



ECONOMIC AFFAIRS COMMITTEE

Amendment Packet

Wednesday, February 8, 2012

8:00 A.M.

Reed Hall (102 HOB)

**Dean Cannon
Speaker**

**Dorothy L. Hukill
Chair**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 599 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Horner offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 262 and 263, insert:

6 Section 3. Subsection (7) of section 341.301, Florida
7 Statutes, is amended to read:

8 341.301 Definitions; ss. 341.302-341.303.—As used in ss.
9 341.302-341.303, the term:

10 (7) "Limited covered accident" means:

11 (a) A collision directly between the trains, locomotives,
12 rail cars, or rail equipment of the department and the freight
13 rail operator only, where the collision is caused by or arising
14 from the willful misconduct of the freight rail operator or its
15 subsidiaries, agents, licensees, employees, officers, or
16 directors or where punitive damages or exemplary damages are
17 awarded due to the conduct of the freight rail operator or its
18 subsidiaries, agents, licensees, employees, officers, or
19 directors; or

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20 (b) A collision directly between the trains, locomotives,
21 rail cars, or rail equipment of the department and National
22 Railroad Passenger Corporation only, where the collision is
23 caused by or arising from the willful misconduct of National
24 Railroad Passenger Corporation or its subsidiaries, agents,
25 licensees, employees, officers, or directors or where punitive
26 damages or exemplary damages are awarded due to the conduct of
27 National Railroad Passenger Corporation or its subsidiaries,
28 agents, licensees, employees, officers, or directors.

29 Section 4. Subsection (17) of section 341.302, Florida
30 Statutes, is amended to read:

31 341.302 Rail program; duties and responsibilities of the
32 department.—The department, in conjunction with other
33 governmental entities, including the rail enterprise and the
34 private sector, shall develop and implement a rail program of
35 statewide application designed to ensure the proper maintenance,
36 safety, revitalization, and expansion of the rail system to
37 assure its continued and increased availability to respond to
38 statewide mobility needs. Within the resources provided pursuant
39 to chapter 216, and as authorized under federal law, the
40 department shall:

41 (17) In conjunction with the acquisition, ownership,
42 construction, operation, maintenance, and management of a rail
43 corridor, have the authority to:

44 (a) Assume obligations pursuant to the following:

45 1.a. The department may assume the obligation by contract
46 to forever protect, defend, indemnify, and hold harmless the
47 freight rail operator, or its successors, from whom the

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48 department has acquired a real property interest in the rail
49 corridor, and that freight rail operator's officers, agents, and
50 employees, from and against any liability, cost, and expense,
51 including, but not limited to, commuter rail passengers and rail
52 corridor invitees in the rail corridor, regardless of whether
53 the loss, damage, destruction, injury, or death giving rise to
54 any such liability, cost, or expense is caused in whole or in
55 part, and to whatever nature or degree, by the fault, failure,
56 negligence, misconduct, nonfeasance, or misfeasance of such
57 freight rail operator, its successors, or its officers, agents,
58 and employees, or any other person or persons whomsoever; ~~or~~

59 b. The department may assume the obligation by contract to
60 forever protect, defend, indemnify, and hold harmless National
61 Railroad Passenger Corporation, or its successors, and National
62 Railroad Passenger Corporation's officers, agents, and
63 employees, from and against any liability, cost, and expense,
64 including, but not limited to, commuter rail passengers and rail
65 corridor invitees in the rail corridor, regardless of whether
66 the loss, damage, destruction, injury, or death giving rise to
67 any such liability, cost, or expense is caused in whole or in
68 part, and to whatever nature or degree, by the fault, failure,
69 negligence, misconduct, nonfeasance, or misfeasance of National
70 Railroad Passenger Corporation, its successors, or its officers,
71 agents, and employees, or any other person or persons
72 whomsoever.

