

FINAL LEGISLATIVE REPORT
2010 REGULAR LEGISLATIVE SESSION



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END OF SESSION LEGISLATIVE REPORT

2010 Regular Legislative Session

INTRODUCTION

This session, perhaps even more than last session, was dominated by budget issues. How to make the state budget work in light of budget shortfalls overshadowed much of the Legislature's time in Tallahassee. Economic development and regulatory streamlining also were major buzzwords for legislative initiatives.

At the close of the session, significant legislation was adopted to attempt to promote jobs and economic activity, revisions to state water policy were discussed, debated, and ultimately passed, and policy regarding recycling was adopted.

Offshore energy exploration was debated and discussed, but ultimately no action was taken this session. Most thought that this issue would come back next session, but the explosion, fire and sinking of the offshore drilling rig in the Gulf of Mexico and the resultant oil leak has probably significantly changed the discussion of this issue moving forward.

Major growth management legislation was not adopted, although the Legislature did adopt provisions to extend permits and approvals for projects, and to resolve pending legal challenges to last year's SB 360.

The reauthorization of the Department of Community Affairs as part of the agency sunset process also was a significant issue. The Senate was willing to reauthorize the agency; the House was not. The issue came down to the wire at the very end of session, but ultimately the agency was not reauthorized. Therefore, the statute provides that DCA is to submit its agency budget requests as it otherwise would, and the issue will be back for legislative consideration again next session.

This session, 2,225 general and local bills were filed. Of those, 253 general bills and 39 local bills passed both chambers. In addition, there were 2 concurrent resolutions, 3 joint resolutions, and 4 memorials that passed both chambers. Last session, 202 general bills passed both chambers.

Recognizing the hard work of our team of colleagues, we present this End of Session Report with summaries of the enrolled bills on which Ronald L. Book, P.A. and The WREN Group focused its attention.

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BUDGET

HB 5001 – GENERAL APPROPRIATIONS ACT

The Legislature's top priority for the 2010 Session was "getting Floridians back to work and recharging Florida's economy." Despite facing a \$3.2 billion dollar shortfall, legislators adopted a \$70.4 billion dollar budget which included \$507 million transferred from trust funds. Legislators increased funding of the state's traditional economic development tools to help Florida recover from the current slump, including the placement of an additional \$1.5 billion into

the 5-year work plan from the Transportation Trust Fund.

As a result of the budget conference process, an additional \$305 million in PECO projects were funded for education. Conferees agreed not to reduce State employee salaries nor eliminate retirees' health insurance subsidies. Both the Seminole Gaming Compact (\$433 million) and the Tax Amnesty program (\$81.4 million) brought additional revenues into the budget for this fiscal year.

The major accomplishments in the various budget areas are summarized below. Greater detail is provided for the Transportations & Economic Development and Natural Resources budgets.

PRE K-12 EDUCATION

- The Legislature continued to place a top priority on education by providing an over \$1 billion increase in general revenue funding for public schools.
- The FY 2010-11 budget for Pre K-12 is \$14.0 billion, a 4.38% increase over last year.

- The budget contains a slight increase in per-student funding (0.02%), increasing the average funding levels to \$6,843.51 per student. This is a \$111 million increase over last year.
- The state share of the FEFP was increased by \$848.9 million (10.51%) from the current budget to make up for the loss in local funding. The total FEFP is funded at \$8.9 billion.

HIGHER EDUCATION

- The FY 2010-11 budget for State Universities and Private colleges is \$7 billion, an increase of \$314 million over the current fiscal year.
- Non-recurring Federal Stimulus Funds are restored for the second and final year at \$403 million.
- The budget permanently extends the flat award policy of the Bright Futures program with slight changes to the eligibility requirements.

HEALTH AND HUMAN SERVICES

- Healthcare funding has increased by 9.35% in total spending, due in large part to increased Medicaid caseloads.
- The budget fully restores the \$990.6 million in General Revenue lost due to the coming stimulus termination in December 2010.
- The Legislature gave the greatest weight to funding programs that provide services core to the missions of health and human services agencies and direct critical services to Florida's most vulnerable citizens.
- The healthcare budget:
 - a) Fully restores funding to the Medically Needy and MEDS AD programs serving approximately 39,684 beneficiaries monthly.
 - b) Held harmless from Medicaid rate reductions the Medicaid Institutional Care Facilities for the Developmentally Disabled.
 - c) Exempted Miami Children's and All Children's Hospital from rate reductions in recognition of their high Medicaid volume. Rural hospitals were exempted from rate reductions in recognition of their unique financial status.
 - d) Fully funded anticipated Kidcare program enrollment growth for an additional 22,374 children.

e) Fully funds services for pregnant women between 150-185% of the poverty level.

f) Fully funds community-based services for elders such as the Local

Services Program, Community Care for the Elderly, Homecare for the Elderly, and Alzheimer's disease projects.

CRIMINAL AND CIVIL JUSTICE

The budget reflects a commitment by the Legislature to protect the health and safety of the citizens of the state, while making strategic reductions in administrative-level activities. Highlights in this area include:

- The criminal justice budget for Fiscal Year 2010-11 is \$5.1 billion, including \$3.5 billion in General Revenue and \$1.6 billion in Trust Funds.
- The Conference Report does not result in the closing of any state prisons or the release of prisoners.
- Blackwater, the private 2,224 adult male correctional facility in Santa Rosa County, will be operational in November 2010. There will be a net savings to the state of \$1.65 million.
- Approximately \$10 million of federal stimulus dollars are dedicated to fund the second year of the drug court improvement program.

TRANSPORTATION & ECONOMIC DEVELOPMENT

The budget for Transportation and Economic Development (TED) is \$9.9 billion, which is a 16% decrease from last year. The \$11.1 million in recurring General Revenue reductions will provide funds for other critical state spending such as healthcare, education and public safety. No transportation projects currently underway will be impacted. Some examples of trust fund reductions in this general budget area include:

- Housing Trust Funds (\$174.1 million). There is a non-recurring reduction of \$85.5 million in affordable housing funding authority in the housing trust funds.

The remaining funds come from increased revenue projections in both 2009-10

and 2010-11.

- Grants and Donations at DCA (\$12 Million). There is a non-recurring transfer of \$12 million from the Grants and Donations Trust Fund at DCA.

- Emergency Preparedness and Assistance Trust Fund (\$2 Million). There is a non-recurring transfer of \$2 million from the Emergency Preparedness and Assistance Trust Fund at DEM.

- State Transportation Trust Fund (\$160 Million). There is a non-recurring transfer of \$160 million from the State Transportation Trust Fund to General Revenue. This may have minimal impacts in future project commitments. In addition, the Legislature provided for \$40 million in nonrecurring General Revenue to be deposited back into the State Transportation Trust Fund if the state receives FMAP funding this year.

Highlights of the agency budgets include:

Agency for Workforce Innovation (AWI)

- The funding for AWI is set at \$1.6 billion.
- The School Readiness Program is funded at \$615.5 million.
- Regional Workforce Boards are funded at \$252.2 million.

- Funding is maintained at current year levels of \$3.3 million for the Quick Response Training Program.
- The second year of implementation of the Unemployment Compensation Benefits System is continued at \$26.3 million to assist in the agency workload to process unemployment claims.
- The Early Learning Information System is funded at \$11 million to continue the second year of its implementation. The system streamlines the coordination between Voluntary Pre-Kindergarten and school readiness in an effort to improve efficiency.

Department of Community Affairs (DCA)

- The funding for DCA is set at \$779.5 million with \$9.8 million coming from General Revenue and \$769.8 million from trust fund dollars.
- Regional Planning Councils are funded at \$2.5 million from recurring General Revenue. This matches current year funding.
- Due to the overall decline in construction, the funding for the Building Code Commission is facing a reduction.
- The budget includes \$17.5 million in non-recurring General Revenue for state matching funds for federal disaster funding.
- To use federal funds more efficiently, the Division of Emergency Management is being reorganized and streamlined from five budget entities to one.
- The First Time Homebuyer Program is funded at \$37.5 million. This appropriation to the Florida Housing Finance Corporation provides down payment and cost assistance.

Office of Tourism, Trade, and Economic Development (OTTED)

- The funding for OTTED is set at \$98.7 million with \$47 million in General Revenue and \$51.7 million coming from trust funds.
- Visit Florida is funded at \$27 million, an increase in funding over the current year of \$5.5 million.
- The Quick Action Closing Fund is a cash fund that helps OTTED close deals from "extraordinary economic opportunities" with companies that are being wooed by other states. The budget provides the Quick Action Closing Fund with \$1 million.

- Due to cut-backs from the federal government for the space program, the budget

provides \$3.8 million in non-recurring General Revenue for Space Florida, Inc.,

and makes available \$17.5 million in non-recurring trust funds for Launch

Complexes 36 and 46. This will help fund necessary improvements for commercial launch capabilities for the two launch pads and other infrastructure improvements. This is an increase in funding over the current year of \$7.5 million.

Department of State (DOS)

- DOS funding is set at \$88.31 million, with \$55.5 million in General Revenue and \$32.9 million coming from trust funds.

- State Aid to Libraries is fully funded with \$21.2 million in non-recurring General Revenue funds.

- There is also \$1.2 million in non-recurring General Revenue for Multi-County Libraries.

- Cultural and historic operating grants will continue to be funded at reduced levels. The Legislature realizes that it is vital even in a difficult budget year to continue focusing at least some of the State's efforts on Florida's culture and history. Cultural and Museum Grants are being funded at \$2 million, and Historic Preservation Grants are funded at \$650,000.

- The budget funds \$1.9 million in non-recurring General Revenue reimbursements to counties for Special Elections.

