, from the time of
 1568 appointment, remain in existence for no less than 6 months.
 1569 Section 50. Subsection (3) of section 380.055, Florida
 1570 Statutes, is amended to read:
 1571 380.055 Big Cypress Area.—
 1572 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The “Big
 1573 Cypress Area,” as defined in this subsection, is hereby
 1574 designated as an area of critical state concern. “Big Cypress
 1575 Area” means the area generally depicted on the map entitled
 1576 “Boundary Map, Big Cypress National Freshwater Reserve,
 1577 Florida,” numbered BC-91,001 and dated November 1971, which is
 1578 on file and available for public inspection in the office of the
 1579 National Park Service, Department of the Interior, Washington,
 1580 D.C., and in the office of the Board of Trustees of the Internal
 1581 Improvement Trust Fund, which is the area proposed as the
 1582 Federal Big Cypress National Freshwater Reserve, Florida, and
 1583 that area described as follows: Sections 1, 2, 11, 12 and 13 in
 1584 Township 49 South, Range 31 East; and Township 49 South, Range
 1585 32 East, less Sections 19, 30 and 31; and Township 49 South,
 1586 Range 33 East; and Township 49 South, Range 34 East; and
 1587 Sections 1 through 5 and 10 through 14 in Township 50 South,
 1588 Range 32 East; and Sections 1 through 18 and 20 through 25 in
 1589 Township 50 South, Range 33 East; and Township 50 South, Range
 1590 34 East, less Section 31; and Sections 1 and 2 in Township 51
 1591 South, Range 34 East; All in Collier County, Florida, which
 1592 described area shall be known as the “Big Cypress National
 1593 Preserve Addition, Florida,” together with such contiguous land
 1594 and water areas as are ecologically linked with the Everglades
 1595 National Park, certain of the estuarine fisheries of South

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1596 Florida, or the freshwater aquifer of South Florida, the
 1597 definitive boundaries of which shall be set in the following
 1598 manner: Within 120 days following the effective date of this
 1599 act, the state land planning agency shall recommend definitive
 1600 boundaries for the Big Cypress Area to the Administration
 1601 Commission, after giving notice to all local governments and
 1602 regional ~~planning~~ agencies which include within their boundaries
 1603 any part of the area proposed to be included in the Big Cypress
 1604 Area and holding such hearings as the state land planning agency
 1605 deems appropriate. Within 45 days following receipt of the
 1606 recommended boundaries, the Administration Commission shall
 1607 adopt, modify, or reject the recommendation and shall by rule
 1608 establish the boundaries of the area defined as the Big Cypress
 1609 Area.
 1610 Section 51. Subsection (6) and paragraph (b) of subsection
 1611 (12) of section 380.06, Florida Statutes, are amended to read:
 1612 380.06 Developments of regional impact.—
 1613 (6) REPORTS.—Notwithstanding any condition in a development
 1614 order for an approved development of regional impact, the
 1615 developer is not required to submit an annual or a biennial
 1616 report on the development of regional impact to the local
 1617 government, ~~the regional planning agency,~~ the state land
 1618 planning agency, and all affected permit agencies unless
 1619 required to do so by the local government that has jurisdiction
 1620 over the development. The penalty for failure to file such a
 1621 required report is as prescribed by the local government.
 1622 (12) PROPOSED DEVELOPMENTS.—
 1623 (b) This subsection does not apply to:
 1624 1. Amendments to a development order governing an existing

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1625 development of regional impact.

1626 2. An application for development approval filed with a
1627 concurrent plan amendment application pending as of May 14,
1628 2015, if the applicant elects to have the application reviewed
1629 pursuant to this section as it existed on that date. The
1630 election shall be in writing and filed with the affected local
1631 government, ~~regional planning council~~, and state land planning
1632 agency before December 31, 2018.

1633 Section 52. Subsection (2) of section 380.061, Florida
1634 Statutes, is amended to read:

1635 380.061 The Florida Quality Developments program.—

1636 (2) Following written notification to the state land
1637 planning agency ~~and the appropriate regional planning agency~~, a
1638 local government with an approved Florida Quality Development
1639 within its jurisdiction must set a public hearing pursuant to
1640 its local procedures and shall adopt a local development order
1641 to replace and supersede the development order adopted by the
1642 state land planning agency for the Florida Quality Development.
1643 Thereafter, the Florida Quality Development shall follow the
1644 procedures and requirements for developments of regional impact
1645 as specified in this chapter.

1646 Section 53. Subsection (2) of section 380.07, Florida
1647 Statutes, is amended to read:

1648 380.07 Florida Land and Water Adjudicatory Commission.—

1649 (2) Whenever any local government issues any development
1650 order in any area of critical state concern, or in regard to the
1651 abandonment of any approved development of regional impact,
1652 copies of such orders as prescribed by rule by the state land
1653 planning agency shall be transmitted to the state land planning

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1654 agency, ~~the regional planning agency~~, and the owner or developer
1655 of the property affected by such order. The state land planning
1656 agency shall adopt rules describing development order rendition
1657 and effectiveness in designated areas of critical state concern.
1658 Within 45 days after the order is rendered, the owner, the
1659 developer, or the state land planning agency may appeal the
1660 order to the Florida Land and Water Adjudicatory Commission by
1661 filing a petition alleging that the development order is not
1662 consistent with this part.

1663 Section 54. Subsection (3) of section 380.507, Florida
1664 Statutes, is amended to read:

1665 380.507 Powers of the trust.—The trust shall have all the
1666 powers necessary or convenient to carry out the purposes and
1667 provisions of this part, including:

1668 (3) To provide technical and financial assistance to local
1669 governments, state agencies, water management districts,
1670 ~~regional planning councils~~, and nonprofit agencies to carry out
1671 projects and activities and develop programs to achieve the
1672 purposes of this part.

1673 Section 55. Subsection (6) of section 403.0752, Florida
1674 Statutes, is amended to read:

1675 403.0752 Ecosystem management agreements.—

1676 (6) The secretary of the department may form ecosystem
1677 management advisory teams for consultation and participation in
1678 the preparation of an ecosystem management agreement. The
1679 secretary shall request the participation of at least the state
1680 and regional and local government entities having regulatory
1681 authority over the activities to be subject to the ecosystem
1682 management agreement. Such teams may also include

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1683 representatives of other participating or advisory government
 1684 agencies, which may include ~~regional planning councils~~, private
 1685 landowners, public landowners and managers, public and private
 1686 utilities, corporations, and environmental interests. Team
 1687 members shall be selected in a manner that ensures adequate
 1688 representation of the diverse interests and perspectives within
 1689 the designated ecosystem. Participation by any department of
 1690 state government is at the discretion of that agency.

1691 Section 56. Subsection (26) of section 403.503, Florida
 1692 Statutes, is amended to read:

1693 403.503 Definitions relating to Florida Electrical Power
 1694 Plant Siting Act.—As used in this act:

1695 ~~(26) "Regional planning council" means a regional planning~~
 1696 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
 1697 ~~the electrical power plant is proposed to be located.~~

1698 Section 57. Subsection (1) of section 403.50663, Florida
 1699 Statutes, is amended to read:

1700 403.50663 Informational public meetings.—

1701 (1) A local government within whose jurisdiction the power
 1702 plant is proposed to be sited may hold one informational public
 1703 meeting in addition to the hearings specifically authorized by
 1704 this act on any matter associated with the electrical power
 1705 plant proceeding. Such informational public meetings shall be
 1706 held by the local government ~~or by the regional planning council~~
 1707 ~~if the local government does not hold such meeting~~ within 70
 1708 days after the filing of the application. The purpose of an
 1709 informational public meeting is for the local government ~~or~~
 1710 ~~regional planning council~~ to further inform the public about the
 1711 proposed electrical power plant or associated facilities, obtain

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1712 comments from the public, and formulate its recommendation with
 1713 respect to the proposed electrical power plant.

1714 Section 58. Paragraph (a) of subsection (2) of section
 1715 403.507, Florida Statutes, is amended to read:

1716 403.507 Preliminary statements of issues, reports, project
 1717 analyses, and studies.—

1718 (2) (a) No later than 100 days after the certification
 1719 application has been determined complete, the following agencies
 1720 shall prepare reports as provided below and shall submit them to
 1721 the department and the applicant, unless a final order denying
 1722 the determination of need has been issued under s. 403.519:

1723 1. The Department of Economic Opportunity shall prepare a
 1724 report containing recommendations which address the impact upon
 1725 the public of the proposed electrical power plant, based on the
 1726 degree to which the electrical power plant is consistent with
 1727 the applicable portions of the state comprehensive plan,
 1728 emergency management, and other such matters within its
 1729 jurisdiction. The Department of Economic Opportunity may also
 1730 comment on the consistency of the proposed electrical power
 1731 plant with applicable ~~strategic regional policy plans or~~ local
 1732 comprehensive plans and land development regulations.

1733 2. The water management district shall prepare a report as
 1734 to matters within its jurisdiction, including but not limited
 1735 to, the impact of the proposed electrical power plant on water
 1736 resources, regional water supply planning, and district-owned
 1737 lands and works.

1738 3. Each local government in whose jurisdiction the proposed
 1739 electrical power plant is to be located shall prepare a report
 1740 as to the consistency of the proposed electrical power plant

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1741 with all applicable local ordinances, regulations, standards, or
 1742 criteria that apply to the proposed electrical power plant,
 1743 including any applicable local environmental regulations adopted
 1744 pursuant to s. 403.182 or by other means.

1745 4. The Fish and Wildlife Conservation Commission shall
 1746 prepare a report as to matters within its jurisdiction.

1747 5. The Department of Transportation shall address the
 1748 impact of the proposed electrical power plant on matters within
 1749 its jurisdiction.

1750 Section 59. Paragraph (c) of subsection (2) of section
 1751 403.518, Florida Statutes, is amended to read:

1752 403.518 Fees; disposition.—The department shall charge the
 1753 applicant the following fees, as appropriate, which, unless
 1754 otherwise specified, shall be paid into the Florida Permit Fee
 1755 Trust Fund:

1756 (2) An application fee, which shall not exceed \$200,000.
 1757 The fee shall be fixed by rule on a sliding scale related to the
 1758 size, type, ultimate site capacity, or increase in electrical
 1759 generating capacity proposed by the application.