73 2. However, ~~Provided that~~ such assumption of liability of
74 the department by contract as to either sub-subparagraph 1.a. or

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75 sub-subparagraph 1.b. may shall not in any instance exceed the
76 following parameters of allocation of risk:

77 a.1. The department may be solely responsible for any
78 loss, injury, or damage to commuter rail passengers, or rail
79 corridor invitees, or trespassers, regardless of circumstances
80 or cause, subject to sub-subparagraph b. and subparagraphs ~~2.,~~
81 3., 4., 5., and 6.

82 b.(I)2. In the event of a limited covered accident, the
83 authority of the department to protect, defend, and indemnify
84 the freight operator for all liability, cost, and expense,
85 including punitive or exemplary damages, in excess of the
86 deductible or self-insurance retention fund established under
87 paragraph (b) and actually in force at the time of the limited
88 covered accident exists only if the freight operator agrees,
89 with respect to the limited covered accident, to protect,
90 defend, and indemnify the department for the amount of the
91 deductible or self-insurance retention fund established under
92 paragraph (b) and actually in force at the time of the limited
93 covered accident.

94 (II) In the event of a limited covered accident, the
95 authority of the department to protect, defend, and indemnify
96 National Railroad Passenger Corporation for all liability, cost,
97 and expense, including punitive or exemplary damages, in excess
98 of the deductible or self-insurance retention fund established
99 under paragraph (b) and actually in force at the time of the
100 limited covered accident exists only if National Railroad
101 Passenger Corporation agrees, with respect to the limited
102 covered accident, to protect, defend, and indemnify the

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103 department for the amount of the deductible or self-insurance
104 retention fund established under paragraph (b) and actually in
105 force at the time of the limited covered accident.

106 3. When only one train is involved in an incident, the
107 department may be solely responsible for any loss, injury, or
108 damage if the train is a department train or other train
109 pursuant to subparagraph 4., but only if;

110 a. When an incident occurs with only a freight train
111 involved, including incidents with trespassers or at grade
112 crossings, the freight rail operator is solely responsible for
113 any loss, injury, or damage, except for commuter rail passengers
114 and rail corridor invitees; or

115 b. When an incident occurs with only a National Railroad
116 Passenger Corporation train involved, including incidents with
117 trespassers or at grade crossings, National Railroad Passenger
118 Corporation is solely responsible for any loss, injury, or
119 damage, except for commuter rail passengers and rail corridor
120 invitees.

121 4. For the purposes of this subsection:

122 a. Any train involved in an incident that is neither the
123 department's train nor the freight rail operator's train,
124 hereinafter referred to in this subsection as an "other train,"
125 may be treated as a department train, solely for purposes of any
126 allocation of liability between the department and the freight
127 rail operator only, but only if the department and the freight
128 rail operator share responsibility equally as to third parties
129 outside the rail corridor who incur loss, injury, or damage as a
130 result of any incident involving both a department train and a

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131 freight rail operator train, and the allocation as between the
132 department and the freight rail operator, regardless of whether
133 the other train is treated as a department train, shall remain
134 one-half each as to third parties outside the rail corridor who
135 incur loss, injury, or damage as a result of the incident. The
136 involvement of any other train shall not alter the sharing of
137 equal responsibility as to third parties outside the rail
138 corridor who incur loss, injury, or damage as a result of the
139 incident; or

140 b. Any train involved in an incident that is neither the
141 department's train nor the National Railroad Passenger
142 Corporation's train, hereinafter referred to in this subsection
143 as an "other train," may be treated as a department train,
144 solely for purposes of any allocation of liability between the
145 department and National Railroad Passenger Corporation only, but
146 only if the department and National Railroad Passenger
147 Corporation share responsibility equally as to third parties
148 outside the rail corridor who incur loss, injury, or damage as a
149 result of any incident involving both a department train and a
150 National Railroad Passenger Corporation train, and the
151 allocation as between the department and National Railroad
152 Passenger Corporation, regardless of whether the other train is
153 treated as a department train, shall remain one-half each as to
154 third parties outside the rail corridor who incur loss, injury,
155 or damage as a result of the incident. The involvement of any
156 other train shall not alter the sharing of equal responsibility
157 as to third parties outside the rail corridor who incur loss,
158 injury, or damage as a result of the incident.