- The budget includes \$360,000 in non-recurring General Revenue to the Florida Humanities Council. Approximately \$210,000 is for the planning of the Quincentennial celebration efforts.
- To celebrate Florida's 500 year anniversary, the budget provides \$1.0 million in nonrecurring General Revenue for a permanent exhibit at the Museum of Florida History in Tallahassee.

Department of Highway Safety and Motor Vehicles (DHSMV)

- The budget funds DHSMV at \$387 million. Of this amount, \$15 million is funded from non-recurring General Revenue and \$372 million in trust fund dollars.
- There will be no eliminations of Florida Highway Patrol Officers.
- A consolidation of ten drivers' license offices with low transaction volumes and locations in close proximity to other offices. In order to continue efficient service, county tax collectors will become licensing agents and employees in filled positions will either be employed by the Tax Collector's Office or placed in other agency vacancies.
- The ten drivers' license offices are located in Lake City, Cape Coral, Orange Park, North Melbourne, Crystal River, Lake Wales, Fort Walton Beach, Clewiston, Bradenton and Palatka.

Department of Military Affairs (DMA)

- Funding for DMA is \$59.6 million with \$16.1 million in General Revenue and \$43.5 million coming from trust funds.
- Of this amount, \$39.5 million is from the Federal Grants Trust Fund for 32 different cooperatives with the Department of Defense and for Fixed Capital Outlay at the Camp Blanding Joint Training Center.
- No positions are reduced in the Department of Military Affairs.
- The About Face and Forward March Programs are funded at \$2.0 million in state trust funds. This maintains current year funding levels.
- The National Guard Tuition Assistance program is fully funded at \$1.8 million in recurring General Revenue. This is the current year funding level.

Department of Transportation (DOT)

- Funding for DOT is \$7.0 billion in trust funds.

- Of this amount, \$5.8 billion is included for the first year of the 5-year Work Program.
- The budget requires the Tampa-Hillsborough Expressway Authority to pay \$19 million to DOT in order to reduce the authority’s operation and maintenance liability that is currently owed to DOT.

NATURAL RESOURCES

The Natural Resources budget maintains priorities of the Legislature (i.e., Everglades Restoration, Florida Forever, the Petroleum Tanks Cleanup program, and Beach Restoration), while continuing to make the reductions necessary to balance the state’s revenue with its expenditures. The budget also avoids the loss of vital law enforcement personnel. Key programs are funded as follows,

Florida Forever	15,000,000
Everglades Restoration	50,000,000*
Drinking Water Revolving Loans	88,454,969
Wastewater Treatment Construction Facility Construction	157,780,534
Beach Restoration	15,536,535
Underground Petroleum Tank Clean-up	120,000,000
Mosquito Control	1,293,368
Total Maximum Daily Loads	10,250,000
Water Management District Trust Fund	18,300,000

*Note: \$40 million is contingent on the receipt of federal FMAP funds.

***Pursuant to proviso, these funds are “provided for the design, engineering, and construction of the Comprehensive Everglades Restoration Plan, Lake Okeechobee Protection Plan, the Caloosahatchee and St. Lucie River Watershed Protection Plan Components, and for the acquisition of lands for projects included in the plans.”*

Department of Agriculture and Consumer Services (DACS)

- The Department’s operating budget is funded at \$337 million, consisting of \$103.5 million General Revenue and \$234 million Trust Funds.
- The Florida Agricultural Promotion Campaign is fully funded, although \$1.8 million is with nonrecurring dollars.

- The budget maintains our ability to provide a vital service to needy Floridians by funding Farm Share and Food Banks at \$400,000.
- The budget also includes funding to maintain the aquaculture research facility in Ruskin for the next fiscal year.
- The proposed budget also includes \$1.4 million to hire additional staff to help manage the backlog of concealed weapons permit applications. This will help ensure appropriate and timely processing and delivery of concealed weapon or firearm licenses.
- The budget also includes \$1 million to fund wildfire equipment which will allow the department to protect Florida's forests, homes, and businesses.
- The budget provides \$1 million for the research of citrus canker and greening.
- Funding of \$3 million for statewide Best Management Practices (BMPs) is included, as well as an additional \$3 million for BMP projects within the Northern Everglades Estuaries Protection Program.

Department of Citrus

- The agency's operating budget is funded at \$66.8 million in Trust Funds. This represents a continuation of the base budget with 68 FTE positions.

Department of Environmental Protection (DEP)

- The Department's total proposed budget is \$1.44 billion, consisting of \$40.8 million in General Revenue and \$1.4 billion in Trust Funds.
- The budget eliminates 14 vacant FTE positions, which provides a savings of \$900,000.
- The budget includes \$15 million in funding for the Florida Forever land acquisition program.
- The budget also includes \$50 million for Everglades restoration, though \$40 million of it is contingent on the receipt of federal FMAP funds.
- The State Revolving Fund Program is used to help plan, design and construct drinking water, wastewater and storm water projects throughout the state. The total funding for both programs will be \$271.2 million.
- The Small County Wastewater Treatment Grant Program will be maintained at the current level of \$13.6 million.
- Beach Restoration projects throughout Florida are also funded at \$15.5 million.
- Total Maximum Daily Load (TMDL) programs help to improve water quality in Florida's lakes, rivers, and estuaries. The budget includes \$10.25 million for these programs within the department.*

**In response to the recent Nutrient Criteria rule being proposed by the U.S. Environmental Protection Agency, the legislature included proviso directing that "the department shall, by October 31, 2010, expend the funds necessary to propose for adoption by rule, pursuant to*

section 120.54, new designated use classifications or sub-classifications for waters, including manmade lakes; canals or ditches; or streams converted to canals before 1975, that will recognize the limited aquatic life support and habitat limitations of these waters based upon their physical and hydrologic characteristics and water management uses for which they were constructed or modified.”

- Funding in the Inland Protection Trust Fund used to pay for the Petroleum Tank Cleanup Program will experience a significant increase in the next Fiscal Year. Total funding for the program is budgeted at \$120 million. Last year the program received \$90 million in borrowed funds.
- The budget also increased funding of the Nonpoint Source Management Planning Grants at \$17.4 million.

Fish and Wildlife Conservation Commission

- The agency operating budget will be \$296 million including \$28.8 million in General Revenue and \$267 million in Trust Funds.
- The budget repealed the fee for the Shoreline Fishing License.
- The budget also includes an increase in the Invasive Plant Control Program for one year by \$3.6 million.
- Funding for Marine Mammal Care (Manatees) programs is fully funded at a total of \$1.9 million.

SUBSTANTIVE LEGISLATION

HB 53 – St. Johns River License Plate

This bill provides for the creation of a “St. Johns River” specialty license plate. The annual use fee of \$25 per tag shall be distributed to the St. Johns River Alliance, Inc. to support activities contributing to education, outreach, and springs conservation. Up to 10 percent of the revenue may be used for promotion, marketing, and administrative costs.

Effective Date July 1, 2010.

CS/HB 143 – Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements

Section 163.3180(4)(b), F.S., exempts public transit facilities from transportation concurrency requirements to promote alternative modes of transportation. Some specific exemptions under this paragraph include: airport passenger terminals and concourses; air cargo facilities; and hangars for aircraft storage or maintenance.

This bill amends s. 163.3180(4)(b), F.S., to exempt hangars for the assembly or manufacture of aircraft from transportation concurrency requirements.

Effective Date: July 1, 2010.

CS/SB 318 - Wildlife Management / Reptiles

This bill prohibits any person from possessing, importing, selling, trading, or breeding certain reptile species, including any reptile species designated as a reptile of concern by the Florida Fish and Wildlife Conservation Commission (commission). As of December 31, 2007 in addition to the venomous reptiles referenced in s.379.372, F.S., these species are:

- Indian or Burmese python (*Python molurus*)
- Reticulated python (*Python reticulatus*)
- African rock python (*Python sebae*)
- Amethystine or Scrub python (*Morelia amethystinus*)
- Green anacondas (*Eunectes murinus*)
- Nile monitor (*Varanus niloticus*)

The bill provides that persons licensed to possess a reptile of concern as of July 1, 2010, or by October 1, 2010, for anacondas other than green anacondas, may continue to possess the individual reptile for the remainder of that reptile's life.

Effective Date: July 1, 2010.

HB 431 – Peace Creek Drainage District

The Peace Creek Drainage District (PCDD), located in Polk County, was established pursuant to ch. 6458, Laws of Florida (L.O.F.), in 1913, which provides the statutory framework for creating drainage districts. The jurisdiction of the PCDD covers approximately 45,000 total acres that are used primarily for agricultural purposes, and includes the Peace Creek Drainage Canal (Canal).

The 34-mile long Canal was constructed by the PCDD around 1915 for the purpose of draining land for agricultural use. Construction of the Canal was funded by assessments levied against property owners in the PCDD. The PCDD has not levied any assessment or tax in decades or performed any canal maintenance. The PCDD is governed by a three-member board elected by the landowners within the PCDD. The PCDD currently possesses the powers of a drainage district under ch. 298, F.S.

The PCDD has no outstanding financial liabilities other than legal, accounting and secretary/treasurer billing for which it has not received a recent statement. This bill dissolves the Peace Creek Drainage District and transfers all assets and indebtedness of the district, if any, to the Southwest Florida Water Management District.

Effective Date: July 1, 2010.

CS/CS/CS/SB 550 - Environmental Protection

This is the comprehensive (171 page) bill dealing with a wide-ranging series of issues related to water and environmental protection. In addition to conforming and cross-reference changes, some of the highlights of the bill are as follows:

Section 1 - Part VII of Chapter 373, F.S.

- Reorganizes certain provisions of Ch. 373, F.S. relating to water supply policy, planning and production into a new part VII.