1760 (c)1. Upon written request with proper itemized accounting
 1761 within 90 days after final agency action by the board or
 1762 department or withdrawal of the application, the agencies that
 1763 prepared reports pursuant to s. 403.507 or participated in a
 1764 hearing pursuant to s. 403.508 may submit a written request to
 1765 the department for reimbursement of expenses incurred during the
 1766 certification proceedings. The request shall contain an
 1767 accounting of expenses incurred which may include time spent
 1768 reviewing the application, preparation of any studies required
 1769 of the agencies by this act, agency travel and per diem to

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1770 attend any hearing held pursuant to this act, and for any local
 1771 government's ~~or regional planning council's~~ provision of notice
 1772 of public meetings required as a result of the application for
 1773 certification. The department shall review the request and
 1774 verify that the expenses are valid. Valid expenses shall be
 1775 reimbursed; however, in the event the amount of funds available
 1776 for reimbursement is insufficient to provide for full
 1777 compensation to the agencies requesting reimbursement,
 1778 reimbursement shall be on a prorated basis.

1779 2. If the application review is held in abeyance for more
 1780 than 1 year, the agencies may submit a request for
 1781 reimbursement. This time period shall be measured from the date
 1782 the applicant has provided written notification to the
 1783 department that it desires to have the application review
 1784 process placed on hold. The fee disbursement shall be processed
 1785 in accordance with subparagraph 1.

1786 Section 60. Subsection (21) of section 403.522, Florida
 1787 Statutes, is amended to read:

1788 403.522 Definitions relating to the Florida Electric
 1789 Transmission Line Siting Act.—As used in this act:

1790 ~~(21) "Regional planning council" means a regional planning~~
 1791 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
 1792 ~~the project is proposed to be located.~~

1793 Section 61. Paragraph (a) of subsection (2) of section
 1794 403.526, Florida Statutes, is amended to read:

1795 403.526 Preliminary statements of issues, reports, and
 1796 project analyses; studies.—

1797 (2) (a) No later than 90 days after the filing of the
 1798 application, the following agencies shall prepare reports as

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1799 provided below, unless a final order denying the determination
1800 of need has been issued under s. 403.537:

1801 1. The department shall prepare a report as to the impact
1802 of each proposed transmission line or corridor as it relates to
1803 matters within its jurisdiction.

1804 2. Each water management district in the jurisdiction of
1805 which a proposed transmission line or corridor is to be located
1806 shall prepare a report as to the impact on water resources and
1807 other matters within its jurisdiction.

1808 3. The Department of Economic Opportunity shall prepare a
1809 report containing recommendations which address the impact upon
1810 the public of the proposed transmission line or corridor, based
1811 on the degree to which the proposed transmission line or
1812 corridor is consistent with the applicable portions of the state
1813 comprehensive plan, emergency management, and other matters
1814 within its jurisdiction. The Department of Economic Opportunity
1815 may also comment on the consistency of the proposed transmission
1816 line or corridor with applicable ~~strategic regional policy plans~~
1817 ~~or~~ local comprehensive plans and land development regulations.

1818 4. The Fish and Wildlife Conservation Commission shall
1819 prepare a report as to the impact of each proposed transmission
1820 line or corridor on fish and wildlife resources and other
1821 matters within its jurisdiction.

1822 5. Each local government shall prepare a report as to the
1823 impact of each proposed transmission line or corridor on matters
1824 within its jurisdiction, including the consistency of the
1825 proposed transmission line or corridor with all applicable local
1826 ordinances, regulations, standards, or criteria that apply to
1827 the proposed transmission line or corridor, including local

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1828 comprehensive plans, zoning regulations, land development
1829 regulations, and any applicable local environmental regulations
1830 adopted pursuant to s. 403.182 or by other means. A change by
1831 the responsible local government or local agency in local
1832 comprehensive plans, zoning ordinances, or other regulations
1833 made after the date required for the filing of the local
1834 government's report required by this section is not applicable
1835 to the certification of the proposed transmission line or
1836 corridor unless the certification is denied or the application
1837 is withdrawn.

1838 6. The Department of Transportation shall prepare a report
1839 as to the impact of the proposed transmission line or corridor
1840 on state roads, railroads, airports, aeronautics, seaports, and
1841 other matters within its jurisdiction.

1842 7. The commission shall prepare a report containing its
1843 determination under s. 403.537, and the report may include the
1844 comments from the commission with respect to any other subject
1845 within its jurisdiction.

1846 8. Any other agency, if requested by the department, shall
1847 also perform studies or prepare reports as to subjects within
1848 the jurisdiction of the agency which may potentially be affected
1849 by the proposed transmission line.

1850 Section 62. Subsection (1) of section 403.5272, Florida
1851 Statutes, is amended to read:

1852 403.5272 Informational public meetings.—

1853 (1) A local government whose jurisdiction is to be crossed
1854 by a proposed corridor may hold one informational public meeting
1855 in addition to the hearings specifically authorized by this act
1856 on any matter associated with the transmission line proceeding.

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1857 The informational public meeting ~~may be conducted by the local~~
 1858 ~~government or the regional planning council~~ and shall be held no
 1859 later than 55 days after the application is filed. The purpose
 1860 of an informational public meeting is for the local government
 1861 ~~or regional planning council~~ to further inform the public about
 1862 the transmission line proposed, obtain comments from the public,
 1863 and formulate its recommendation with respect to the proposed
 1864 transmission line.

1865 Section 63. Subsection (4), paragraph (a) of subsection
 1866 (5), and paragraph (a) of subsection (6) of section 403.5363,
 1867 Florida Statutes, are amended to read:

1868 403.5363 Public notices; requirements.—

1869 (4) A local government ~~or regional planning council~~ that
 1870 proposes to conduct an informational public meeting pursuant to
 1871 s. 403.5272 must publish notice of the meeting in a newspaper of
 1872 general circulation within the county or counties in which the
 1873 proposed electrical transmission line will be located no later
 1874 than 7 days before ~~prior to~~ the meeting. A newspaper of general
 1875 circulation shall be the newspaper that has the largest daily
 1876 circulation in that county and has its principal office in that
 1877 county. If the newspaper with the largest daily circulation has
 1878 its principal office outside the county, the notices shall
 1879 appear in both the newspaper having the largest circulation in
 1880 that county and in a newspaper authorized to publish legal
 1881 notices in that county.

1882 (5) (a) A good faith effort shall be made by the applicant
 1883 to provide direct notice of the filing of an application for
 1884 certification by United States mail or hand delivery no later
 1885 than 45 days after filing of the application to all local

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1886 landowners whose property, as noted in the most recent local
 1887 government tax records, and residences are located within one-
 1888 quarter mile of the proposed boundaries of a transmission line
 1889 corridor that only includes a transmission line as defined by s.
 1890 403.522(21) ~~s. 403.522(22)~~.

1891 (6) (a) A good faith effort shall be made by the proponent
 1892 of an alternate corridor that includes a transmission line, as
 1893 defined by s. 403.522(21) ~~s. 403.522(22)~~, to provide direct
 1894 notice of the filing of an alternate corridor for certification
 1895 by United States mail or hand delivery of the filing no later
 1896 than 30 days after filing of the alternate corridor to all local
 1897 landowners whose property, as noted in the most recent local
 1898 government tax records, and residences are located within one-
 1899 quarter mile of the proposed boundaries of a transmission line
 1900 corridor that includes a transmission line as defined by s.
 1901 403.522(21) ~~s. 403.522(22)~~.

1902 Section 64. Paragraph (d) of subsection (1) of section
 1903 403.5365, Florida Statutes, is amended to read:

1904 403.5365 Fees; disposition.—The department shall charge the
 1905 applicant the following fees, as appropriate, which, unless
 1906 otherwise specified, shall be paid into the Florida Permit Fee
 1907 Trust Fund:

1908 (1) An application fee.

1909 (d)1. Upon written request with proper itemized accounting
 1910 within 90 days after final agency action by the siting board or
 1911 the department or the written notification of the withdrawal of
 1912 the application, the agencies that prepared reports under s.
 1913 403.526 or s. 403.5271 or participated in a hearing under s.
 1914 403.527 or s. 403.5271 may submit a written request to the

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1915 department for reimbursement of expenses incurred during the
 1916 certification proceedings. The request must contain an
 1917 accounting of expenses incurred, which may include time spent
 1918 reviewing the application, preparation of any studies required
 1919 of the agencies by this act, agency travel and per diem to
 1920 attend any hearing held under this act, and for the local
 1921 government ~~or regional planning council~~ providing additional
 1922 notice of the informational public meeting. The department shall
 1923 review the request and verify whether a claimed expense is
 1924 valid. Valid expenses shall be reimbursed; however, if the
 1925 amount of funds available for reimbursement is insufficient to
 1926 provide for full compensation to the agencies, reimbursement
 1927 shall be on a prorated basis.

1928 2. If the application review is held in abeyance for more
 1929 than 1 year, the agencies may submit a request for reimbursement
 1930 under subparagraph 1. This time period shall be measured from
 1931 the date the applicant has provided written notification to the
 1932 department that it desires to have the application review
 1933 process placed on hold. The fee disbursement shall be processed
 1934 in accordance with subparagraph 1.

1935 Section 65. Paragraphs (a) and (d) of subsection (1) of
 1936 section 403.537, Florida Statutes, are amended to read:

1937 403.537 Determination of need for transmission line; powers
 1938 and duties.—

1939 (1) (a) Upon request by an applicant or upon its own motion,
 1940 the Florida Public Service Commission shall schedule a public
 1941 hearing, after notice, to determine the need for a transmission
 1942 line regulated by the Florida Electric Transmission Line Siting
 1943 Act, ss. 403.52-403.5365. The notice shall be published at least

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1944 21 days before the date set for the hearing and shall be
 1945 published by the applicant in at least one-quarter page size
 1946 notice in newspapers of general circulation, and by the
 1947 commission in the manner specified in chapter 120, by giving
 1948 notice to counties ~~and regional planning councils~~ in whose
 1949 jurisdiction the transmission line could be placed, and by
 1950 giving notice to any persons who have requested to be placed on
 1951 the mailing list of the commission for this purpose. Within 21
 1952 days after receipt of a request for determination by an
 1953 applicant, the commission shall set a date for the hearing. The
 1954 hearing shall be held pursuant to s. 350.01 within 45 days after
 1955 the filing of the request, and a decision shall be rendered
 1956 within 60 days after such filing.