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159 5. When more than one train is involved in an incident:

160 a.(I) If only a department train and freight rail
161 operator's train, or only an other train as described in sub-
162 subparagraph 4.a. subparagraph 4. and a freight rail operator's
163 train, are involved in an incident, the department may be
164 responsible for its property and all of its people, all commuter
165 rail passengers, and rail corridor invitees, but only if the
166 freight rail operator is responsible for its property and all of
167 its people, and the department and the freight rail operator
168 each share one-half responsibility as to trespassers or third
169 parties outside the rail corridor who incur loss, injury, or
170 damage as a result of the incident; or

171 (II) If only a department train and a National Railroad
172 Passenger Corporation train, or only an other train as described
173 in sub-subparagraph 4.b. and a National Railroad Passenger
174 Corporation train, are involved in an incident, the department
175 may be responsible for its property and all of its people, all
176 commuter rail passengers, and rail corridor invitees, but only
177 if National Railroad Passenger Corporation is responsible for
178 its property and all of its people, all National Railroad
179 Passenger Corporation's rail property, and the department and
180 National Railroad Passenger Corporation each share one-half
181 responsibility as to trespassers or third parties outside the
182 rail corridor who incur loss, injury, or damage as a result of
183 the incident.

184 b.(I) If a department train, a freight rail operator
185 train, and any other train are involved in an incident, the
186 allocation of liability between the department and the freight

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187 rail operator, regardless of whether the other train is treated
188 as a department train, shall remain one-half each as to third
189 parties outside the rail corridor who incur loss, injury, or
190 damage as a result of the incident; the involvement of any other
191 train shall not alter the sharing of equal responsibility as to
192 third parties outside the rail corridor who incur loss, injury,
193 or damage as a result of the incident; and, if the owner,
194 operator, or insurer of the other train makes any payment to
195 injured third parties outside the rail corridor who incur loss,
196 injury, or damage as a result of the incident, the allocation of
197 credit between the department and the freight rail operator as
198 to such payment shall not in any case reduce the freight rail
199 operator's third-party-sharing allocation of one-half under this
200 paragraph to less than one-third of the total third party
201 liability; or

202 (II) If a department train, a National Railroad Passenger
203 Corporation train, and any other train are involved in an
204 incident, the allocation of liability between the department and
205 National Railroad Passenger Corporation, regardless of whether
206 the other train is treated as a department train, shall remain
207 one-half each as to third parties outside the rail corridor who
208 incur loss, injury, or damage as a result of the incident; the
209 involvement of any other train shall not alter the sharing of
210 equal responsibility as to third parties outside the rail
211 corridor who incur loss, injury, or damage as a result of the
212 incident; and, if the owner, operator, or insurer of the other
213 train makes any payment to injured third parties outside the
214 rail corridor who incur loss, injury, or damage as a result of

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215 the incident, the allocation of credit between the department
216 and National Railroad Passenger Corporation as to such payment
217 shall not in any case reduce National Railroad Passenger
218 Corporation's third-party-sharing allocation of one-half under
219 this sub-subparagraph to less than one-third of the total third
220 party liability.