Section 29 – § 373.1961, F.S., Water Production

- Adds “conservation projects that result in quantifiable water savings” to alternative water supply development for which the water management districts and the state shall share a percentage of revenues to supplement other funding sources.
- Adds the fact that a municipality or county has implemented a high-water recharge protection tax assessment program to those factors that governing boards must give significant weight in determining project funding.

Section 31 - § 378.901, F.S. – Limestone Mining

- Contains provisions regarding life-of-the-mine permits for limestone mining.
- Provides that this does not limit the authority of a local government to approve, approve with conditions, deny, or impose a permit duration that is different from the duration issued by the bureau.

Section 32 – § 373.41492, F.S. – Lake Belt

- Adds a mitigation amount of 45 cents per ton beginning close of business December 31, 2011 for the Miami-Dade County Lake Belt Area.

Section 33 – § 215.619 F.S. - Bonds for Everglades Restoration

- Directs that \$200 million in bonds may be issued for sewage collection, treatment and disposal in the Florida Keys Area of Critical State Concern.

Section 34 – § 380.0552 F.S. - Florida Keys Area

- Provides procedures for removal of the designation of the Florida Keys Area of Critical State Concern once all requirements of the Administration Commission are met.

Section 35 – § 381.0065 F.S. - Onsite sewage treatment and disposal systems

- Provides specific standards that central wastewater facilities and onsite sewage treatment and disposal systems (septic systems) in the Florida Keys Area of Critical State Concern must meet.
- Provides that onsite sewage treatment and disposal systems in Monroe County must cease discharge by December 31, 2015, or must comply with department rules and provide specified levels of treatment.
- Beginning January 1, 2011, the DEP shall administer an onsite sewage treatment and disposal system evaluation program to assess the operational condition and identify any failures. The DEP must adopt rules implementing program standards, procedures, and requirements, including, but not limited to, a schedule for a 5-year evaluation cycle, requirements for the pump-out of a system or repair of a failing system, and enforcement procedures.
- Bans the land application of septage after January 1, 2016, and requires a report to be prepared by DOH and DEP by February 2011 recommending alternative methods to establish enhanced treatment levels for the land application of septage from onsite sewage and disposal systems. The report shall include, but is not limited to, a schedule for the reduction in land application, appropriate treatment levels, alternative methods for treatment and disposal, enhanced application site permitting requirements including any requirements for nutrient management plans, and the range of costs to local governments, affected businesses and individuals for alternative treatment and disposal methods. The report shall also include any recommendations for legislation or rule authority needed to reduce land application of septage.
- Establishes a grant program effective January 1, 2012 to assist owners of onsite sewage treatment and disposal systems identified pursuant to s. 381.0065 or the rules adopted thereunder. A grant under the program may be awarded to an owner only for the purpose of inspecting, pumping, repairing, or replacing a system serving a single-family residence occupied by an owner with a family income of less than or equal to 133 percent of the federal poverty level at the time of application. The grant program will be funded by a fee a fee not less than \$15, or more than \$30 for a required five-year evaluation report of onsite systems. At least \$1 and no more than \$5 collected pursuant to this paragraph shall be used to fund a grant program established under s. 381.00656.

Section 38 – §403.086 F.S. - Sewage disposal facilities; advanced and secondary waste treatment

- Clarifies that wastewater facilities contributing flow to another wastewater facility that discharges to an ocean outfall must meet the 60-percent reuse requirement for any diverted quantity of wastewater flow. The percentage of the diverted flow processed as reuse will be applied to the facility discharging to an ocean outfall.
- Directs the DEP to submit a report to the Governor and Legislature on the effects of reclaimed water use by February 1, 2012.
- Legislative findings and requirements for septic systems, injection wells and backup wells in Monroe County.

Section 40 - § 403.1835 F.S. - Water pollution control financial assistance

- Clarifies the duties of the Florida Water Pollution Control Financing Corporation.

Section 43 - § 403.8533 F.S. - Drinking Water Revolving Loan Trust Fund

- Provides that the Drinking Water Revolving Loan Trust Fund is exempt from the termination provisions of s. 19(f)(2), Art. III of the State Constitution.

Section 44 - § 369.317 F.S. - Wekiva Parkway

- Amends the mitigation restrictions contained in section 369.317, Florida Statutes, to provide that, if certain lands within the Wekiva Study Area or the Wekiva Parkway alignment corridor are used as environmental mitigation to offset certain impacts, then the activity is considered to meet the cumulative impact surface water and wetlands requirements contained in section 373.414(8)(a), Florida Statutes.

Section 45 - § 215.47 F.S. - Investments; authorized securities; loan of securities

- Permits funding for alternative water supply projects through the State Board of Administration (SBA).

Section 51 - § 373.079, F.S. - Members of governing board; oath of office; staff

- Removes the delegation of Part II (consumptive use) permit reviews from the governing board to the executive director and staff. Now, only environmental resource permits under Part IV shall be delegated.
- Expressly prohibits governing board members from “individually” intervening in any manner during the review of an application prior to referral to the board for final action. This provision does not prohibit the board from acting as a collegial body in supervising, overseeing, or directing the activities of district staff. This provision expires June 1, 2011, unless reenacted by the Legislature.

Section 53 – § 373.085 F.S. - Use of works or land by other districts or private persons

- In order to promote water quantity and water resource development, projects that improve flood control, and conservation of lands, the district and other governmental agencies shall encourage public-private partnerships by collaborating, when possible, with those partnerships when procuring materials for infrastructure and restoration work projects.

Section 54 – 373.118 F.S. - General permits; delegation

- Governing boards may delegate powers and duties pertaining to general permits to the executive director and staff, however, when delegating the authority to take

final action on part II permits (consumptive use) or petitions for variances or waivers under part II, the board must provide a process for referring a denial to the governing board for final action. These delegations are not subject to the rulemaking requirements of chapter 120.

Section 55 - § 373.236 F.S - Duration of permits; compliance reports

- Compliance reports for 20-year consumptive use permits are changed from every 5 years to every 10 years. The Suwannee River Water Management District may continue to require a compliance report every 5 years through 2015, and thereafter every 10 years.

Section 56 - § 373.250 - Reuse of reclaimed water

Adds rules that must be adopted by the water management district in consultation with DEP, such as:

- Provisions to require permit applicants to provide, as part of their reclaimed water feasibility evaluation for a nonpotable use, written documentation from a reuse utility addressing the availability of reclaimed water. This requirement applies when the applicant's proposed use is within an area that is or may be served with reclaimed water by a reuse utility within a 5-year horizon.
- Provisions specifying the content of the documentation required above, including sufficient information regarding the availability and costs associated with the connection to and the use of reclaimed water, to facilitate the permit applicant's reclaimed water feasibility evaluation.
- Adds that reuse utilities and the applicable water management district or districts are encouraged to periodically coordinate and share information concerning the status of reclaimed water distribution system construction, the availability of reclaimed water supplies, and existing consumptive use permits in areas served by the reuse utility.

Section 58 - Nutrient Water Quality Standards

- The bill provides legislative findings with respect to nutrient water quality standards and the United States EPA's proposed numeric nutrient criteria, including: i) proposed standards fail to take into account the unique characteristics of the state's many thousands of rivers, streams, and canals; ii) standards fail to incorporate, and may undermine, the state's science-based total maximum daily loads program; iii) standards will have severe economic consequences on the state's agriculture, local governments, wastewater utilities, economically vital industries, small businesses, and residents living below the poverty level or on fixed incomes.

Section 59 - § 220.1845 F.S. - Contaminated site rehabilitation tax credit

- The bill adds language regarding contaminated site rehabilitation tax credits (*See* HB 773).

Section 62 - § 403.973 Expedited permitting; comprehensive plan amendments

- Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.
- Provides for expedited review of permit applications and local comprehensive plan amendments for businesses creating at least 50 (from 100) jobs or businesses creating at least 25 (from 50) jobs if the project is located in an enterprise zone, or in a county having a population of fewer than 75,000 or in a county having a population of fewer than 125,000 (from 100,000) which is contiguous to a county having a population of fewer than 75,000, as determined by the most recent decennial census.

Effective Date: July 1, 2010.

CS/HB 569 – Landfills

This bill amends s. 403.708, F. S., to allow the disposal of yard trash in Class I landfills that use an active landfill gas collection system and provide or arrange for beneficial reuse of the gas.

The bill provides that a Class I landfill may also accept yard trash for the purpose of mulching and using the yard trash to provide landfill cover for municipal solid waste disposed at the landfill. The bill also provides that the DEP shall, by rule, develop and adopt a methodology to award recycling credit. The permittee must certify that gas collection and beneficial use will continue after closure of the disposal facility that is accepting yard trash. Further, if the landfill is located in a county that owns and operates a compost facility, waste-to-energy facility, or biomass facility that sells renewable energy to a public utility and that is authorized to accept yard trash, the department shall provide the county with notice of, and opportunity to comment on, the application for permit modification.

The bill retains the existing language that allows source separated yard trash to be accepted at a solid waste disposal area if separate composting facilities are provided and maintained, and provides that this limited exception applies to all units of local government, including municipalities, counties, and special districts with the exception of Miami-Dade County.

Effective Date: July 1, 2010.

CS/HB 843 – Rural Enterprise Zones

The Florida Enterprise Zone Program was created to provide financial incentives and to induce private investment. Specifically, businesses and individuals located within enterprise zones qualify for various state and local tax incentives, among other benefits.

The bill provides that any catalyst site that was approved prior to January 1, 2010 which is not located in a rural enterprise zone must be designated as a rural enterprise zone by the Office of Tourism, Trade, and Economic Development (OTTED) upon request from the site's host county. "Catalyst site" is defined in s. 288.0656, F.S., as a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations.