1957 (d) The determination by the commission of the need for the
 1958 transmission line, as defined in s. 403.522(21) ~~s. 403.522(22)~~,
 1959 is binding on all parties to any certification proceeding under
 1960 the Florida Electric Transmission Line Siting Act and is a
 1961 condition precedent to the conduct of the certification hearing
 1962 prescribed therein. An order entered pursuant to this section
 1963 constitutes final agency action.

1964 Section 66. Subsection (17) of section 403.704, Florida
 1965 Statutes, is amended to read:

1966 403.704 Powers and duties of the department.—The department
 1967 shall have responsibility for the implementation and enforcement
 1968 of this act. In addition to other powers and duties, the
 1969 department shall:

1970 (17) Provide technical assistance to local governments and
 1971 regional agencies to ensure consistency between county hazardous
 1972 waste management assessments; coordinate the development of such

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1973 assessments ~~with the assistance of the appropriate regional~~
 1974 ~~planning councils~~; and review and make recommendations to the
 1975 Legislature relative to the sufficiency of the assessments to
 1976 meet state hazardous waste management needs.

1977 Section 67. Subsection (1) of section 403.7226, Florida
 1978 Statutes, is amended to read:

1979 403.7226 Technical assistance by the department.—The
 1980 department shall:

1981 (1) Provide technical assistance to county governments ~~and~~
 1982 ~~regional planning councils~~ to ensure consistency in implementing
 1983 local hazardous waste management assessments as provided in ss.
 1984 403.7225, 403.7234, and 403.7236. In order to ensure that each
 1985 local assessment is properly implemented and that all
 1986 information gathered during the assessment is uniformly compiled
 1987 and documented, each county ~~or regional planning council~~ shall
 1988 contact the department during the preparation of the local
 1989 assessment to receive technical assistance. Each county ~~or~~
 1990 ~~regional planning council~~ shall follow guidelines established by
 1991 the department, and adopted by rule as appropriate, in order to
 1992 properly implement these assessments.

1993 Section 68. Subsection (22) of section 403.9403, Florida
 1994 Statutes, is amended to read:

1995 403.9403 Definitions.—As used in ss. 403.9401-403.9425, the
 1996 term:

1997 ~~(22) "Regional planning council" means a regional planning~~
 1998 ~~council created pursuant to chapter 186 in the jurisdiction of~~
 1999 ~~which the project is proposed to be located.~~

2000 Section 69. Paragraph (a) of subsection (2) of section
 2001 403.941, Florida Statutes, is amended to read:

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2002 403.941 Preliminary statements of issues, reports, and
 2003 studies.—

2004 (2) (a) The affected agencies shall prepare reports as
 2005 provided in this paragraph and shall submit them to the
 2006 department and the applicant within 60 days after the
 2007 application is determined sufficient:

2008 1. The department shall prepare a report as to the impact
 2009 of each proposed natural gas transmission pipeline or corridor
 2010 as it relates to matters within its jurisdiction.

2011 2. Each water management district in the jurisdiction of
 2012 which a proposed natural gas transmission pipeline or corridor
 2013 is to be located shall prepare a report as to the impact on
 2014 water resources and other matters within its jurisdiction.

2015 3. The Department of Economic Opportunity shall prepare a
 2016 report containing recommendations which address the impact upon
 2017 the public of the proposed natural gas transmission pipeline or
 2018 corridor, based on the degree to which the proposed natural gas
 2019 transmission pipeline or corridor is consistent with the
 2020 applicable portions of the state comprehensive plan and other
 2021 matters within its jurisdiction. The Department of Economic
 2022 Opportunity may also comment on the consistency of the proposed
 2023 natural gas transmission pipeline or corridor with applicable
 2024 ~~strategic regional policy plans or~~ local comprehensive plans and
 2025 land development regulations.

2026 4. The Fish and Wildlife Conservation Commission shall
 2027 prepare a report as to the impact of each proposed natural gas
 2028 transmission pipeline or corridor on fish and wildlife resources
 2029 and other matters within its jurisdiction.

2030 5. Each local government in which the natural gas

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2031 transmission pipeline or natural gas transmission pipeline
 2032 corridor will be located shall prepare a report as to the impact
 2033 of each proposed natural gas transmission pipeline or corridor
 2034 on matters within its jurisdiction, including the consistency of
 2035 the proposed natural gas transmission pipeline or corridor with
 2036 all applicable local ordinances, regulations, standards, or
 2037 criteria that apply to the proposed natural gas transmission
 2038 pipeline or corridor, including local comprehensive plans,
 2039 zoning regulations, land development regulations, and any
 2040 applicable local environmental regulations adopted pursuant to
 2041 s. 403.182 or by other means. No change by the responsible local
 2042 government or local agency in local comprehensive plans, zoning
 2043 ordinances, or other regulations made after the date required
 2044 for the filing of the local government's report required by this
 2045 section shall be applicable to the certification of the proposed
 2046 natural gas transmission pipeline or corridor unless the
 2047 certification is denied or the application is withdrawn.

2048 6. The Department of Transportation shall prepare a report
 2049 on the effect of the natural gas transmission pipeline or
 2050 natural gas transmission pipeline corridor on matters within its
 2051 jurisdiction, including roadway crossings by the pipeline. The
 2052 report shall contain at a minimum:

2053 a. A report by the applicant to the department stating that
 2054 all requirements of the department's utilities accommodation
 2055 guide have been or will be met in regard to the proposed
 2056 pipeline or pipeline corridor; and

2057 b. A statement by the department as to the adequacy of the
 2058 report to the department by the applicant.

2059 7. The Department of State, Division of Historical

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2060 Resources, shall prepare a report on the impact of the natural
 2061 gas transmission pipeline or natural gas transmission pipeline
 2062 corridor on matters within its jurisdiction.

2063 8. The commission shall prepare a report addressing matters
 2064 within its jurisdiction. The commission's report shall include
 2065 its determination of need issued pursuant to s. 403.9422.

2066 Section 70. Paragraph (a) of subsection (1) of section
 2067 403.9422, Florida Statutes, is amended to read:

2068 403.9422 Determination of need for natural gas transmission
 2069 pipeline; powers and duties.—

2070 (1) (a) Upon request by an applicant or upon its own motion,
 2071 the commission shall schedule a public hearing, after notice, to
 2072 determine the need for a natural gas transmission pipeline
 2073 regulated by ss. 403.9401-403.9425. Such notice shall be
 2074 published at least 45 days before the date set for the hearing
 2075 and shall be published in at least one-quarter page size in
 2076 newspapers of general circulation and in the Florida
 2077 Administrative Register, by giving notice to counties ~~and~~
 2078 ~~regional planning councils~~ in whose jurisdiction the natural gas
 2079 transmission pipeline could be placed, and by giving notice to
 2080 any persons who have requested to be placed on the mailing list
 2081 of the commission for this purpose. Within 21 days after receipt
 2082 of a request for determination by an applicant, the commission
 2083 shall set a date for the hearing. The hearing shall be held
 2084 pursuant to s. 350.01 within 75 days after the filing of the
 2085 request, and a decision shall be rendered within 90 days after
 2086 such filing.

2087 Section 71. Subsection (4) of section 403.973, Florida
 2088 Statutes, is amended to read:

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2089 403.973 Expedited permitting; amendments to comprehensive
2090 plans.-

2091 (4) The regional teams shall be established through the
2092 execution of a project-specific memorandum of agreement
2093 developed and executed by the applicant and the secretary, with
2094 input solicited from the respective heads of the Department of
2095 Transportation and its district offices, the Department of
2096 Agriculture and Consumer Services, the Fish and Wildlife
2097 Conservation Commission, ~~appropriate regional planning councils,~~
2098 appropriate water management districts, and voluntarily
2099 participating municipalities and counties. The memorandum of
2100 agreement should also accommodate participation in this
2101 expedited process by other local governments and federal
2102 agencies as circumstances warrant.

2103 Section 72. Paragraphs (b) and (d) of subsection (1) of
2104 section 408.033, Florida Statutes, are amended to read:

2105 408.033 Local and state health planning.-

2106 (1) LOCAL HEALTH COUNCILS.-

2107 (b) Each local health council may:

2108 1. Develop a district area health plan that permits each
2109 local health council to develop strategies and set priorities
2110 for implementation based on its unique local health needs.

2111 2. Advise the agency on health care issues and resource
2112 allocations.

2113 3. Promote public awareness of community health needs,
2114 emphasizing health promotion and cost-effective health service
2115 selection.

2116 4. Collect data and conduct analyses and studies related to
2117 health care needs of the district, including the needs of

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2118 medically indigent persons, and assist the agency and other
2119 state agencies in carrying out data collection activities that
2120 relate to the functions in this subsection.

2121 5. Monitor the onsite construction progress, if any, of
2122 certificate-of-need approved projects and report council
2123 findings to the agency on forms provided by the agency.

2124 ~~6. Advise and assist any regional planning councils within~~
2125 ~~each district that have elected to address health issues in~~
2126 ~~their strategic regional policy plans with the development of~~
2127 ~~the health element of the plans to address the health goals and~~
2128 ~~policies in the State Comprehensive Plan.~~

2129 ~~7.~~ Advise and assist local governments within each district
2130 on the development of an optional health plan element of the
2131 comprehensive plan provided in chapter 163, to assure
2132 compatibility with the health goals and policies in the State
2133 Comprehensive Plan and district health plan. To facilitate the
2134 implementation of this section, the local health council shall
2135 annually provide the local governments in its service area, upon
2136 request, with:

2137 a. A copy and appropriate updates of the district health
2138 plan;

2139 b. A report of hospital and nursing home utilization
2140 statistics for facilities within the local government
2141 jurisdiction; and

2142 c. Applicable agency rules and calculated need
2143 methodologies for health facilities and services regulated under
2144 s. 408.034 for the district served by the local health council.

2145 ~~7.8.~~ Monitor and evaluate the adequacy, appropriateness,
2146 and effectiveness, within the district, of local, state,

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2147 federal, and private funds distributed to meet the needs of the
2148 medically indigent and other underserved population groups.

2149 ~~8.9.~~ In conjunction with the Department of Health, plan for
2150 services at the local level for persons infected with the human
2151 immunodeficiency virus.