221 6. Any such contractual duty to protect, defend,
222 indemnify, and hold harmless such a freight rail operator or
223 National Railroad Passenger Corporation shall expressly include
224 a specific cap on the amount of the contractual duty, which
225 amount shall not exceed \$200 million without prior legislative
226 approval, and the department to purchase liability insurance and
227 establish a self-insurance retention fund in the amount of the
228 specific cap established under this subparagraph, provided that:

229 a. No such contractual duty shall in any case be effective
230 nor otherwise extend the department's liability in scope and
231 effect beyond the contractual liability insurance and self-
232 insurance retention fund required pursuant to this paragraph;
233 and

234 b. The freight rail operator's compensation to the
235 department for future use of the department's rail corridor
236 shall include a monetary contribution to the cost of such
237 liability coverage for the sole benefit of the freight rail
238 operator. National Railroad Passenger Corporation's compensation
239 to the department for future use of the department's rail
240 corridor shall include a monetary contribution to the cost of
241 such liability coverage for the sole benefit of National
242 Railroad Passenger Corporation.

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243 (b) Purchase liability insurance, which amount shall not
244 exceed \$200 million, and establish a self-insurance retention
245 fund for the purpose of paying the deductible limit established
246 in the insurance policies it may obtain, including coverage for
247 the department, any freight rail operator as described in
248 paragraph (a), National Railroad Passenger Corporation, commuter
249 rail service providers, governmental entities, or any ancillary
250 development, which self-insurance retention fund or deductible
251 shall not exceed \$10 million. The insureds shall pay a
252 reasonable monetary contribution to the cost of such liability
253 coverage for the sole benefit of the insured. Such insurance and
254 self-insurance retention fund may provide coverage for all
255 damages, including, but not limited to, compensatory, special,
256 and exemplary, and be maintained to provide an adequate fund to
257 cover claims and liabilities for loss, injury, or damage arising
258 out of or connected with the ownership, operation, maintenance,
259 and management of a rail corridor.

260 (c) Incur expenses for the purchase of advertisements,
261 marketing, and promotional items.

262
263 Neither the assumption by contract to protect, defend,
264 indemnify, and hold harmless; the purchase of insurance; nor the
265 establishment of a self-insurance retention fund shall be deemed
266 to be a waiver of any defense of sovereign immunity for torts
267 nor deemed to increase the limits of the department's or the
268 governmental entity's liability for torts as provided in s.
269 768.28. The requirements of s. 287.022(1) shall not apply to the
270 purchase of any insurance under this subsection. The provisions

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271 of this subsection shall apply and inure fully as to any other
272 governmental entity providing commuter rail service and
273 constructing, operating, maintaining, or managing a rail
274 corridor on publicly owned right-of-way under contract by the
275 governmental entity with the department or a governmental entity
276 designated by the department. Notwithstanding any law to the
277 contrary, procurement for the construction, operation,
278 maintenance, and management of any rail corridor described in
279 this subsection, whether by the department, a governmental
280 entity under contract with the department, or a governmental
281 entity designated by the department, shall be pursuant to s.
282 287.057 and shall include, but not be limited to, criteria for
283 the consideration of qualifications, technical aspects of the
284 proposal, and price. Further, any such contract for design-build
285 shall be procured pursuant to the criteria in s. 337.11(7).

291 **T I T L E A M E N D M E N T**

292 Remove line 2 and insert:

293 An act relating to mitigation and Department of Transportation
294 duties; amending s. 373.4137, F.S.; revising legislative intent
295 to encourage the use of other mitigation options that satisfy
296 state and federal requirements; providing the Department of
297 Transportation or a transportation authority the option of
298 participating in a mitigation project; requiring the Department