There are currently four Rural Catalyst Sites, with two, Highlands and Calhoun Counties, already located in rural enterprise zones. Suwannee County and Columbia County are not currently located in a Rural Enterprise Zone. The bill provides that upon request from the host county of a catalyst site that is not located in an enterprise zone for rural enterprise zone designation, OTTED must provide such designation. The two catalyst sites will be granted access to the incentives provided by the Florida Enterprise Zone Program, once they acquire the Rural Enterprise Zone designation.

Effective Date: July 1, 2010.

CS/CS/CS/HB 963 - Seaports

This bill provides legislative findings that seaport facilities are critical infrastructure facilities that significantly support the economic development of the state, and it creates a framework in s. 373.4133, F.S. to allow DEP to issue port conceptual permits to seaports.

The bill would allow any of the state's 14 ports to apply to DEP for a port conceptual permit, including applicable authorization to use sovereign submerged lands either under a joint coastal permit or the environmental resource permit, for all or a portion of the port. Private entities with a controlling interest in property used for industrial marine activity in the immediate vicinity of any of the ports may also apply for a port conceptual permit. Permits could be for a period of up to 20 years and could be extended once for an additional 10 years. The port conceptual permit would be considered the state's conceptual water quality compliance certification and determination of consistency with the state's federally-approved coastal zone management program. The application for a port conceptual permit would be required to contain sufficient information to provide reasonable assurance that the designs are based upon engineering and environmental concepts that are likely to meet applicable rules for issuing construction permits for subsequent phases of the project. At a minimum, the application must include:

- Identification of proposed construction areas and areas where construction will not occur;
- Estimated or maximum anticipated impacts to wetlands and other surface waters and any proposed mitigation for those impacts;
- Estimated or maximum amount of anticipated impervious surface and the nature of the stormwater treatment system for those areas; and

- The general location and types of activities on sovereignty submerged lands.

Except when the seaport requests construction approval as part of a port conceptual permit application, the application is not expected to include final design specifications and drawings. DEP is required to include in its port conceptual permit conditions specifying the information the port needs to submit as part of a request for a subsequent construction permit or authorization. In determining whether to approve or deny the port conceptual permit application, DEP is required to reasonably balance the potential benefits of the facility and the impacts on water quality, fish and wildlife, water resources and the state's other natural resources.

The port conceptual permit would give the permit holder assurance, during the duration of the permit, that the engineering and environmental concepts upon which its designs are based are likely to meet applicable rules for issuing construction permits for subsequent phases of the project, provided:

- The rules governing the conditions for issuing permits for future phases do not change, and the conceptual approval permit is not inconsistent with the Total Maximum Daily Load or Basin Management Action Plan adopted for the waterbody into which the system discharges or is located.
- Applications for proposed future phase activities under the port conceptual approval permit are consistent with the design and conditions of the issued port conceptual approval permit. The primary areas for consistency comparison include:
 - a) The size, location, and extent of the system;
 - b) Type of activity;
 - c) Percent imperviousness;
 - d) Allowable discharge and points of discharge;
 - e) Location and extent of wetland and other surface water impacts and proposed mitigation plan (if required);
 - f) Control elevations;
 - g) Extent of stormwater reuse; and
 - h) Detention/retention volumes.

If an application for a subsequent phase activity is not consistent with the terms and conditions of the port conceptual approval permit, the applicant may request a modification of the port conceptual permit to resolve the inconsistency or may request that the application be processed independently of the port conceptual permit.

Notwithstanding any other provision of law, a port conceptual permit or associated construction permit, including any applicable sovereignty submerged lands authorization, may authorize advance mitigation for impacts expected as a result of the activities described in the port conceptual permit. Any advance mitigation shall be credited to offset the impacts of such activities, to the extent that the advance mitigation is successful.

DEP's final agency action of a sovereignty submerged land authorization associated with a port conceptual permit may not be delegated by the Board of Trustees of the Internal Improvement Trust Fund (Board). However, the Board's approval of an authorization constitutes a delegation to DEP of authority to take final action on behalf of the Board on any sovereignty submerged lands authorizations needed to construct facilities included in the port conceptual sovereignty submerged lands authorization (unless a Board member specifically requests that it be brought before the Board). Any delegation to DEP concerning a private project does not exempt the project from the Board's applicable rules including lease and easement fees.

The following procedures apply to the approval or denial of an application for a port conceptual permit or a final permit or authorization:

- Applications for a port conceptual permit, including any request for the conceptual approval of the use of sovereign submerged lands, are to be processed in accordance with provisions in ss. 373.427 and 120.60, F.S. However, if the applicant believes that any request for additional information is not authorized by law or agency rule, the applicant may request an informal hearing pursuant to s. 120.57(2), F.S., before the secretary of DEP to determine if the application is complete.
- Upon issuance of DEP's notice of intent to issue or deny a port conceptual permit, the applicant is required to publish a one-time notice of such intent, prepared by DEP, in the newspaper with the largest circulation in the county or counties where the port is located.
- Final agency action on a port conceptual permit is subject to challenge pursuant to ss. 120.569 and 120.57, F.S. However, final agency action to authorize subsequent construction of facilities contained in a port conceptual permit may only be challenged by a third party for its consistency with a port conceptual permit.
- Anyone who will be substantially affected by a final agency action must initiate administrative proceedings pursuant to ss. 120.56920 and 120.57, F.S., within 21 days after the publication of the notice of the proposed action. If administrative proceedings are requested, the proceedings are subject to the summary hearing provisions of s. 120.574, F.S. However, an administrative law judge's decision will be a recommended order, rather than a final order. A summary proceeding must be conducted within 90 days after a party files for a motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

Notwithstanding any other provision of law, DEP and the Board are authorized to issue permits and authorizations provided for in the Federal Endangered Species Act and its implementing regulations. DEP is required to unilaterally modify any permit or authorization consistent with any subsequently issued incidental take authorization. Such a unilateral modification does not create a point of entry for any substantially affected person to request administrative proceedings under ss. 120.567 and 120.57, F.S.

DEP and the Board may adopt rules to implement the new permit under the joint coastal permit provisions of ch. 161, F.S., the sovereign lands provisions of ch. 253, F.S., and the environmental resource provisions of part IV of ch. 373, F.S. The adoption of these rules would

not be subject to any rule-making requirements related to small business. Notwithstanding the grant of rulemaking authority, the port conceptual permit statute is intended to be available for use upon becoming law, and its implementation is not to be delayed by any rulemaking.

The bill provides that in lieu of meeting generally applicable stormwater design standards that create a presumption that stormwater discharged from the system will meet applicable state water quality standards in the receiving waters, any of the 14 ports may propose alternative stormwater treatment and design criteria for constructing, operating, and maintaining stormwater management systems serving overwater piers. This proposal is to include structural components and best management practices to address stormwater discharge, including consideration of activities conducted on the pier, in order to provide reasonable assurance that the stormwater discharge will meet the applicable state water quality standards into receiving waters.

In addition, the bill:

- Allows seaport projects for rehabilitation of certain wharves, docks, berths, bulkheads, or similar structures to only need a 25 percent match to be eligible for matching funds under s. 311.07, F.S.
- Requires the Florida Seaport Transportation and Economic Development (FSTED) Council to provide the Florida Department of Transportation (DOT) with a list of port projects that can be made production-ready within the next 5 years.
- Requires certain projects and seaport funding to be included in DOT's tentative work program.
- Provides a time frame for DOT to process certain work program amendments related to seaports and allows transfer of unexpended balances for seaport projects through adopted work program amendments.
- Deletes references to memoranda of agreement between DEP and the Florida Ports Council for a supplemental permitting process for seaports. Instead, DEP is empowered to directly provide a supplemental permitting process.
- Conforms statutes related to concurrent permit processing and agency duties with respect to state lands to incorporate port conceptual permits.
- Authorizes ports to enter into public-private partnerships for infrastructure projects.

Effective Date: Except as otherwise provided, July 1, 2010.

CS/CS/CS/HB 981 – Agriculture

This bill prohibits the denial of an agricultural classification on land if the only changed circumstance is that the land has been offered for sale, and applies this prohibition retroactively to all parcels for which a final court order has not been entered. The bill specifies an assessment methodology for agricultural improvements, structures, and equipment on agricultural land which are used as a natural resource conservation practice or to implement best management practices.

The bill provides that the Citrus and Research Development Foundation shall serve as the advisory council for a citrus research marketing order and the box assessment for citrus fruit shall not exceed the amount included in the order. The bill requires the assessment placed on agricultural commodities be deposited into the appropriate trust fund rather than the General Inspection Trust Fund within DACS.

The bill changes the location of the executive offices of the Department of Citrus from Lakeland to Bartow. The bill also provides that structures or improvements used for horticultural production, which are for frost and freeze protection and consistent with DACS interim measures or best management practices must be assessed pursuant to methodology provided.

Effective Date: July 1, 2010.

CS/CS/SB 982 - Underground Facility Damage Prevention & Safety

This bill revises provisions of the Underground Facility Damage Prevention and Safety Act (Act), which currently creates a system by which persons intending to engage in excavation or demolition activities can provide notice of this intent, to allow operators of underground facilities the opportunity to identify and locate their underground facilities.

Among other changes, the bill:

- Prohibits local governments from enacting ordinances or rules that conflict with the act;
- Establishes a program through the Division of Administrative Hearings for evaluating allegations of damage caused to high-priority subsurface installations;
- Provides for low-impact marking of underground facilities;
- Increases the amount of the civil penalty that may be imposed for a noncriminal infraction to \$500 from the current level of \$250;
- Requires the clerk of court to report annually on infractions under the act; and
- Requires Sunshine State One-Call of Florida, Inc., to establish a voluntary alternative dispute resolution program to resolve disputes arising from excavation activities.