2152 ~~9.10.~~ Provide technical assistance to encourage and support
2153 activities by providers, purchasers, consumers, and local,
2154 regional, and state agencies in meeting the health care goals,
2155 objectives, and policies adopted by the local health council.

2156 ~~10.11.~~ Provide the agency with data required by rule for
2157 the review of certificate-of-need applications and the
2158 projection of need for health services and facilities in the
2159 district.

2160 (d) Each local health council shall enter into a memorandum
2161 of agreement with each ~~regional planning council in its district~~
2162 ~~that elects to address health issues in its strategic regional~~
2163 ~~policy plan. In addition, each local health council shall enter~~
2164 ~~into a memorandum of agreement with each~~ local government that
2165 includes an optional health element in its comprehensive plan.
2166 Each memorandum of agreement must specify the manner in which
2167 each local government, ~~regional planning council,~~ and local
2168 health council will coordinate its activities to ensure a
2169 unified approach to health planning and implementation efforts.

2170 Section 73. Subsection (1) of section 420.609, Florida
2171 Statutes, is amended to read:

2172 420.609 Affordable Housing Study Commission.—Because the
2173 Legislature firmly supports affordable housing in Florida for
2174 all economic classes:

2175 (1) There is created the Affordable Housing Study

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2176 Commission, which shall be composed of 20 ~~21~~ members to be
2177 appointed by the Governor:

2178 (a) One citizen actively engaged in the residential home
2179 building industry.

2180 (b) One citizen actively engaged in the home mortgage
2181 lending profession.

2182 (c) One citizen actively engaged in the real estate sales
2183 profession.

2184 (d) One citizen actively engaged in apartment development.

2185 (e) One citizen actively engaged in the management and
2186 operation of a rental housing development.

2187 (f) Two citizens who represent very-low-income and low-
2188 income persons.

2189 (g) One citizen representing a community-based organization
2190 with experience in housing development.

2191 (h) One citizen representing a community-based organization
2192 with experience in housing development in a community with a
2193 population of less than 50,000 persons.

2194 (i) Two citizens who represent elderly persons' housing
2195 interests.

2196 ~~(j) One representative of regional planning councils.~~

2197 ~~(k) One representative of the Florida League of Cities.~~

2198 (k) ~~(l)~~ One representative of the Florida Association of
2199 Counties.

2200 (l) ~~(m)~~ Two citizens representing statewide growth
2201 management organizations.

2202 (m) ~~(n)~~ One citizen of the state to serve as chair of the
2203 commission.

2204 (n) ~~(o)~~ One citizen representing a residential community

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2205 developer.

2206 ~~(o)(p)~~ One member who is a resident of the state.

2207 ~~(p)(q)~~ One representative from a local housing authority.

2208 ~~(q)(r)~~ One citizen representing the housing interests of

2209 homeless persons.

2210 Section 74. Subsection (8) of section 427.012, Florida

2211 Statutes, is amended to read:

2212 427.012 The Commission for the Transportation

2213 Disadvantaged.—There is created the Commission for the

2214 Transportation Disadvantaged in the Department of

2215 Transportation.

2216 (8) The commission shall appoint a technical working group

2217 that includes representatives of private paratransit providers.

2218 The technical working group shall advise the commission on

2219 issues of importance to the state, including information,

2220 advice, and direction regarding the coordination of services for

2221 the transportation disadvantaged. The commission may appoint

2222 other technical working groups whose members may include

2223 representatives of community transportation coordinators;

2224 metropolitan planning organizations; ~~regional planning councils;~~

2225 experts in insurance, marketing, economic development, or

2226 financial planning; and persons who use transportation for the

2227 transportation disadvantaged, or their relatives, parents,

2228 guardians, or service professionals who tend to their needs.

2229 Section 75. Paragraph (f) of subsection (1) of section

2230 501.171, Florida Statutes, is amended to read:

2231 501.171 Security of confidential personal information.—

2232 (1) DEFINITIONS.—As used in this section, the term:

2233 (f) "Governmental entity" means any department, division,

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2234 bureau, commission, ~~regional planning agency,~~ board, district,

2235 authority, agency, or other instrumentality of this state that

2236 acquires, maintains, stores, or uses data in electronic form

2237 containing personal information.

2238 Section 76. Subsection (6) of section 1013.30, Florida

2239 Statutes, is amended to read:

2240 1013.30 University campus master plans and campus

2241 development agreements.—

2242 (6) Before a campus master plan is adopted, a copy of the

2243 draft master plan must be sent for review or made available

2244 electronically to the host and any affected local governments,

2245 the state land planning agency, the Department of Environmental

2246 Protection, the Department of Transportation, the Department of

2247 State, the Fish and Wildlife Conservation Commission, and the

2248 applicable water management district ~~and regional planning~~

2249 ~~council~~. At the request of a governmental entity, a hard copy of

2250 the draft master plan shall be submitted within 7 business days

2251 of an electronic copy being made available. These agencies must

2252 be given 90 days after receipt of the campus master plans in

2253 which to conduct their review and provide comments to the

2254 university board of trustees. The commencement of this review

2255 period must be advertised in newspapers of general circulation

2256 within the host local government and any affected local

2257 government to allow for public comment. Following receipt and

2258 consideration of all comments and the holding of an informal

2259 information session and at least two public hearings within the

2260 host jurisdiction, the university board of trustees shall adopt

2261 the campus master plan. It is the intent of the Legislature that

2262 the university board of trustees comply with the notice

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2263 requirements set forth in s. 163.3184(11) to ensure full public
 2264 participation in this planning process. The informal public
 2265 information session must be held before the first public
 2266 hearing. The first public hearing shall be held before the draft
 2267 master plan is sent to the agencies specified in this
 2268 subsection. The second public hearing shall be held in
 2269 conjunction with the adoption of the draft master plan by the
 2270 university board of trustees. Campus master plans developed
 2271 under this section are not rules and are not subject to chapter
 2272 120 except as otherwise provided in this section.

2273 Section 77. Subsection (6) of section 339.285, Florida
 2274 Statutes, is amended to read:

2275 339.285 Enhanced Bridge Program for Sustainable
 2276 Transportation.—

2277 (6) Preference shall be given to bridge projects located on
 2278 corridors that connect to the Strategic Intermodal System,
 2279 created under s. 339.64, and that have been identified as
 2280 regionally significant in accordance with s. 339.155(4) (b), (c),
 2281 and (d) ~~s. 339.155(4) (e), (d), and (e).~~

2282 Section 78. Subsections (1) and (2) of section 373.415,
 2283 Florida Statutes, are amended to read:

2284 373.415 Protection zones; duties of the St. Johns River
 2285 Water Management District.—

2286 (1) Not later than November 1, 1988, the St. Johns River
 2287 Water Management District shall adopt rules establishing
 2288 protection zones adjacent to the watercourses in the Wekiva
 2289 River System, as designated in s. 369.303(9) ~~s. 369.303(10)~~.
 2290 Such protection zones shall be sufficiently wide to prevent harm
 2291 to the Wekiva River System, including water quality, water

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2292 quantity, hydrology, wetlands, and aquatic and wetland-dependent
 2293 wildlife species, caused by any of the activities regulated
 2294 under this part. Factors on which the widths of the protection
 2295 zones shall be based shall include, but not be limited to:

2296 (a) The biological significance of the wetlands and uplands
 2297 adjacent to the designated watercourses in the Wekiva River
 2298 System, including the nesting, feeding, breeding, and resting
 2299 needs of aquatic species and wetland-dependent wildlife species.

2300 (b) The sensitivity of these species to disturbance,
 2301 including the short-term and long-term adaptability to
 2302 disturbance of the more sensitive species, both migratory and
 2303 resident.

2304 (c) The susceptibility of these lands to erosion, including
 2305 the slope, soils, runoff characteristics, and vegetative cover.

2306 In addition, the rules may establish permitting thresholds,
 2307 permitting exemptions, or general permits, if such thresholds,
 2308 exemptions, or general permits do not allow significant adverse
 2309 impacts to the Wekiva River System to occur individually or
 2310 cumulatively.

2312 (2) Notwithstanding ~~the provisions of~~ s. 120.60, the St.
 2313 Johns River Water Management District shall not issue any permit
 2314 under this part within the Wekiva River Protection Area, as
 2315 defined in s. 369.303(8) ~~s. 369.303(9)~~, until the appropriate
 2316 local government has provided written notification to the
 2317 district that the proposed activity is consistent with the local
 2318 comprehensive plan and is in compliance with any land
 2319 development regulation in effect in the area where the
 2320 development will take place. The district may, however, inform

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2321 any property owner who makes a request for such information as
 2322 to the location of the protection zone or zones on his or her
 2323 property. However, if a development proposal is amended as the
 2324 result of the review by the district, a permit may be issued
 2325 ~~before~~ ~~prior to~~ the development proposal being returned, if
 2326 necessary, to the local government for additional review.

2327 Section 79. Paragraph (a) of subsection (6) and paragraph
 2328 (a) of subsection (7) of section 403.5115, Florida Statutes, are
 2329 amended to read:

2330 403.5115 Public notice.—

2331 (6) (a) A good faith effort shall be made by the applicant
 2332 to provide direct written notice of the filing of an application
 2333 for certification by United States mail or hand delivery no
 2334 later than 45 days after filing of the application to all local
 2335 landowners whose property, as noted in the most recent local
 2336 government tax records, and residences are located within the
 2337 following distances of the proposed project:

2338 1. Three miles of the proposed main site boundaries of the
 2339 proposed electrical power plant.

2340 2. One-quarter mile for a transmission line corridor that
 2341 only includes a transmission line as defined by s. 403.522(21)
 2342 ~~s. 403.522(22)~~.

2343 3. One-quarter mile for all other linear associated
 2344 facilities extending away from the main site boundary except for
 2345 a transmission line corridor that includes a transmission line
 2346 that operates below those defined by s. 403.522(21) ~~s.~~
 2347 ~~403.522(22)~~.

2348 (7) (a) A good faith effort shall be made by the proponent
 2349 of an alternate corridor that includes a transmission line, as

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2350 defined by s. 403.522(21) ~~s. 403.522(22)~~, to provide direct
 2351 written notice of the filing of an alternate corridor for
 2352 certification by United States mail or hand delivery of the
 2353 filing no later than 30 days after filing of the alternate
 2354 corridor to all local landowners whose property, as noted in the
 2355 most recent local government tax records, and residences, are
 2356 located within one-quarter mile of the proposed boundaries of a
 2357 transmission line corridor that includes a transmission line as
 2358 defined by s. 403.522(21) ~~s. 403.522(22)~~.