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299 of Transportation or a transportation authority to submit lists
300 of its projects in the adopted work program to the water
301 management districts; requiring a list rather than a survey of
302 threatened or endangered species and species of special concern
303 affected by a proposed project; providing conditions for the
304 release of certain environmental mitigation funds; prohibiting a
305 mitigation plan from being implemented unless the plan is
306 submitted to and approved by the Department of Environmental
307 Protection; providing additional factors that must be explained
308 regarding the choice of mitigation bank; removing a provision
309 requiring an explanation for excluding certain projects from the
310 mitigation plan; providing criteria that the Department of
311 Transportation must use in determining which projects to include
312 in or exclude from the mitigation plan; amending s. 373.4135,
313 F.S.; authorizing a governmental entity to create or provide
314 mitigation for projects other than its own under specified
315 circumstances; providing applicability; amending s. 341.302,
316 F.S.; providing parameters within which the department may by
317 contract indemnify against loss by National Railroad Passenger
318 Corporation; authorizing the department to purchase liability
319 insurance including coverage for the department, National
320 Railroad Passenger Corporation, commuter rail service providers,
321 governmental entities, or any ancillary development and
322 establish a self-insurance retention fund; limiting the amount
323 of the insurance and self-insurance retention fund; providing
324 that the insureds must make payments for the coverage; providing
325 that the insurance may provide coverage for all damages and be
326 maintained to provide a fund to cover liabilities arising from

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Amendment No. 1

327 rail corridor ownership and operations; providing an effective
328 date.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 643 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Moraitis offered the following:

3
4 **Amendment**

5 Remove lines 41-48 and insert:

6 (1) Effective for compliance periods beginning on or after
7 October 1, 2014, any person who holds a license as a title
8 insurance agent must complete a minimum of 10 hours of
9 continuing education credit every 2 years in title insurance and
10 escrow management specific to this state, and approved by the
11 department, which shall include at least 3 hours of continuing
12 education on the subject matter of ethics, rules, or compliance
13 with state and federal regulations relating specifically to
14 title insurance and closing services.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 643 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Moraitis offered the following:

3
4 **Amendment**

5 Remove lines 59-61 and insert:

6 (11) Failure to timely submit data as required by s.

7 627.782.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 643 (2012)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Moraitis offered the following:

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4 **Amendment**

5 Remove line 108 and insert:

6 regarding the collection and analysis of the data from the

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Bill No. CS/HB 643 (2012)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Moraitis offered the following:

3
4 **Amendment**

5 Remove line 114 and insert:

6 Section 6. Except as otherwise provided, this act shall
7 take effect July 1, 2012.
8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 785 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Wood offered the following:

3
4 **Amendment (with ballot and title amendments)**

5 Remove lines 37-39 and insert:
6 general law are transferred to another office. When not
7 otherwise provided by county charter or
8
9

10
11 -----
12 **B A L L O T A M E N D M E N T**

13 Remove lines 92-100 and insert:
14 TERM LIMITS ON COUNTY COMMISSIONERS WHEN PROVIDED BY COUNTY
15 CHARTER.—The State Constitution currently provides for the
16 election in each county of a board of county commissioners. The
17 term of office for each county commissioner is 4 years with no
18 term limits. This amendment to the State Constitution would
19 authorize the imposition of term limits on county commissioners

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

Remove lines 4-5 and insert:
the imposition of term limits on county commissioners when
provided by

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 937 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Workman offered the following:

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4 **Amendment**

5 Between lines 156 and 157, insert:

6 (5) If the public notice is published in a newspaper, the
7 posting of the notice on the newspaper's website pursuant to
8 50.0211(2) will be done at no additional charge.
9

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 937 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Workman offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 397 and 398, insert:

6 Section 9. Paragraph (b) of subsection (5) of section
7 215.68, Florida Statutes, is amended to read:

8 215.68 Issuance of bonds; form; maturity date, execution,
9 sale.—

10 (5)

11 (b) All of such bonds shall be sold at public sale at such
12 place or places within the state as the board shall determine to
13 receive proposals for the purchase of such bonds. Notice of such
14 sale shall be provided at such time ~~published at least once at~~
15 ~~least 10 days prior to the date of sale in one or more~~
16 ~~newspapers or financial journals published within or without the~~
17 ~~state~~ and shall contain such terms as the board shall deem
18 advisable and proper under the circumstances; provided, that if
19 no bids are received at the time and place called for by such

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20 notice of sale, or if all bids received are rejected, such bonds
21 may again be offered for public sale by competitive bid or
22 negotiated sale, as provided herein, upon a shorter period of
23 reasonable notice provided for by resolution of the board.
24 However, unless the State Constitution specifically requires the
25 public sale by competitive bid of such bonds, the division may,
26 by resolution adopted at a public meeting, determine that a
27 negotiated sale of such bonds is in the best interest of the
28 issuer, and may negotiate for sale of such bonds to any
29 underwriter designated by the division.