With respect to incidents involving high-priority subsurface installations, the bill provides:

- Definitions of the terms “high-priority subsurface installation” and “incident;”
- Notice responsibilities of both excavators and operators;
- Procedures for reporting an alleged incident;
- A hearing and determination process related to the allegations, to be conducted by the Division of Administrative Hearings pursuant to a contract between the system and the division;
- Penalties and procedures.

Effective Date: October 1, 2010.

CS/SB 1118 – Docks

This bill:

- Amends s. 258.42, F.S., regarding aquatic preserves, to provide that slips in those preserves at private residential single-family docks which contain boat lifts or davits that do not float in the water when loaded may not, in whole or in part, be enclosed by walls, but may be roofed if the roof does not overhang more than one foot beyond the footprint of the lift and the boat stored in the lift. Such roofs are not included in the square-footage calculation of a terminal platform. The bill also provides that structures permitted under this section of law or chapter 253 may not be prohibited solely because a local government fails to adopt a marina plan or other policies dealing with the siting of structures in its local comprehensive plan.
- Amends s. 403.061(29) to provide that the DEP may adopt special criteria to protect Class III shellfish harvesting waters, in addition to the Department's existing powers to do so for Class II shellfish waters. Rules adopted may include special criteria for approving docking facilities that have 10 or fewer slips if the construction and operation of such facilities will not result in the closure of shellfish waters.
- Amends s. 403.061(40) to provide that DEP may maintain a list of projects or activities, including mitigation banks, which applicants may consider when developing proposals in order to meet the mitigation or public interest requirements of chapter 403, chapter 253, or chapter 373, F.S. The bill provides that the contents of any such list are not a rule as defined in chapter 120, and listing a specific project or activity does not imply department approval for such project or activity. The bill provides that each county government is encouraged to develop an inventory of projects or activities for inclusion on the list by obtaining input from local stakeholders in the public, private, and nonprofit sectors, including local governments, port authorities, marine contractors, other representatives of the marine construction industry, environmental or conservation organizations, and other interested parties. The bill also provides that a county may establish dedicated trust funds for depositing public interest donations to be used for future public interest projects, including improving on-water law enforcement capabilities.
- Amends s. 403.061(41) to provide that DEP may expand the use of online self-certification and other forms of online authorization for appropriate exemptions, general permits, and individual permits by the department and the water management districts if such expansion is economically feasible. DEP is required to report on the progress of these activities to the President of the Senate, the Speaker of the House of Representatives, and the Legislative Committee on Intergovernmental Relations by February 15, 2011.

- Amends s. 403.813, regarding issuance of permits at district centers, to provide that limitations currently in law regarding replacement of existing docks and piers do not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards.

Effective Date: July 1, 2010.

HB 1271 – Transportation

This bill contains numerous provisions relating to the Department of Transportation (DOT) and other transportation related issues. For the purposes of this report we have included only those provisions relating to growth and environmental resource management.

Section 1 - Charter County Transportation System Surtax

The Charter County Transportation System Surtax, provided in s. 212.055 (1), F.S. allows certain charter counties, as well as a county that is consolidated with one or more municipalities, to levy a maximum 1 percent sales surtax to finance the development, construction, and operation of fixed guideway rapid transit systems, bus systems, and roads and bridges. The proposal to levy the surtax and create a trust fund for surtax proceeds must appear on a ballot and receive the approval of a majority of the county electorate.

The bill expands amends the program to facilitate the use of the revenues for the implementation of regional transportation systems. It specifically amends the eligibility to include “each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349, F.S.” Further it amends s. 212.055(1), F.S. to permit the Charter County Transportation System Surtax to be used for on-demand transportation services. The bill defines “on-demand transportation services” as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.

Section 22 - Utilities on Right-of-Way

In 2008 amended s. 337.401(1), F.S. to provide that for transmission lines that operate more than 69 kilovolts, and where there is no practical alternative available, DOT rules must provide for placement of, and access to, transmission lines within the right-of-way of any DOT-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, providing that compliance with minimum clear zone and other safety standards established by rules or regulations is achieved. Current law requires compensation to DOT for the use of the right-of-way in a limited-access facility.

The bill amends s. 337.401, F.S., to provide that compensation to DOT by an electric utility for the use of the right-of-way only applies to the longitudinal placement of electric utility transmission lines on limited access facilities. It also changes DOT’s rulemaking authority on

non-limited access right-of-way with respect to 69 or more kilovolts aerial and underground electric utility transmission lines. Lastly, the bill eliminates DOT's authority to require that these lines be removed from the right-of-way in order to accommodate the expansion or improvement of transportation facilities.

Section 23 - Camping on Right-of-Way

In 2009 the State was witness to extraordinary events which resulted in the establishment of an encampment of dozens of homeless individuals under the Julia Tuttle Causeway in Miami-Dade County, raising numerous public safety and sanitation concerns. In response to that occurrence the Legislature included a provision in this bill which amends s.337.406, F.S. to prohibit camping on any portion of the right-of-way of the State Highway System within 100 feet of a bridge, causeway, overpass, or ramp.

Section 27 - Central Florida Regional Transportation Authority (LYNX)

The Central Florida Regional Transportation Authority (also known as LYNX) services Orange, Osceola and Seminole Counties, an area of over 2,500 square miles. LYNX operates fixed-route and paratransit services in its service area. Individual buses can accrue over 500,000 miles in less than seven years, the life span of a bus. According to LYNX, consistently leasing buses (as opposed to purchasing) would significantly reduce current financing terms and eliminate required insurance premiums. However, unlike other authorities, LYNX does not have authorization to independently enter into capital leases.

The bill amends s. 343.64, F.S., to authorize LYNX to borrow up to \$10 million annually for the costs and obligations of the authority. This would allow the authority to more easily lease rather than purchase buses.

Section 29-35 Expressway Authorities

The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and the Florida Turnpike Enterprise. The expressway authorities have boards of directors that typically include a combination of local-government officials and Governor appointees who decide on projects and expenditure of funds.

- Tampa Hillsborough County Expressway Authority (THCEA)

The THCEA was established in 1963 to build, operate, and maintain toll-financed expressways in Hillsborough County. Pursuant to State law the THCEA is subject to the State Bond Act through which the Division of Bond Finance (DBF) issues revenue bonds for THCEA's projects on behalf of the authority. The State Bond Act includes a number of requirements to ensure the integrity and fiscal sufficiency of bonds issued on behalf of the state. The revenue bonds issued by the DBF, on behalf of THCEA, pledge the toll revenues generated by THCEA's expressway system as repayment. These revenue bonds are not backed by the full faith and credit of the state.

Some local-government transportation entities, such as the Miami-Dade County Expressway Authority, the Orlando-Orange County Expressway Authority and the Mid Bay Bridge Authority, have specific authority to issue their own revenue bonds, independent of the DBF.

The bill amends various sections of the State statutes to clarify the THCEA's authority to issue its own bonds, without having to seek the state's review and approval as required under the State Bond Act. The cumulative effect of the bill would shift the final decision from the state-wide perspective of the Governor and Cabinet to a local perspective. THCEA would retain the option of going through the Division of Bond Finance. The THCEA does not have the power to pledge the credit or taxing power of the state, the City of Tampa, or Hillsborough County, meaning none of these entities would be legally liable for repaying the bonds.

- Osceola County Expressway Authority

The bill creates "Osceola County Expressway Authority Law" in part IX of ch. 348, F.S. as an agency of the state. Its governing body will consist of six members, five of whom must be residents of Osceola County. Three members will be appointed by the governing body of the county and two members appointed by the Governor. The sixth member will be the district secretary of DOT serving the district that includes Osceola County, who serves as an ex officio, nonvoting member. The bill declares that the authority is not eligible for voting membership in metropolitan planning organizations "within which Osceola County, or any of the municipalities therein, are also voting members."

The authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, engineers, and other employees; may determine the qualifications and fix the compensation of such persons, firms, or corporations; and may employ a fiscal agent or agents. The authority is required to cooperate with and participate in any efforts to establish a regional expressway authority.

The bill specifies that the purposes and powers shall be those identified in the Florida Expressway Authority Act. It further:

1. Requires the authority to develop procedures to encourage the awarding of professional services and construction contracts to certified minority businesses;
2. Authorizes the authority to issue bonds to pay or secure certain obligations and to enter into lease-purchase agreements with the DOT;
3. Authorizes DOT to act as the authority's appointed agent for construction as provided in the Florida Expressway Authority Act;
4. Authorizes the authority to acquire certain lands and property;
5. Authorizes the authority to exercise eminent domain;
6. Provides legislative intent and a pledge of the state to bondholders;
7. Exempts the authority from taxation;
8. Provides an exemption from taxes for bonds issued by or on behalf of the authority and the income therefrom; and
9. Provides for dissolution of the authority if before January 1, 2020, the authority has not encumbered any funds to further its purposes and powers.

Section 35 -Wekiva Parkway

The Wekiva Basin, consisting of the Wekiva River, the St. Johns River and their tributaries along with associated lands in Central Florida, is part of a large wildlife corridor that connects northwest Orange County with the Ocala National Forest.

In 2004, the Legislature enacted the Wekiva Parkway and Protection Act, implementing the recommendations of the Wekiva River Basin Coordinating Committee's Final Report of March 16, 2004. The act directed that funds expended by DOT and Orlando-Orange County Expressway Authority to purchase interests in certain lands shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. The act specifies the offset of road construction impacts as the only use of mitigation credits. Currently, there is a surplus of mitigation credits available to mitigate the Wekiva parkway expansion that cannot be used for other mitigation purposes within either the Wekiva Study Area or the Wekiva parkway alignment corridor.