2359 Section 80. For the purpose of incorporating the amendment
 2360 made by this act to section 120.52, Florida Statutes, in a
 2361 reference thereto, subsection (5) of section 57.105, Florida
 2362 Statutes, is reenacted to read:

2363 57.105 Attorney's fee; sanctions for raising unsupported
 2364 claims or defenses; exceptions; service of motions; damages for
 2365 delay of litigation.—

2366 (5) In administrative proceedings under chapter 120, an
 2367 administrative law judge shall award a reasonable attorney's fee
 2368 and damages to be paid to the prevailing party in equal amounts
 2369 by the losing party and a losing party's attorney or qualified
 2370 representative in the same manner and upon the same basis as
 2371 provided in subsections (1)-(4). Such award shall be a final
 2372 order subject to judicial review pursuant to s. 120.68. If the
 2373 losing party is an agency as defined in s. 120.52(1), the award
 2374 to the prevailing party shall be against and paid by the agency.
 2375 A voluntary dismissal by a nonprevailing party does not divest
 2376 the administrative law judge of jurisdiction to make the award
 2377 described in this subsection.

2378 Section 81. For the purpose of incorporating the amendment

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2379 made by this act to section 120.52, Florida Statutes, in a
 2380 reference thereto, paragraph (f) of subsection (3) of section
 2381 57.111, Florida Statutes, is reenacted to read:
 2382 57.111 Civil actions and administrative proceedings
 2383 initiated by state agencies; attorneys' fees and costs.—
 2384 (3) As used in this section:
 2385 (f) The term "state agency" has the meaning described in s.
 2386 120.52(1).
 2387 Section 82. For the purpose of incorporating the amendment
 2388 made by this act to section 120.52, Florida Statutes, in a
 2389 reference thereto, subsection (3) of section 216.241, Florida
 2390 Statutes, is reenacted to read:
 2391 216.241 Initiation or commencement of new programs;
 2392 approval; expenditure of certain revenues.—
 2393 (3) Any revenues generated by any tax or fee imposed by
 2394 amendment to the State Constitution after October 1, 1999, shall
 2395 not be expended by any agency, as defined in s. 120.52(1),
 2396 except pursuant to appropriation by the Legislature.
 2397 Section 83. For the purpose of incorporating the amendment
 2398 made by this act to section 380.045, Florida Statutes, in a
 2399 reference thereto, subsection (6) of section 380.0552, Florida
 2400 Statutes, is reenacted to read:
 2401 380.0552 Florida Keys Area; protection and designation as
 2402 area of critical state concern.—
 2403 (6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The
 2404 Governor, acting as the chief planning officer of the state,
 2405 shall appoint a resource planning and management committee for
 2406 the Florida Keys Area with the membership as specified in s.
 2407 380.045(2). Meetings shall be called as needed by the chair or

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2408 on the demand of three or more members of the committee. The
 2409 committee shall:
 2410 (a) Serve as a liaison between the state and local
 2411 governments within Monroe County.
 2412 (b) Develop, with local government officials in the Florida
 2413 Keys Area, recommendations to the state land planning agency as
 2414 to the sufficiency of the Florida Keys Area's comprehensive plan
 2415 and land development regulations.
 2416 (c) Recommend to the state land planning agency changes to
 2417 state and regional plans and regulatory programs affecting the
 2418 Florida Keys Area.
 2419 (d) Assist units of local government within the Florida
 2420 Keys Area in carrying out the planning functions and other
 2421 responsibilities required by this section.
 2422 (e) Review, at a minimum, all reports and other materials
 2423 provided to it by the state land planning agency or other
 2424 governmental agencies.
 2425 Section 84. Local governments may enter into agreements to
 2426 create regional planning entities pursuant to chapter 163,
 2427 Florida Statutes.
 2428 Section 85. This act shall take effect July 1, 2021.

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 378

INTRODUCER: Senator Bradley

SUBJECT: Payment for Construction Services

DATE: January 25, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paglialonga	Ryon	CA	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 378 enhances the statutory penalties for public and private parties that fail to make required payments for certain construction labor, services, and material.

The bill increases by one percent the remedial interest rate applied to payments wrongfully withheld for construction services for public and private construction projects. For public sector construction projects, the bill increases the interest rate from one percent to two percent. Public entities that wrongfully withhold payment to contractors and, likewise, contractors who wrongfully withhold payment to subcontractors and sub-subcontractors on public projects will be liable for interest at a rate of 2 percent per month on the unpaid amounts. For private sector construction projects, the remedial interest rate also increases by one percent, making the penalty equal to the Chief Financial Officer's judgment interest rate specified in s. 55.03, F.S., plus one percent.

Furthermore, the bill clarifies that parties who contract with a public or private entity for construction services and knowingly and intentionally fail to pay the undisputed contract obligations for construction labor, services, or materials, commit misapplication of construction funds, as provided in s. 713.345, F.S. The Construction Industry Licensing Board must take disciplinary against a construction industry licensee found guilty of committing misapplication of construction funds and suspend the licensee's license for a minimum of one year.

The provisions of the bill apply only to contracts executed on or after July 1, 2021.

II. Present Situation:

Florida law has several Prompt Payment Acts regulating various aspects of payments connected to construction projects and services. Part VII of ch. 218, F.S., addresses payment for local government construction projects. Chapter 255, F.S., governs payments connected to state

agency construction projects, and payments for private construction projects are regulated in chs. 713 and 715, F.S.

Prompt Payment Act for Local Governments

Part VII of ch. 218, F.S., is known as the “Local Government Prompt Payment Act” and requires “payment for all purchases by local governmental entities be made in a timely manner.”¹ Moreover, the stated purpose of this act is to provide for prompt payments by local governments to parties for construction services, apply interest on late payments made by local governments, and establish a dispute resolution process for contested payments.²

The act applies to a county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof.³ The act defines construction services as all labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or other improvements to real property.⁴

Payment Deadlines for Prime Contractors

According to s. 218.735, F.S., when a local governmental entity enters into a contract for construction services with a contractor,⁵ the local government must identify the representative who is to receive contractor invoices. The payment process begins when a contractor submits an invoice. This action starts the local government entity's timeframe to remit payment or reject the invoice.

The payment due date depends on whether an agent must approve the invoice. If a local government representative must approve the invoice before it is submitted to the entity for payment, the payment is due 25 business days after the date on which the invoice is stamped as received. If the invoice does not require approval by an entity representative, payment is due 20 days after the date on which the invoice is stamped as received.⁶

If payment is not received by the due date, the contractor can send an overdue notice to the local government entity. After four business days of delivering the overdue notice, if the invoice is not rejected, the invoice will be considered undisputed, except for any amounts that are fraudulent or misleading.⁷

If the invoice does not meet contract requirements, the local government entity must provide the contractor with a written rejection specifying the deficiency and action needed to rectify within 20 business days of receipt. Once the invoice is corrected, payment or notice of rejection of the

¹ Section 218.71, F.S.

² *Id.*

³ Section 218.72(5), F.S.

⁴ *Id.* at (2)

⁵ Section 218.72(3), F.S.: “Contractor or provider of construction services means the person who contracts directly with a local governmental entity to provide construction services.”

⁶ *Id.* at (1)

⁷ *Id.*

invoice is due within ten business days of receipt or the first business day after the local government entity's next held meeting.⁸

Payment Deadlines for Subcontractors, Sub-Subcontractors, & Suppliers

When payment is received by a contractor for labor, services, or materials furnished by subcontractors and suppliers, payment is due to those subcontractors and suppliers within 10 days of receipt of payment from the local government entity.⁹

If a subcontractor utilizes sub-subcontractors and suppliers, payment to those parties is due within 7 days of the subcontractor receiving payment.¹⁰ Under s. 218.735(6), F.S., contractors and subcontractors are entitled to dispute invoices so long as the payment rejection is in writing. The actions required to rectify the dispute must be included in the rejection. However, any undisputed amounts are required to be paid within the outlined time limits.

Penalties for Late Payment

Under the Local Government Prompt Payment Act, if payment for construction services is late or wrongfully withheld, statutorily imposed interest will accrue at a rate of 1 percent per month, or a greater rate specified by contract, until the debt is paid. Attorney fees and court costs are only available to disputes between contractors, subcontractors, and suppliers. They will only be awarded if payments were withheld without any reasonable basis in law or fact.¹¹

Prompt Payment Act for State Construction Projects

Sections 255.0705 - 255.078, F.S., are known as the Florida Prompt Payment Act. This act governs the timely payment for construction services by the state or any agency thereof (public entity).¹² This act also governs payments made by contractors to subcontractors and suppliers when the construction services are in connection with a public entity construction project.

Payment Deadline for Public Entity to Contractor

For public entities contracting with a prime contractor, the payment process starts when a contractor submits a pay application to the public entity. The public entity must submit the contractor's request to the Chief Financial Officer within 20 days of receiving the payment application. Upon receipt, the payment officer performs an inspection of the construction services claimed by the payment application. The payment officer must approve or deny the payment application within 10 days. Under these provisions, payment to a contractor who properly performs construction services is due within 30 days after the payment application is submitted.¹³

⁸ Section 218.735(3), F.S.

⁹ *Id.* at paragraph (6)

¹⁰ *Id.*

¹¹ *Id.* at paragraph (9)

¹² Section 255.073, F.S., defines public entity to mean "the state, or any office, board, bureau, commission, department, branch, division, or institution thereof."

¹³ Section 255.073-74, F.S.

Payment Deadline for Contractor to Subcontractors and Suppliers

Prime contractors typically do not have to pay other parties involved in a public construction project until the public entity has paid the prime contractor.¹⁴ Subcontractors and suppliers are entitled to receive payment from a prime contractor once all the necessary lien waivers and payment applications have been submitted to the prime contractor. After these prerequisites are fulfilled, the prime contractor must release undisputed payments within 30 days after the labor or materials were provided, or 10 days from receipt of payment from the public entity, whichever is later.¹⁵

Penalties for Late Payment

All payments due for the purchase of construction services under the Florida Prompt Payment Act and wrongfully withheld by a public entity or prime contractor bear statutorily imposed interest at the rate of 1 percent per month.¹⁶

Prompt Payment Law for Private Construction Projects

The payment procedures for private construction projects in Florida are described in chs. 713 and 715, F.S. Section 713.346, F.S., describes how persons are required to pay contract obligations for labor, services, or materials provided on account for constructing or altering permanent improvements to real property. Section 715.12, F.S., titled “Construction Contract Prompt Payment Law,” specifically applies to written contracts to improve a real property for which a construction lien is authorized under Part I of ch. 713, F.S.