30 1. In the resolution authorizing the negotiated sale, the
31 division shall provide specific findings as to the reasons
32 requiring the negotiated sale.

33 2. A resolution authorizing a negotiated bond sale may be
34 the same resolution as that authorizing the issuance of such
35 bonds.

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

Remove line 33 and insert:

hotline; amending s. 215.68, F.S., deleting specific criteria for
publishing certain bond notices; amending ss. 120.60 215.555,
253.52, 255.518,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1127 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Nelson offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 322 and 323, insert:

6 (V) The surcharge in sub-sub-subparagraph (I) shall be
7 reduced to 5 percent of the premium for the policy if the
8 corporation increases rates an additional 3 percent above the
9 limitation in paragraph (n) and utilizes such funds to purchase
10 private reinsurance.

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12
13 -----
14 **T I T L E A M E N D M E N T**

15 Remove line 20 and insert:
16 surcharge; providing for a reduced surcharge under specified
17 circumstances; requiring that a limited apportionment

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1127 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Nelson offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 365-448 and insert:

6 2. Must provide that the corporation adopt a program in
7 which the corporation and authorized insurers enter into quota
8 share primary insurance agreements for commercial and
9 residential property insurance hurricane coverage, ~~as defined in~~
10 ~~s. 627.4025(2)(a)~~, for eligible risks, and adopt property
11 insurance forms for eligible risks which cover perils in the
12 personal lines account, the commercial lines account, and the
13 coastal account ~~the peril of wind only.~~

14 a. As used in this subsection, the term:

15 (I) "Quota share primary insurance" means an arrangement
16 in which the primary hurricane coverage of an eligible risk is
17 provided in specified percentages by the corporation and an
18 authorized insurer. The corporation and authorized insurer are
19 each solely responsible for a specified percentage or amount of

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20 ~~hurricane~~ coverage of an eligible risk as set forth in a quota
21 share primary insurance agreement between the corporation and an
22 authorized insurer and the insurance contract. The
23 responsibility of the corporation or authorized insurer to pay
24 its specified percentage or amount of ~~hurricane~~ losses of an
25 eligible risk, as set forth in the agreement, may not be altered
26 by the inability of the other party to pay its specified
27 percentage or amount of losses. Eligible risks that are provided
28 ~~hurricane~~ coverage through a quota share primary insurance
29 arrangement must be provided policy forms that set forth the
30 obligations of the corporation and authorized insurer under the
31 arrangement, clearly specify the percentages or coverage amounts
32 of quota share primary insurance provided by the corporation and
33 authorized insurer, and conspicuously and clearly state that the
34 authorized insurer and the corporation may not be held
35 responsible beyond their specified percentage or coverage amount
36 of ~~coverage of hurricane~~ losses.

37 (II) "Eligible risks" means personal lines residential and
38 commercial lines residential risks that meet the underwriting
39 criteria of the corporation ~~and are located in areas that were~~
40 ~~eligible for coverage by the Florida Windstorm Underwriting~~
41 ~~Association on January 1, 2002.~~

42 b. The corporation may enter into quota share primary
43 insurance agreements with authorized insurers at corporation
44 coverage levels of 90 percent and 50 percent and may provide
45 coverage levels requiring the corporation insure the first
46 \$500,000, \$750,000, or \$1,000,000 of coverage and which allow

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47 the authorized insurer or the corporation to cover amounts in
48 excess of those coverage levels.