The bill amends s. 369.317, F.S., providing that if certain lands within the Wekiva Study Area or the Wekiva parkway alignment corridor are used as environmental mitigation to offset certain impacts, then the activity is considered to meet the cumulative impact upon surface water and wetlands requirements in s. 373.414(8)(a), F.S. This change will allow the use of mitigation credits for other projects or developments within the study area or expansion corridor.

Section 36 - Lake Belt Mitigation

Part IV of ch. 373, F.S. codifies the Lake Belt Plan which guides limestone operations in the Lake Belt Area of Miami-Dade County. Under this plan, the Lake Belt mining companies pay a "mitigation" fee of 24 cents per ton of mined material to acquire, restore, and preserve environmentally sensitive lands and fund other environmental projects. These funds are deposited in the Lake Belt Mitigation Trust Fund which is administered by the South Florida Water Management District. This fee is currently indexed pursuant to s. 373.41492(5), F.S.

This bill amends s. 373.41492, F.S., to increase the lake belt mitigation fee to 45 cents per ton, beginning on December 31, 2011. The bill also adds a sunset date of December 31, 2011 to the annual increase of 2.1 percent plus a cost growth index, in the per-ton mitigation fee. The bill also changes the frequency from five years to two years the length of time the interagency committee is to report to the Legislature any needed adjustments in the Lake Belt Mitigation Fee, including the annual price escalator, to ensure that the revenue the fee brings in reflects the actual cost of mitigation.

Sections 38-43 Outdoor Advertising

Chapter 479, F.S., relating to outdoor advertising, provides for the control and permitting of signs adjacent to the highways of the state. This chapter allows DOT to recoup the costs incurred in removing illegal or unpermitted signs by assessing the owner of the sign. In many instances,

an illegal or unpermitted sign does not display the name of the sign owner and DOT is unable to make identification resulting in a negative fiscal impact to the department.

- Definitions

Federal law only allows signs such as billboards to be permitted by DOT in areas zoned for commercial or industrial use. The bill amends some definitions relating to ch. 479, F.S., regarding outdoor advertising to address issues related to zoning. The bill amends the definition of “commercial or industrial zone” and creates definitions for “allowable uses,” “commercial use,” “industrial use,” and “zoning category.” The effect of these changes is to clarify where these signs may be located.

- Pilot Program

DOT has a pilot program in Orange, Hillsborough, and Osceola Counties and in the City of Miami under which the distance between permitted signs on the same side of the interstate highway may be reduced to 1,000 feet if:

- a) The local government has adopted a plan, program, resolution, ordinance, or other policy encouraging the voluntary removal of signs in a downtown, historic, redevelopment, infill, or other designated area which also provides for a new or replacement sign to be erected on an interstate highway within that jurisdiction if a sign in the designated area has been removed;
- b) The sign owner and the local government mutually agree to the terms of the removal and replacement; and the local government notifies DOT of its intention to allow such removal and replacement as agreed upon.

The bill amends the program rules to provide that the new or replacement sign to be erected on an interstate highway within the area of the pilot program that is to be located on a parcel specifically designated for commercial or industrial use under both the future land use map of the comprehensive plan and the land use development regulations. Also, the parcel shall not be subject to an evaluation to determine whether or not it is in an unzoned or commercial or industrial area pursuant to the criteria set forth in statute.

- Logo Signs

Section 479.261(1), F.S., requires DOT to establish a Logo Sign Program which provides information to motorists about available gas, food, lodging, camping, and attraction services at interstate interchanges. The bill amends s. 479.261, F.S. to provide for the maximum the annual permit fees for logo signs. These permit fees not exceed \$3,500 inside an urban area and \$2,000 for locations outside an urban area. The bill also removes DOT’s authorization to implement a 3-year rotation for the removal and addition of participating businesses.

- Removal of Unpermitted and Illegal Signs

The bill creates part III of chapter 479 to provide liability and jurisdiction related to the removal of unpermitted and illegal signs located within the right-of-way of and controlled areas adjacent to the State Highway System (SHS), interstate highway system, and federal-aid highway system. This intent is to relieve DOT of the financial burden related to the removal of these signs and place the financial burden on those benefitting from location and operation of these signs. This gives DOT the authority to recover its costs associated with removing these signs. The bill creates s. 479.312, F.S., to provide that all costs that DOT incurs in removing an unpermitted sign is to be assessed against and collected from the sign's owner, the advertiser on the sign, or the owner of the property where the sign is located. For a sign that does not display the name of the sign's owner, the sign is presumed to be owned by the owner of the property where the sign is located.

The bill creates s. 479.313, relating to the cost of removing signs if a permit is revoked. In that case, the cost of removing the sign will be assessed and collected from the permittee. The bill creates s. 479.315, F.S., to provide that costs in connection with removing signs on the right-of-way are to be assessed and collected from the owner of the sign and the advertiser displayed on the sign.

Effective Date: July 1, 2010

CS/CS/HB 1385 - Petroleum Contamination Site Cleanup

The bill allows the Department of Environmental Protection (DEP) to establish a long-term "natural attenuation monitoring" category for sites in the Petroleum Cleanup Program. The DEP is required to utilize natural attenuation monitoring strategies and, when cost-effective, transition sites eligible for restoration funding assistance to long-term natural attenuation monitoring where a site meets certain criteria. The bill requires DEP to evaluate whether higher natural attenuation default concentrations for natural attenuation monitoring or long-term natural attenuation monitoring are cost-effective and will adequately protect public health and the environment. DEP must also evaluate site-specific characteristics that will allow for higher natural attenuation or long-term natural attenuation concentration levels.

Further, the bill provides that a local government may not deny a building permit based solely on the presence of petroleum contamination for any construction, repairs, or renovations performed in conjunction with tank upgrade activities - if the facility was fully operational before the building permit was requested and if the construction, repair, or renovation is performed by a licensed contractor.

The bill establishes a low-scored site initiative for those sites with a priority ranking score of 10 points or less and provides conditions for voluntary participation. If these conditions are met, DEP must issue a No Further Action (NFA) order, which means minimal contamination exists

onsite which is not a threat to human health or the environment. If no contamination is detected, DEP may issue a site rehabilitation completion order (SRCO).

Sites that are eligible will be initiated by the source property owner or responsible party and are strictly voluntarily. DEP may pre-approve the cost of the assessment pursuant to s. 376.30711, F.S., including 6 months of groundwater monitoring, not to exceed \$30,000 for each site. DEP may not pay the costs associated with the establishment of institutional or engineering controls. Assessment work must be completed no later than 6 months after DEP issues its approval.

The bill authorizes DEP to spend no more than \$10 million per fiscal year from the funds currently authorized from the Inland Protection Trust Fund in DEP to assess low scored sites. Funds will be made available on a first-come, first-served basis and will be limited to 10 sites in each fiscal year for each responsible party or property owner. The bill deletes the provisions relating to funding for limited interim soil-source removals, which sunsets June 30, 2010.

Finally, for fuel service station facilities that have orders issued by the DEP before July 1, 2010, granting an extension to upgrade to secondary containment systems, the bill requires DEP to extend the deadline to September 30, 2011. The facilities must be in compliance with all other state and federal regulations pertaining to petroleum storage systems.

Effective Date: July 1, 2010.

CS/CS/SB 1516 – State-owned lands

This bill clarifies certain provisions regarding state-owned lands. Among other provisions, the bill provides:

- Clarification regarding how local governments provide notification to property appraisers regarding publicly-owned property.
- That facilities owned, leased, rented, or otherwise occupied by a water management district are to be included in the inventory of maintained by the Department of State, and clarifies the duties of the Department of State in that regard.
- A legislative finding that it is in the best interest of the state to identify surplus property and dispose of such property that is unnecessary to achieving the state's responsibilities, that may cost more to maintain than the revenue generated, that does not serve any public purpose, or that from which the state may derive a substantially similar public purpose under private ownership.
- That DEP will create, administer, and maintain a comprehensive system for all state lands and real property leased, owned, rented, and otherwise occupied by any state agency, by the judicial branch, and by any water management district. The bill also provides a list of what the comprehensive, state-owned system must contain; that the Division of State Lands at DEP will be the custodian of the system, and the objectives that the system must accomplish. The system must:

- a) Eliminate the need for redundant state real property information collection processes and state agency information systems.
 - b) Reduce the need to lease or acquire additional real property as a result of an annual surplus valuation, utilization, and disposition analysis.
 - c) Enable regional planning as a tool for cost-effective buy, sell, and lease decisions.
 - d) Increase state revenues and maximize operational efficiencies by annually identifying those state-owned real properties that are the best candidates for surplus or disposition.
 - e) Ensure all state real property is identified by collaborating and integrating with the Department of Revenue data as submitted by the county property appraisers.
 - f) Implement required functionality and processes for state agencies to electronically submit all applicable real property information using a web browser application.
- By October 1, 2010, and annually thereafter, the Division of State Lands at DEP must submit to the Governor, the President of the Senate, and the Speaker of the House a report that lists the state-owned property recommended for disposition, including a report by the Department of Management Services of surplus buildings recommended for disposition. The report is to include specific information that documents the valuation and analysis process used to identify the specific state-owned real property recommended for disposition.
 - The Board of Trustees of the Internal Improvement Trust Fund would be required to use tax roll data, which shall be provided by the Department of Revenue, to assist in the identification and confirmation of publicly held lands. Lands that are held by the state or a water management district and lands that are purchased by the state, a state agency, or a water management district and that are deemed not essential or necessary for conservation purposes would be subject to review for surplus sale.

The bill contains an extensive timeline and list of deliverables for development of the state-owned lands tracking system.

Effective Date: Upon becoming law.