Payment Deadlines and Remedies

Under s. 713.346, F.S., failure to pay any undisputed obligations for labor, services, or materials used in a private construction project within 30 days after payment became due or is received, whichever last occurs, entitles the person providing such construction services to bring a verified complaint. Based on this complaint and an evidentiary hearing, the court may award either party an accounting of the payment, an injunction, prejudgment attachment, and any other appropriate legal and equitable remedy.

Under s. 715.12, F.S., an obligee¹⁷ is entitled to payment for construction services as described by the terms of a contract, and when all the following events have occurred:

- The obligee has furnished the obligor¹⁸ with a written request for payment.
- The obligor, except the owner of the real property, immediately above the obligee in the chain of contracts has been paid for the obligee’s labor, services, or materials.

¹⁴ See *International Engineering Services Inc. v. Scherer Const. & Engineering of Cent. Florida, LLC*, 74 So.3d 531 (Fla. 5th DCA 2011); see also *Everett Painting Co., Inc. V. Padula & Wadsworth Const., Inc.*, 856 So.2d 1059 (Fla. DCA 4th 2003).

¹⁵ Section 255.073(3), F.S.

¹⁶ *Id.* at (4)

¹⁷ Section 715.12(3)(b), F.S.: “Obligee” means a contractor, subcontractor, sub-subcontractor, or materialman who is entitled to receive payments under a contract that is subject to the Prompt Payment Law..

¹⁸ Section 715.12(3)(a), F.S.: “Obligor” means an owner, contractor, subcontractor, or sub-subcontractor who has an obligation to make payments under a contract that is subject to the Prompt Payment Law.

- The obligee has furnished the obligor with all affidavits or waivers required for the owner to make proper payments under s. 713.06, F.S.¹⁹

Penalties for Late Payment

Any payment due under the provisions of s. 715.12, F.S., excluding any amounts withheld pursuant to a good faith dispute, bear interest at the rate specified in s. 55.03 F.S.,²⁰ computed beginning on the fourteenth day after payment is due.

A party can withhold payment for reasons specified in s. 713.346 and s. 715.12, F.S. If none of the exceptions apply, any late or wrongfully withheld payments will be subject to interest accruing at the current judgment rate or a rate specified in the contract, whichever is greater.²¹ If the dispute goes to court, the prevailing party will be awarded attorney fees.²²

Construction Industry Licensing Board

Florida regulates construction contracting under Part I of ch. 489, F.S. Florida establishes the Construction Industry Licensing Board (“CILB”) under s. 489.107, F.S., to oversee the licensing and various regulations for the Florida construction industry. When applying for a construction license, the CILB will meet to consider the application. The CILB also reviews disciplinary cases and conducts informal hearings regarding licensure.²³

Disciplinary Action

The CILB is authorized to take disciplinary actions upon finding that a licensee has violated Florida construction industry regulations. The CILB may suspend the license holder from all operations as a contractor, revoke a license, or place the license holder on probation. Furthermore, the CILB may attach conditions to any disciplinary action taken, which in the sound discretion of the CILB are deemed appropriate disciplinary measures based on the factual circumstances.²⁴

Misapplication of Construction Funds

Section 713.345, F.S., provides that the misapplication of construction funds is a crime in Florida. This statute only imposes criminal liability on those who misuse construction project funds and does not impose any fiduciary relationship between parties in contractual relationships for construction, and is not a civil cause of action.

¹⁹ *Id.* at paragraph (4)

²⁰ Under s. 55.03, F.S., the Chief Financial Officer sets rates of interest that apply to judgments or decrees for the calendar quarter beginning January 1 and adjusted quarterly on April 1, July 1, and October 1 by averaging the discount rate of the Federal Reserve Bank of New York for the preceding 12 months, then adding 400 basis points to the averaged federal discount rate. As of January 1, 2021, the current judgment interest rate per annum is 4.81%. Jimmy Patronis Florida’s Chief Financial Officer Website, *Current Judgement Interest Rates*, available at: <https://www.myfloridacfo.com/division/aa/localgovernments/current.htm> (last visited Jan. 25, 2021).

²¹ Section 715.12(5)(a), F.S.

²² Section 713.346(7), F.S.

²³ Section 489.129, F.S.

²⁴ *Id.*

The statute provides that “any person who receives payments for the improvement of real property must apply such portion of any payments to the payment of all amounts then due and owing for services and labor performed.” However, this provision “does not prevent any person from withholding any payment, or any part of a payment, in accordance with the terms of a contract for services, labor, or materials, or pursuant to a bona fide dispute regarding the amount due, if any, for such services, labor, or materials.”

Section 713.345, F.S., continues to state that “any person who knowingly and intentionally fails to comply with paragraph (a) [the proper payment of accounts due and owing] is guilty of misapplication of construction funds[.]” Thus, to be criminally convicted for misapplication of construction funds, there are two relevant elements:

- The party must complete a “wrongful application of funds” in violation of a contract and not regarding a bona fide dispute about the amount due; and
- The party must act “knowingly and intentionally.”²⁵

Acting “knowingly and intentionally” will be presumed when there is a valid lien recorded against the property, the defendant who contracted with the claimant (injured party) received enough funds to pay the claimant, and the defendant failed to pay the claimant for at least 45 days from receipt of the funds. Notwithstanding, a party may still be found guilty if there is sufficient evidence to prove that the misapplication of funds was intentional.

Criminal Penalties

Persons convicted for misapplication of construction funds may be subject to different criminal penalties depending on the amount of money that was misapplied. If the amount of payments misapplied total \$100,000 or more, the individual is guilty of a first-degree felony, which is punishable by up to 30 years in state prison, and could be fined as much as \$10,000. If the total amount of misapplied payments are less than \$100,000, but greater than \$1,000, the crime is a second-degree felony, which is punishable by up to 15 years in prison and \$10,000 in fines. Lastly, if the amount of payments misapplied are less than \$1,000, it is a third-degree felony, which is punishable by up to 5 years in prison and a maximum fine of \$5,000.

III. Effect of Proposed Changes:

Section 1 amends s. 218.735 F.S., to increase the interest rate applied to unpaid amounts for construction services on a local government project from one to two percent per month.

Section 2 amends s. 255.071 F.S., to specify that a party who receives payment from the state or any agency thereof for a construction project and knowingly and intentionally fails to pay the undisputed contract obligations to another party for labor, services, or material commits misapplication of construction funds as provided in s. 713.345, F.S.

Section 3 amends s. 255.073 F.S., to increase the interest rate applied to unpaid amounts for construction services on a state government project from one to two percent per month.

²⁵ See *Weber v. State*, 649 So.2d 253 (Fla. 2nd DCA 1994).

Section 4 amends s. 489.129 F.S., to provide that the Construction Industry Licensing Board (“CILB”) may take disciplinary actions against a licensee for committing misapplication of construction funds in violation of s. 713.345. Under the bill, the board must also suspend all licenses of persons convicted of misapplication of construction funds for a minimum of 1 year from the date of conviction.

Section 5 amends s. 713.345 F.S., to provide that persons convicted of misapplication of construction funds are subject to discipline by the Construction Industry Licensing Board.

Section 6 amends s. 713.346 F.S., to specify that a party who knowingly and intentionally fails to pay the undisputed contract obligations to another party for construction labor, services, or material commits misapplication of construction funds as provided in s. 713.345, F.S.

Section 7 amends s. 715.12 F.S., to increase the interest rate specified in s. 55.03, F.S., by one percent interest, which will apply to payment amounts wrongfully withheld for construction labor, services, or material for private sector construction projects.

Section 8 reenacts s. 218.76 F.S., to incorporate the amendment made to s. 218.735, F.S.

Section 9 reenacts s. 255.075 F.S., to incorporate the amendment made to s. 255.073, F.S.

Section 10 provides that the bill applies to contracts executed on or after July 1, 2021.

Section 11 provides that the bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The increased interest rates applied to unpaid contractual obligations for construction labor, services, and materials may have a negative fiscal impact for prime contractors and a positive fiscal impact for subcontractors and parties lower in the chain of contracts.

C. Government Sector Impact:

The increased interest rate proposed by the bill may cause State and local governmental entities to incur additional costs associated with unpaid contractual obligations for construction services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 218.735, 255.071, 255.073, 489.129, 713.345, 713.346, 715.12, 218.76, and 255.075.

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.