49 c. If the corporation determines that additional coverage
50 levels are necessary to maximize participation in quota share
51 primary insurance agreements by authorized insurers, the
52 corporation may establish additional coverage levels. However,
53 the corporation's quota share primary insurance coverage level
54 may not exceed 90 percent.

55 d. Any quota share primary insurance agreement entered
56 into between an authorized insurer and the corporation must
57 provide for a uniform specified percentage of coverage of
58 hurricane losses, by county or territory as set forth by the
59 corporation board, for all eligible risks of the authorized
60 insurer covered under the agreement.

61 e. Any quota share primary insurance agreement entered
62 into between an authorized insurer and the corporation is
63 subject to review and approval by the office. However, such
64 agreement shall be authorized only as to insurance contracts
65 entered into between an authorized insurer and an insured who is
66 already insured by the corporation ~~for wind coverage.~~

67 f. For all eligible risks covered under quota share
68 primary insurance agreements, the exposure and coverage levels
69 for both the corporation and authorized insurers shall be
70 reported by the corporation to the Florida Hurricane Catastrophe
71 Fund. For all policies of eligible risks covered under such
72 agreements, the corporation and the authorized insurer must
73 maintain complete and accurate records for the purpose of
74 exposure and loss reimbursement audits as required by fund

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75 rules. The corporation and the authorized insurer shall each
76 maintain duplicate copies of policy declaration pages and
77 supporting claims documents.

78 g. The corporation board shall establish in its plan of
79 operation standards for quota share agreements which ensure that
80 there is no discriminatory application among insurers as to the
81 terms of the agreements, pricing of the agreements, incentive
82 provisions if any, and consideration paid for servicing policies
83 or adjusting claims.

84 h. The quota share primary insurance agreement between the
85 corporation and an authorized insurer must set forth the
86 specific terms under which coverage is provided, including, but
87 not limited to, the sale and servicing of policies issued under
88 the agreement by the insurance agent of the authorized insurer
89 producing the business, the reporting of information concerning
90 eligible risks, the payment of premium to the corporation, and
91 arrangements for the adjustment and payment of ~~hurricane~~ claims
92 incurred on eligible risks by the claims adjuster and personnel
93 of the authorized insurer. Entering into a quota sharing
94 insurance agreement between the corporation and an authorized
95 insurer is voluntary and at the discretion of the authorized
96 insurer.

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100 -----
T I T L E A M E N D M E N T

101 Remove line 20 and insert:

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102 surcharge; requiring a quota share program for commercial and
103 residential property; providing parameters for the quota share
104 program; requiring that a limited apportionment

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Bill No. HB 1287 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Abruzzo offered the following:

3
4 **Amendment (with title amendment)**

5 -----

6 **T I T L E A M E N D M E N T**

7 Remove line 2 and insert:

8 An act relating to voluntary contributions on registration,
9 driver license, and identification card forms;

10

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7041 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Nehr offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 2580-2583 and insert:

6 3. The Attorney General or his or her designee.

7 4. The Commissioner of Agriculture or his or her designee.

8 5. The chairperson of the board of directors of Workforce
9 Florida, Inc.

10 46. The Secretary of State or the secretary's designee.

11 57. Twelve members from the private sector, six of whom
12
13
14

15 -----
16 **T I T L E A M E N D M E N T**

17 Remove line 39 and insert:

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Bill No. HB 7041 (2012)

Amendment No. 1

18 appointed by the Governor; adding the Attorney General and the
19 Commissioner of Agriculture to the board; amending s. 288.980,
20 F.S.;

21

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7081 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Workman offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 106 and 107, insert:

6 Section 3. Subsections (5) and (6) of section 163.3175,
7 Florida Statutes, are amended to read:

8 163.3175 Legislative findings on compatibility of
9 development with military installations; exchange of information
10 between local governments and military installations.—