CS/CS/HB 1565 – Rulemaking

This bill addresses rulemaking under chapter 120 of the Florida Statutes. Under the provisions of the bill:

- A statement of estimated regulatory costs will be required for any rulemaking subject to s. 120.54(3), F.S., where the proposed rule will have an “adverse” impact on small business, or “[t]he proposed rule is likely to directly or indirectly

increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the rule.”

- Existing law provides that emergency rules adopted under s. 120.54(4) are not effective for more than 90 days and are not renewable except during the pendency of any challenge to the emergency rule; the bill adds an exception for when the proposed rule is awaiting ratification by the Legislature pursuant to s. 120.541(3).
- Section 120.541, F.S., currently allows a substantially affected party to submit to an agency a good faith written proposal for a lower cost regulatory alternative which substantially accomplishes the objectives of the law being implemented. The bill also requires a statement of estimated regulatory costs be prepared by an agency as provided earlier in the bill; and to:
 - a) Require the agency to revise a statement of estimated regulatory costs if any change to the rule increases the regulatory costs of the rule; to require the agency to provide at least 45 days notice on its website, and directly to a person submitting a lower cost regulatory alternative before filing the rule for adoption;
 - b) Clarify the law that the failure of an agency to prepare a statement of estimated regulatory costs or respond to a written lower cost regulatory alternative is a material failure to follow rulemaking procedures; clarifying how a failure to prepare the statement or respond to a written lower cost regulatory alternative must be challenged in a proceeding challenging the validity of a rule under s. 120.58(8)(a); and providing limitations on how a rule can be declared invalid for failure to comply.

The bill also adds to existing requirements of what a statement of estimated regulatory costs must include, to require an economic analysis showing whether the rule directly or indirectly:

- Is likely to have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
- Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or
- Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

Also added to existing requirements under the statute, an agency would now be required to take into account “any other costs necessary to comply with the rule;” and with regard to small businesses, an impact analysis would be required to include the basis for the agency’s decision not to implement alternatives that would reduce adverse impacts on small businesses. If the adverse impact or regulatory costs of the rule exceed any of the criteria established in the bill, the rule would be required to be submitted to the President of the Senate and Speaker of the House

of Representatives no later than 30 days prior to the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature.

Effective Date: Upon becoming a law.

CS/SB 1752 – Economic Development

This comprehensive bill (162-pages, 57 sections) addresses a wide range of economic development issues. Among the many issues addressed are (section numbers listed are general references, and do not necessarily represent all sections or all changes within the bill):

- New requirements that contracts between counties, municipalities or other bodies engaged in economic development on their behalf and economic development agencies must require the entity receiving funds to submit a report to the county detailing how the funds were spent and detailing the results of the entity's efforts on behalf of the county or municipality. By January 15, 2011, and annually thereafter, the county is required to file a copy of the report with the Legislative Committee on Intergovernmental Relations (LCIR) or any successor agency and post a copy on the county or municipality's website. (Sections 1 and 2).
- A new requirement that by January 15, 2011, and annually thereafter, each county and municipality must report to the LCIR the economic development incentives (defined therein) in excess of \$25,000 given to any business during the previous fiscal year. LCIR is to provide the report to the Office of Tourism, Trade, and Economic Development (OTTED). (Sections 1 and 2).
- Allowing economic development ad valorem tax exemptions to be extended in 10 year increments if approved by referendum. Current law limits such exemptions to an initial 10-year period and one extension of 10 years. (Section 3).
- Establishing a definition of a "fractional aircraft ownership program." (Section 4).
- Clarifying amendments to s. 212.031 regarding taxes on rental or license fees for the use of real property rented, leased, subleased, or licensed to a person providing telecommunications, data systems management, or internet services at convention centers or meeting halls. (Section 5).
- Additional tax exemptions for certain sporting event admissions. (Section 6).
- A cap on the maximum taxes to be assessed on boats and on fractional aircraft ownership interests. (Sections 7 and 8).
- Changes to s. 212.08, F.S. regarding machinery used to increase productive output; entertainment industry tax credits; and taxes on aircraft temporarily in this state. (Sections 9, 10, and 14).
- Changes to definitions in the Jobs for the Unemployed Tax Credit Program under s. 220.1896, F.S. (Section 13).
- Changes to s. 288.018, F.S., regarding the Regional Rural Development Grants Program. (Section 15).
- Creating s. 288.0659, F.S., establishing the Local Government Distressed Area Matching Grant Program within OTTED, "to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local

governments to attract and retain business in this state” and establishing the parameters of the program. (Section 16).

- Changing the definition of “jobs” in s. 288.1045, F.S., regarding the qualified defense contractor and space flight business tax refund program to include jobs obtained from a temporary employment agency or employee leasing agency, through a union agreement or co-employment under a professional employer organization agreement. (Section 17).
- Requiring that special consideration under the qualified target industry program should be given to businesses that export goods or services, or replace domestic or international imports of goods and services in future growth forecasts; giving special consideration to Florida-based renewable energy businesses and development of strong industrial clusters which include defense and homeland security businesses; and specifying qualified target industry business tax refund payments and calculations. (Section 18).
- Making changes to the definition of “jobs” regarding the brownfield redevelopment bonus refund program under s. 288.107, F.S. (Section 19).
- Making changes to the “high impact business” provisions of s. 288.108, F.S. (Section 20).
- Creating s. 288.1083, which establishes the “Manufacturing and Spaceport Incentive Program,” to encourage capital investment and job creation in manufacturing and spaceport activities in Florida (Section 21).
- Making changes to s. 288.1088, F.S., regarding the Quick Action Closing Fund; primarily regarding review of a project by the Legislative Budget Commission, and renegotiation of contracts under certain circumstances (Section 22).
- Making changes to the definition of “jobs” in the Innovation Incentive Program under s. 288.1089, F.S. (Section 23).
- Including “digital media projects” in the definition of “entertainment industry” under s. 288.125, F.S. (Section 24).
- Modifying provisions of s. 288.1251, F.S. regarding the office of the Commissioner of Film and Entertainment (Sections 25 and 27) and the Florida Film and Entertainment Advisory Council under s. 288.1252 (Section 26); substantially rewording provisions regarding the Entertainment Industry Financial Incentive Program (Section 28); and revising provisions regarding tax exemptions and incentives to the entertainment industry (Section 29).
- Creating s. 288.9552, F.S., establishing the Florida Research Commercialization Matching Grant Program, “to increase the amount of federal funding to this state which will produce the kind of distinctive technologies that drive today’s knowledge-based economy” (Section 30).
- Making administrative changes to s. 288.9625, F.S., regarding the Institute for the Commercialization of Public Research (Section 31).
- Making changes regarding sports franchises and creating s. 288.11621, F.S., regarding spring training franchises. (Sections 33, 34, 35, 36, 37, and 38).
- Amending s. 288.9313, F.S., regarding the definition of “qualified low-income community business” (Section 39).
- Making changes to section 373.441, F.S., regarding the role of counties, municipalities, and local pollution control programs in permit processing, to

require the DEP to establish a process for a local government to petition the Governor and Cabinet for a review of a request for a delegation of authority that is not approved or denied within 1 year after being initiated; requiring that any denial by DEP must provide specific detail of those rule or statutory provisions that were not satisfied; and requiring delegation of authority be approved if the requirements of rule 62-334, F.A.C., are met (Section 41).

- Requiring DEP to expand the role of online self-certification for appropriate exemptions and general permits issued by DEP or the water management districts if such an expansion is economically feasible. This section also provides that “[n]otwithstanding any other provision of law, a local government may not specify the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit under chapter 161, chapter 253, chapter 373, or this chapter. This limitation of local government authority extends to Internet-based department programs that provide for self-certification.” (Section 42).
- Amends part of last year’s (2009-2010) General Appropriations Act regarding the federal first-time homebuyer tax credit created through the American Recovery and Reinvestment Act of 2009 by extending the expiration date of implementing language for another year, through July 1, 2011. (Section 43).
- Requiring OPPAGA to review and evaluate the Florida Enterprise Zone Program (Section 44); and the Florida Research Commercialization Matching Grant Program (Section 45) and to provide reports.
- Providing extensions to development orders issued local governments, building permits, and permits issued by DEP or a water management district; providing extensions of commencement and completion dates for any required mitigation associated with a phased construction project; providing for notifying the authorizing agency of the intention to utilize the extension; and reauthorizing exemptions granted last year in SB 360 that are currently under court challenge. (Sections 46 and 47).
- Making changes to requirements for installation of fuel tank upgrades to secondary containment systems, granting extensions to certain fuel service station facilities. (Section 49).
- Establishing a preference for state residents in contracts for construction that are funded by state funds, under certain circumstances where state residents have substantially equal qualifications to those of nonresidents. (Section 50).
- Providing a finding that the act fulfills an important state interest, and providing a severability clause in the event part of the act is found invalid. (Sections 51 and 52).
- Providing appropriations to OTTED for Space Florida; for local government distressed area matching grants; for the Economic Gardening Program; the Defense Infrastructure Grant Program; the Florida Export Finance Corporation; to DEP for beach restoration; to the Board of Governors of the State University System for the State University Research Commercialization Assistance Grant Program; for the Quick Action Closing Fund; for the Florida Export Finance Corporation; and for the Commercialization of Public Research. Some of the appropriations provided by the bill are contingent upon enactment of federal law

extending the enhanced Federal Medicaid Assistance Percentage Rate (FMAP funding). (Sections 53, 54, 55, and 56).

Effective Date: Upon becoming a law.

CS/CS/SB 1842 – Public Roadways

This bill requires the Florida Department of Transportation (FDOT) to notify affected local governments of proposed changes to state highways when the project: divides a state highway; erects a barrier median modifying vehicle turning movements; or has the effect of closing or modifying existing access to adjacent property.