By Senator Bradley

5-00387D-21

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1 A bill to be entitled
 2 An act relating to payment for construction services;
 3 amending s. 218.735, F.S.; increasing the interest
 4 rate for certain payments for purchases of
 5 construction services; amending s. 255.071, F.S.;
 6 specifying that a person, firm, or corporation who
 7 fails to make certain payments relating to public
 8 projects commits a misapplication of constructions
 9 funds and is subject to criminal penalties; amending
 10 s. 255.073, F.S.; increasing the interest rate for
 11 overdue payments for the purchase of construction
 12 services; amending s. 489.129, F.S.; expanding the
 13 list of actions for which a licensee may be
 14 disciplined by the Construction Industry Licensing
 15 Board; requiring the board to suspend certain licenses
 16 for a minimum period of time under certain
 17 circumstances; providing construction; amending s.
 18 713.345, F.S.; specifying that a contractor,
 19 subcontractor, sub-subcontractor, or other person
 20 licensed under ch. 489, F.S., is subject to certain
 21 discipline if convicted of misapplication of
 22 construction funds; amending s. 713.346, F.S.;
 23 specifying that a person, firm, or corporation who
 24 fails to make certain payments relating to
 25 construction contracts commits a misapplication of
 26 constructions funds and is subject to criminal
 27 penalties; amending s. 715.12, F.S.; increasing the
 28 interest rate for certain payments due under the
 29 Construction Contract Prompt Payment Law; conforming a

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30 provision to changes made by the act; reenacting s.
 31 218.76(2)(b), F.S., relating to improper payment
 32 requests or invoices, to incorporate the amendment
 33 made by this act to s. 218.735, F.S., in a reference
 34 thereto; reenacting s. 255.075, F.S., relating to
 35 mandatory interest, to incorporate the amendment made
 36 by this act to s. 255.073, F.S., in a reference
 37 thereto; providing applicability; providing an
 38 effective date.
 39
 40 Be It Enacted by the Legislature of the State of Florida:
 41
 42 Section 1. Subsection (9) of section 218.735, Florida
 43 Statutes, is amended to read:
 44 218.735 Timely payment for purchases of construction
 45 services.-
 46 (9) All payments due under this section and not made within
 47 the time periods specified by this section shall bear interest
 48 at the rate of 2 ~~1~~ percent per month, or the rate specified by
 49 contract, whichever is greater.
 50 Section 2. Subsection (1) of section 255.071, Florida
 51 Statutes, is amended to read:
 52 255.071 Payment of subcontractors, sub-subcontractors,
 53 materialmen, and suppliers on construction contracts for public
 54 projects.-
 55 (1) Any person, firm, or corporation who receives a payment
 56 from the state or any county, city, or political subdivision of
 57 the state, or other public authority, for the construction of a
 58 public building, for the prosecution and completion of a public

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59 work, or for repairs upon a public building or public work shall
60 pay, in accordance with the contract terms, the undisputed
61 contract obligations for labor, services, or materials provided
62 on account of such improvements. A person, firm, or corporation
63 who knowingly and intentionally fails to make the payment
64 required under this subsection commits a misapplication of
65 construction funds, punishable as provided in s. 713.345.

66 Section 3. Subsection (4) of section 255.073, Florida
67 Statutes, is amended to read:

68 255.073 Timely payment for purchases of construction
69 services.—

70 (4) All payments due for the purchase of construction
71 services and not made within the applicable time limits shall
72 bear interest at the rate of 2 ~~specified in s. 215.422. After~~
73 ~~July 1, 2006, such payments shall bear interest at the rate of 1~~
74 ~~percent per month, to the extent that the Chief Financial~~
75 ~~Officer's replacement project for the state's accounting and~~
76 ~~cash management systems is operational for the particular~~
77 ~~affected public entity. After January 1, 2007, all such payments~~
78 ~~due from public entity shall bear interest at the rate of 1~~
79 ~~percent per month.~~

80 Section 4. Paragraph (r) is added to subsection (1) of
81 section 489.129, Florida Statutes, to read:

82 489.129 Disciplinary proceedings.—

83 (1) The board may take any of the following actions against
84 any certificateholder or registrant: place on probation or
85 reprimand the licensee, revoke, suspend, or deny the issuance or
86 renewal of the certificate or registration, require financial
87 restitution to a consumer for financial harm directly related to

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88 a violation of a provision of this part, impose an
89 administrative fine not to exceed \$10,000 per violation, require
90 continuing education, or assess costs associated with
91 investigation and prosecution, if the contractor, financially
92 responsible officer, or business organization for which the
93 contractor is a primary qualifying agent, a financially
94 responsible officer, or a secondary qualifying agent responsible
95 under s. 489.1195 is found guilty of any of the following acts:

96 (r) Committing misapplication of construction funds in
97 violation of s. 713.345. If a contractor, subcontractor, sub-
98 subcontractor, or other person licensed by the board under this
99 chapter is convicted of misapplication of construction funds,
100 the board must suspend all licenses issued to such licensee
101 under this chapter for a minimum of 1 year from the date of
102 conviction. The suspension required under this paragraph is not
103 exclusive, and the board may impose any additional penalties set
104 forth in this subsection.

105
106 For the purposes of this subsection, construction is considered
107 to be commenced when the contract is executed and the contractor
108 has accepted funds from the customer or lender. A contractor
109 does not commit a violation of this subsection when the
110 contractor relies on a building code interpretation rendered by
111 a building official or person authorized by s. 553.80 to enforce
112 the building code, absent a finding of fraud or deceit in the
113 practice of contracting, or gross negligence, repeated
114 negligence, or negligence resulting in a significant danger to
115 life or property on the part of the building official, in a
116 proceeding under chapter 120.

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117 Section 5. Paragraph (e) is added to subsection (1) of
118 section 713.345, Florida Statutes, to read:

119 713.345 Moneys received for real property improvements;
120 penalty for misapplication.—

121 (1)

122 (e) If a contractor, subcontractor, sub-subcontractor, or
123 other person who is licensed under chapter 489 is convicted of
124 misapplication of construction funds under this section, the
125 licensee is subject to discipline under s. 489.129(1)(r).

126 Section 6. Subsection (1) of section 713.346, Florida
127 Statutes, is amended to read:

128 713.346 Payment on construction contracts.—

129 (1) Any person who receives a payment for constructing or
130 altering permanent improvements to real property shall pay, in
131 accordance with the contract terms, the undisputed contract
132 obligations for labor, services, or materials provided on
133 account of such improvements. A person, firm, or corporation who
134 knowingly and intentionally fails to make the payment required
135 under this subsection commits a misapplication of construction
136 funds, punishable as provided in s. 713.345.

137 Section 7. Paragraph (a) of subsection (5) and paragraph
138 (a) of subsection (6) of section 715.12, Florida Statutes, are
139 amended, and subsections (4) and (7) of that section are
140 republished, to read:

141 715.12 Construction Contract Prompt Payment Law.—

142 (4) An obligor must pay an obligee with whom the obligor
143 has a contract when all of the following events have occurred:

144 (a) The obligee is entitled to a payment at the time and
145 under the terms specified in the contract between the obligor

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146 and the obligee, and the obligee has furnished the obligor with
147 a written request for payment; and

148 (b) The obligor, except an owner, has been paid for the
149 obligee's labor, services, or materials described in the
150 obligee's request for payment by the person immediately above
151 the obligor in the chain of contracts; and

152 (c) The obligee has furnished the obligor with all
153 affidavits or waivers required for the owner to make proper
154 payments under s. 713.06.

155 (5) (a) Any payment due under the provisions of subsection
156 (4), excluding any amounts withheld pursuant to subsection (7),
157 shall bear interest at the rate specified in s. 55.03 plus 1
158 percent, computed beginning on the 14th day after payment is due
159 pursuant to subsection (4).

160 (6) (a) The right to receive interest on a payment under
161 this section is not an exclusive remedy. This section does not
162 modify the remedies available to any person under the terms of a
163 contract or under any other statute. This section does not
164 modify the rights of any person to recover prejudgment interest
165 awarded to the prevailing party in any civil action or
166 arbitration case. During the period that interest accrues under
167 this section, the interest rate shall be the rate specified in
168 s. 55.03 plus 1 percent or the rate specified in the contract,
169 whichever is greater. A person shall not be entitled to receive
170 both the contract interest and the statutory interest specified
171 in this section.

172 (7) (a) An owner and a contractor may agree to a provision
173 that allows the owner to withhold a portion of each progress
174 payment until substantial completion of the entire project. The

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175 owner shall pay the contractor the balance of the contract
176 price, including the amounts withheld from the progress
177 payments, within 14 days after any of the following events
178 occur.

179 1. Pursuant to the terms of the contract, an architect or
180 engineer certifies that the project is substantially complete
181 and, within the time provided in the contract between the owner
182 and the contractor, the owner submits a written punchlist to the
183 contractor and the contractor substantially completes all of the
184 items on the punchlist.

185 2. The issuance of a certificate of occupancy for the
186 project, and within the time provided in the contract between
187 the owner and the contractor, the owner submits a written
188 punchlist to the contractor and the contractor substantially
189 completes all of the items on the punchlist.

190 3. The owner or a tenant of the owner takes possession of
191 the construction project and, within the time provided in the
192 contract between the owner and the contractor, the owner submits
193 a written punchlist to the contractor and the contractor
194 substantially completes all of the items on the punchlist.

195
196 Any funds retained by the owner beyond the time period specified
197 in this subsection shall accrue interest at the rate specified
198 in subsection (5), computed from the date the payment is due to
199 the date the payment is received by the contractor. If the
200 contract between the owner and the contractor does not provide a
201 time period for the owner to submit a written punchlist to the
202 contractor, the time period shall be 15 days from the issuance
203 of the certificate of substantial completion, the issuance of

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204 the certificate of occupancy, or the date the owner or the
205 owner's tenant takes possession of the project, whichever first
206 occurs. If no written punchlist is given to the contractor
207 within the time provided in this subsection, interest begins to
208 accrue 14 days after the issuance of the certificate of
209 substantial completion, the issuance of the certificate of
210 occupancy, or the date the owner or the owner's tenant takes
211 possession of the project, whichever first occurs. For
212 construction projects that are to be built in phases, this
213 subsection applies to each phase of the total project. The
214 contract between the owner and the contractor may specify a
215 shorter time period for disbursing all or any portion of the
216 final payment and the retainage.

217 (b) Except as provided in paragraph (a), an obligor and
218 obligee may agree to a provision that allows the obligor to
219 withhold a portion of each progress payment until completion of
220 the entire project. The amounts withheld shall bear interest 14
221 days after payment of such amounts are due under the terms of
222 the contract between the obligor and obligee and the other
223 requirements of subsection (4) have been satisfied.

224 (c) An obligee may, from time to time, withdraw all or any
225 portion of the amount retained from progress payments upon
226 depositing with the obligor:

- 227 1. United States Treasury bonds, United States Treasury
228 notes, United States Treasury certificates of indebtedness, or
229 United States Treasury bills;
230 2. Bonds or notes of the State of Florida; or
231 3. Certificates of deposit, within the insured limits, from
232 a state or national bank or state or federal savings and loan

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233 association authorized to do business in this state.
 234
 235 Amounts may not be withdrawn in excess of the market value of
 236 the securities listed in subparagraphs 1., 2., and 3. at the
 237 time of such withdrawal or in excess of the par value of such
 238 securities, whichever is less. The obligee shall execute and
 239 deliver all documents reasonably required to allow the obligor
 240 to document the transfer and the obligee shall pay any recording
 241 or registration costs incurred by the obligor in connection with
 242 the transfer. The obligor shall pay the obligee any interest or
 243 income earned on the securities so deposited within 30 days
 244 after the date such interest or income is received by the
 245 obligor. If the deposit is in the form of coupon bonds, the
 246 obligor shall deliver each coupon to the obligee within 30 days
 247 after the date the coupon matures. An obligee may withdraw funds
 248 retained from progress payments only to the extent the obligor
 249 has withdrawn such funds for the obligee's labor, services, or
 250 materials from the person immediately above the obligor in the
 251 chain of contracts.

252 Section 8. For the purpose of incorporating the amendment
 253 made by this act to section 218.735, Florida Statutes, in a
 254 reference thereto, paragraph (b) of subsection (2) of section
 255 218.76, Florida Statutes, is reenacted to read:

256 218.76 Improper payment request or invoice; resolution of
 257 disputes.—
 258 (2)
 259 (b) If the local governmental entity does not commence the
 260 dispute resolution procedure within the time required, a
 261 contractor may give written notice to the local governmental

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262 entity of the failure to timely commence its dispute resolution
 263 procedure. If the local governmental entity fails to commence
 264 the dispute resolution procedure within 4 business days after
 265 such notice, any amounts resolved in the contractor's favor
 266 shall bear mandatory interest, as set forth in s. 218.735(9),
 267 from the date the payment request or invoice containing the
 268 disputed amounts was submitted to the local governmental entity.
 269 If the dispute resolution procedure is not commenced within 4
 270 business days after the notice, the objection to the payment
 271 request or invoice shall be deemed waived. The waiver of an
 272 objection pursuant to this paragraph does not relieve a
 273 contractor of its contractual obligations.

274 Section 9. For the purpose of incorporating the amendment
 275 made by this act to section 255.073, Florida Statutes, in a
 276 reference thereto, section 255.075, Florida Statutes, is
 277 reenacted to read:

278 255.075 Mandatory interest.—A contract between a public
 279 entity and a contractor may not prohibit the collection of late
 280 payment interest charges authorized under s. 255.073(4).

281 Section 10. This act applies to contracts executed on or
 282 after July 1, 2021.

283 Section 11. This act shall take effect July 1, 2021.

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Community Affairs

Judge:

Started: 1/26/2021 3:32:03 PM

Ends: 1/26/2021 5:41:17 PM

Length: 02:09:15

3:32:02 PM Chair Bradley calls the meeting to order
3:32:19 PM Roll call - quorum present
3:32:49 PM Pledge of Allegiance
3:32:58 PM Chair Bradley gives meeting and appearance instructions
3:33:42 PM Chair Bradley welcomes committee members and staff
3:34:19 PM SB 58 by Senator Rodriguez
3:34:32 PM Senator Rodriguez explains the bill
3:35:51 PM Senator Hooper with a question
3:35:59 PM Senator Rodriguez responds
3:36:18 PM Senator Powell with a question
3:36:27 PM Senator Rodriguez answers
3:36:48 PM Senator Powell with a follow-up
3:36:58 PM Senator Rodriguez responds
3:38:14 PM David Mica, Executive Vice President - Florida Hospital Association, speaks in support of the bill
3:39:15 PM Ken Kniepmann, Florida Conference of Catholic Bishops, speaking in support
3:39:42 PM Carolyn Johnson, Senior Policy Director - Florida Chamber of Commerce, waiving in support
3:39:51 PM Layne Smith, Director State Government Affairs - Mayo Clinic, waives in support
3:40:13 PM Senator Rodriguez waives close
3:40:23 PM Roll call
3:40:30 PM SB 58 is reported favorably
3:40:38 PM SB 334 by Senator Gruters
3:40:52 PM Senator Gruters explains the bill
3:43:12 PM Senator Cruz with a question
3:44:43 PM Senator Gruters responds
3:45:49 PM Senator Cruz with a follow-up question
3:46:18 PM Senator Gruters responds
3:46:45 PM Ida Eskamani, Legislative Director - Florida Rising, speaks in support of the bill
3:47:44 PM Marvin Holthouser, Retail Tobacconist, speaks against the bill
3:51:10 PM Senator Hutson with a question
3:51:26 PM Mr. Holthouser responds
3:52:44 PM Senator Hutson with a follow-up question
3:53:15 PM Mr. Holthouser responds
3:53:57 PM Courtney Barker, City Manager of Satellite Beach, speaks in support of the bill
3:55:55 PM Holly Parker Curry, Florida Policy Manager - Surfrider Foundation, speaks in support of the bill
3:56:59 PM Tonnette Graham, Associate Director of Public Policy - FL Association of Counties, waives in support of the bill
3:57:05 PM Amanda Fraser, Broward County, waives in support of the bill
3:57:16 PM Ashley Lyerly, Director of Advocacy - American Lung Association, waives in support of the bill
3:57:19 PM Tara Taggart, Legislative Policy Analyst- Florida League of Cities, waives in support of the bill
3:57:25 PM Susan Harbin Alford, Senior Director, Government Relations - American Cancer Society Cancer Action Network, waives in support
3:57:32 PM Deborah Foote, Deputy Chapter Director - Sierra Club FL, waives in support of the bill
3:57:51 PM David Serdar, Concerned Senior Citizen, speaks in support of the bill
3:59:24 PM Senator Hooper with debate on the bill
4:00:02 PM Senator Brodeur speaks in debate
4:01:22 PM Senator Cruz speaks in debate
4:02:31 PM Senator Gruters closes on the bill
4:04:13 PM Roll Call
4:04:18 PM SB 334 is reported favorably
4:04:40 PM Chair Bradley turns the Chair over to Vice Chair Garcia
4:05:05 PM SB 378 by Senator Bradley
4:05:17 PM Senator Bradley explains the bill

4:07:14 PM Senator Cruz speaks in debate
4:08:30 PM Senator Bradley closes on the bill
4:08:51 PM Roll Call
4:08:58 PM SB 378 is reported favorably
4:09:19 PM SB 62 by Senator Bradley
4:09:32 PM Senator Bradley explains the bill
4:12:24 PM Senator Hooper with questions
4:13:39 PM Senator Bradley responds
4:14:23 PM Senator Hooper with a follow-up question
4:15:03 PM Senator Bradley responds
4:15:19 PM Senator Hooper with a question
4:16:34 PM Senator Bradley responds
4:17:14 PM Senator Hutson with a question
4:17:41 PM Senator Bradley responds
4:18:00 PM Senator Hutson with a follow-up question
4:18:13 PM Senator Bradley responds
4:18:21 PM Senator Cruz with a question
4:18:45 PM Senator Bradley responds
4:19:19 PM Senator Cruz with a follow-up question
4:19:28 PM Senator Bradley responds
4:20:28 PM Senator Powell with a question
4:21:46 PM Senator Bradley responds
4:22:08 PM Senator Powell with a follow-up question
4:23:16 PM Senator Bradley responds
4:24:09 PM Senator Powell with an additional question
4:24:34 PM Amendment 282946 by Senator Bradley
4:25:34 PM Senator Bradley explains the amendment
4:26:42 PM Senator Cruz in debate on the amendment
4:27:47 PM Senator Cruz in debate
4:28:02 PM Senator Bradley waives close on the amendment
4:28:15 PM Amendment 282946 is adopted
4:28:28 PM Back on the bill as amended
4:28:36 PM Senator Powell with a question
4:29:00 PM Senator Bradley responds
4:29:27 PM Denise Imbler, Statewide Coordinator - Florida Regional Councils Association, waives in opposition to the bill
4:29:47 PM Vivian Young, Communications Director - 1000 Friends of Florida, speaks in opposition to the bill
4:33:07 PM Mindy Gibson, City Councilmember - City of Satellite Beach, speaks in opposition to the bill
4:36:17 PM Carl Mikyska, Executive Director - Florida MPO Advisory Council, speaks in opposition to the bill
4:39:20 PM Courtney Barker, City Manager - Satellite Beach, speaks in opposition to the bill
4:42:24 PM Thomas J. Lanahan, Executive Director - Treasure Coast Regional Planning Council, waives in opposition to the bill
4:44:46 PM Julie Dennis, Owner - OVID Solutions, speaks in opposition to the bill
4:49:36 PM Doug Smith, County Commissioner - Martin County, speaks in opposition to the bill
4:50:38 PM Senator Hutson with a question for Doug Smith
4:51:11 PM Mr. Smith responds
4:53:01 PM Senator Bradley with a question for Doug Smith
4:53:17 PM Mr. Smith responds
4:54:40 PM Jimmy Anderson, Chairman, Baker County Board of County Commissioners speaks in opposition to the bill
4:55:40 PM Deborah Foote, Deputy Chapter Director - Sierra Club FL, waives in opposition to the bill
4:59:38 PM Sean Sullivan, Executive Director - Tampa Bay Regional Planning Council, waives in opposition to the bill
4:59:43 PM Senator Powell with a question
5:00:00 PM Chair Garcia responds
5:00:09 PM Peter O'Bryan, Indian River County Commissioner, speaks in opposition to the bill
5:02:54 PM Tom Lewis, Environmental Department Manager, speaks in opposition to the bill
5:07:12 PM Ronald L. Book, Florida Regional Councils Association, speaks in opposition to the bill
5:14:48 PM Laura Reynolds, Consultant - Hold the Line Coalition, speaks in opposition to the bill
5:17:27 PM Roxanne Groover, Executive Director - Florida Onsite Wastewater Association, speaks on the bill
5:18:54 PM Mario Bailey, speaking as private citizen and Council Member - South Florida Regional Planning Council, speaks in opposition to the bill
5:19:51 PM Senator Baxley in debate on the bill

5:23:54 PM Senator Hutson speaks in debate on the bill
5:25:53 PM Senator Powell speaks in debate on the bill
5:30:00 PM Senator Hooper speaks in debate
5:33:59 PM Senator Cruz speaks in debate
5:34:59 PM Senator Bradley closes on the bill
5:37:35 PM Chair Garcia passes the chair to Senator Hutson
5:37:40 PM Chair Hutson states meeting will briefly recess
5:37:48 PM Recording Paused
5:38:32 PM Recording Resumed
5:38:48 PM Chair Hutson brings the committee back to order
5:39:49 PM Roll Call
5:40:50 PM SB 62 reported favorably
5:40:51 PM Chair passed back to Chair Bradley
5:41:02 PM Senator Baxley moves to adjourn
5:41:05 PM Without objection, meeting is adjourned