The notification must occur at least 180 days before the project design is finalized. The bill also allows the local government to present alternatives which would relieve the impacts to the business properties. The bill also requires FDOT to hold at least one public hearing in the jurisdiction where the project is located and receive public input.

Effective Date: July 1, 2010.

SB 2470 - Northeast Florida Regional Transportation

This bill creates the Northeast Florida Regional Transportation Study Commission comprising representatives of Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns counties to make specific legislative recommendations relating to regional transportation. Such recommendations may include an implementation plan for the establishment of a regional transportation authority and draft legislation.

An amendment adopted on Second Reading last week provides that a county's membership and participation in the commission, is not intended to constitute the consent of the county to inclusion within the jurisdiction of a regional transportation authority. The study shall be funded by the Northwest Florida Regional Transportation Planning Organization from its existing resources and by such other funds that may be provided from its constituent counties. This section expires and the commission terminates upon delivery of the final report.

Effective Date: July 1, 2010.

CS/HB 7103 – Agriculture

This bill provides comprehensive revisions to existing law related to agriculture. Specifically, the bill:

- Prohibits counties from enforcing regulations on land classified as agricultural if the activity is regulated by best management practices, interim measures, or regulations adopted by rule;
- Prohibits counties from imposing an assessment or fee for stormwater management on land classified as agricultural if the operation has a National Pollutant Discharge Elimination System (NPDES) permit, an environmental resource permit, a works-of-the-district permit, or implements best management practices;
- Allows a county to enforce its wetland protection acts adopted before July 1, 2003;
- Creates the Agricultural Land Acknowledgement Act to ensure that agricultural practices will not be subject to interference by residential use of land contiguous to agricultural land;
- Requires an applicant for certain development permits to sign and submit an acknowledgement of certain contiguous agricultural lands as a condition of the political subdivision issuing the permits;
- Expands eligibility for exemption from a local business tax for persons who sell farm, aquacultural, grove, horticultural, floricultural, or tropical fish farm products;
- Expands the definition of “farm tractor” to include any motor vehicle that is operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated incidentally;
- Reverses 2005 legislation to return tropical foliage to exempt status from the provisions of the License and Bond law;
- Exempts farm fences from the Florida Building Code and expands the definition of nonresidential farm buildings that are exempt from county or municipal codes and fees;
- Allows additional fiscally sound multi-peril crop insurers to sell crop insurance in Florida; and
- Makes section 823.145, Florida Statutes, consistent with section 403.707, Florida Statutes, relating to the disposal of certain materials used in agricultural operations.

Effective Date: July 1, 2010.

CS/HB 7203 – Community Development Districts

This bill addresses several aspects of the law regarding Community Development Districts (CDDs). The bill amends s. 212.0315, F.S., allowing CDDs without qualified electors to levy an optional tax of up to one percent on all commercial rental transactions occurring in the district that are subject to sales tax under s. 212.031, F.S. Approval to levy such a tax requires the affirmative vote of four of the five members of the elected board of supervisors (board) of the CDD and at least two-thirds of the landowners within the CDD.

The bill provides that the proceeds of the tax may only be used to: i) promote and support commercial activity within the district; ii) promote and support those festivals, special events, and other activities within the district that enhance commercial activity; and iii) provide public services as deemed necessary by the board to support such festivals, special events, and other activities. The term “public services” for purposes of the tax, includes, but is not limited to, law enforcement, fire protection, emergency services, and sanitation services, and are limited to services authorized by chapter 190, F.S.

Among other provisions regarding approval and implementation of the tax, the bill provides that expenditures of the proceeds must first be approved by the CDD’s board of supervisors; that the tax is to be administered locally, and that if the board determines that a CDD has qualified electors, the CDD’s authority to levy the tax authorized by this bill expires.

Effective Date: July 1, 2010.

HB 7243 - Environmental Control

This is essentially the recycling bill that was near death in the House Agriculture and Natural Resources Committee, and brought back to life as a Council bill from General Government Policy Council. Among the highlights, the bill now provides the following:

Section 1 - § 288.9015 Enterprise Florida

- Enterprise Florida shall provide technical assistance to the DEP in the creation of the Recycling Business Assistance Center, which is tasked with enhancing and expanding existing markets for recyclable materials in this state, other states, and foreign countries.

Section 2 - § 403.44 Florida Climate Protection Act

- Deletes provisions related to The Climate Registry

Section 3 - § 403.7032 Recycling

- Requires all state agencies, public schools, community college, and state universities, including all buildings that are occupied by public employees to annually report all recycled materials to the county. Private businesses, other than certified recovered materials dealers, are encouraged to report the amount of recycled materials to the county annually beginning January 1, 2011.
- Cities with populations of less than 2,500 and per capita taxable value less than \$48,000 and cities with a per capita taxable value less than \$30,000 are exempt from these reporting requirements.
- Sets out the duties of the Recycling Business Assistance Center, including but not limited to:

- a. Identifying and developing new markets and expanding and enhancing existing markets for recyclable materials.
- b. Pursuing expanded end uses for recycled materials.
- c. Targeting materials for concentrated market-development efforts.
- d. Developing proposals for new incentives for market development, particularly focusing on targeted materials.
- e. Providing guidance on issues such as permitting, finance options for recycling market development, site location, research and development, grant program criteria for recycled materials markets, recycling markets education and information, and minimum content.
- f. Coordinating the efforts of various governmental entities having market-development responsibilities in order to optimize supply and demand for recyclable materials.
- g. Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include the environmental and economic impact of source reduced product purchases to the state.
- h. Providing evaluation of solid waste management grants to reduce the flow of solid waste to disposal facilities and encourage the sustainable recovery of materials from Florida's waste stream.
- i. Providing below-market financing for companies that manufacture products from recycled materials or convert recyclables into raw materials for use in manufacturing pursuant to the Florida Recycling Loan Program as administered by the Florida First Capital Finance Corporation.
- j. Maintaining a continuously updated online directory listing the public and private entities that collect, transport, broker, process, or remanufacture recyclable materials in the state.
- k. Coordinating with the Agency for Workforce Innovation to provide job-placement and job-training services to job seekers.

Section 6 - § 403.705 State solid waste management program

- The DEP shall evaluate and report biennially to the President of the Senate and the Speaker of the House of Representatives on the state's success in meeting the solid waste recycling goals.
- The DEP shall adopt rules creating a voluntary certification program for materials recovery facilities, with criteria based upon the amount and type of materials recycled and the compliance record of the facility and may vary depending on the location and available markets. Any materials recovery facility seeking certification shall apply to modify its permit, or as part of its original permit without additional fee.

Section 7 - § 403.706 Local government solid waste responsibilities

- Each county shall implement a materials recycling program that shall have a goal of recycling recyclable solid waste by 40 percent by December 31, 2012, 50 percent by December 31, 2014, 60 percent by December 31, 2016, 70 percent by December 31, 2018, and 75 percent by December 31, 2020.
- Newly developed multifamily residential or commercial property receiving a certificate of occupancy, or its equivalent, on or after July 1, 2012, must provide adequate space and receptacles for recycling by tenants and owners. This provision is limited to counties and municipalities that have an established residential, multifamily, or commercial recycling program and regular pick-up services.
- If the state's recycling rate for the 2013 calendar year is below 40 percent, below 50 percent by January 1, 2015, below 60 percent by January 1, 2017, below 70 percent by January 1, 2019, or below 75 percent by January 1, 2021, the DEP must provide a report to the President of the Senate and the Speaker of the House of Representatives identifying additional programs or statutory changes needed to achieve the goals.
- Each megawatt-hour produced by a renewable energy facility using solid waste as a fuel shall count as 1 ton of recycled material and shall be applied toward meeting the recycling goals. If a county creating renewable energy from solid waste implements and maintains a program to recycle at least 50 percent of municipal solid waste by a means other than creating renewable energy, that county shall count 2 tons of recycled material for each megawatt-hour produced.
- If waste originates from a county other than the county in which the renewable energy facility resides, the originating county shall receive such recycling credit. Any county that has a debt service payment related to its waste-to-energy facility shall receive 1 ton of recycled materials credit for each ton of solid waste processed at the facility.
- Any byproduct resulting from the creation of renewable energy does not count as waste.
- Beginning with the data for the 2012 calendar year, the DEP shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

Section 9 - § 403.707 Permits

- By January 1, 2012, the amount of construction and demolition (C&D) debris processed and recycled prior to disposal at a permitted materials recovery facility or other permitted facility shall be reported by the county of origin to the DEP and to the county on an annual basis.
- Rules shall establish criteria to ensure accurate and consistent reporting for purposes of determining the recycling rate in s. 403.706 and shall also require that, to the extent economically feasible, all C&D debris must be processed prior to disposal, either at a permitted materials recovery facility or other permitted disposal facility. This paragraph does not apply to: i) recovered materials, ii) any

materials that have been source separated and offered for recycling, or iii) materials that have been previously processed.

Section 11 - § 403.7095 Solid waste management grant program

- Eliminates the requirement that the DEP develop a competitive and innovative grant program for the provision of solid waste management services., and applicant requirements.
- Adds distributions to other funding made available

Section 12 – § 403.7145 Recycling

- The Capitol Building’s recycling rates shall be posted on the website of the Department of Management Services and shall include the details of the recycling rates for each DMS pool facility. The DEP shall post recycling rates of each state-owned facility reported to the DMS.
- The DEP shall develop and contract for an innovative recycling pilot project for the Capitol recycling area, designed to increase convenience, incentivize and measure participation, reduce material volume, and assist in achieving the recycling goals.

Effective date: July 1, 2010.