11 (5) The commanding officer or his or her designee may
12 provide advisory comments to the affected local government on
13 the impact such proposed changes may have on the mission of the
14 military installation. Such advisory comments shall be based on
15 appropriate data and analyses provided with the comments and may
16 include:

17 (a) If the installation has an airfield, whether such
18 proposed changes will be incompatible with the safety and noise

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7081 (2012)

Amendment No. 1

19 standards contained in the Air Installation Compatible Use Zone
20 (AICUZ) adopted by the military installation for that airfield;

21 (b) Whether such changes are incompatible with the
22 Installation Environmental Noise Management Program (IENMP) of
23 the United States Army;

24 (c) Whether such changes are incompatible with the
25 findings of a Joint Land Use Study (JLUS) for the area if one
26 has been completed; and

27 (d) Whether the military installation's mission will be
28 adversely affected by the proposed actions of the county or
29 affected local government.

30
31 The commanding officer's comments, underlying studies, and
32 reports shall be considered by the local government in the same
33 manner as the comments received from other reviewing agencies
34 pursuant to s. 163.3184 are not binding on the local government.

35 (6) The affected local government shall take into
36 consideration any comments and accompanying data and analyses
37 provided by the commanding officer or his or her designee
38 pursuant to subsection (4) as they relate to the strategic
39 mission of the base, public safety, and the economic vitality
40 associated with the base's operations, while also respecting and
41 must also be sensitive to private property rights and not being
42 be unduly restrictive on those rights. The affected local
43 government shall forward a copy of any comments regarding
44 comprehensive plan amendments to the state land planning agency.

Amendment No. 1

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

Remove line 9 and insert:

plan; clarifying and revising procedures related to exchange of
information between military installations and local governments
under the act; amending s. 163.3177, F.S.; revising the housing

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Bill No. HB 7081 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Workman offered the following:

3
4 **Amendment**

5 Remove lines 422-570 and insert:

6 10 working days the amendment or amendments and appropriate
7 supporting data and analyses to the reviewing agencies. The
8 local governing body shall also transmit a copy of the
9 amendments and supporting data and analyses to any other local
10 government or governmental agency that has filed a written
11 request with the governing body.

12 2. The reviewing agencies and any other local government
13 or governmental agency specified in subparagraph 1. may provide
14 comments regarding the amendment or amendments to the local
15 government. State agencies shall only comment on important state
16 resources and facilities that will be adversely impacted by the
17 amendment if adopted. Comments provided by state agencies shall
18 state with specificity how the plan amendment will adversely
19 impact an important state resource or facility and shall

COMMITTEE/SUBCOMMITTEE AMENDMENT

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20 identify measures the local government may take to eliminate,
21 reduce, or mitigate the adverse impacts. Such comments, if not
22 resolved, may result in a challenge by the state land planning
23 agency to the plan amendment. Agencies and local governments
24 must transmit their comments to the affected local government
25 such that they are received by the local government not later
26 than 30 days after ~~from~~ the date on which the agency or
27 government received the amendment or amendments. Reviewing
28 agencies shall also send a copy of their comments to the state
29 land planning agency.

30 3. Comments to the local government from a regional
31 planning council, county, or municipality shall be limited as
32 follows:

33 a. The regional planning council review and comments shall
34 be limited to adverse effects on regional resources or
35 facilities identified in the strategic regional policy plan and
36 extrajurisdictional impacts that would be inconsistent with the
37 comprehensive plan of any affected local government within the
38 region. A regional planning council may not review and comment
39 on a proposed comprehensive plan amendment prepared by such
40 council unless the plan amendment has been changed by the local
41 government subsequent to the preparation of the plan amendment
42 by the regional planning council.

43 b. County comments shall be in the context of the
44 relationship and effect of the proposed plan amendments on the
45 county plan.

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46 c. Municipal comments shall be in the context of the
47 relationship and effect of the proposed plan amendments on the
48 municipal plan.

49 d. Military installation comments shall be provided in
50 accordance with s. 163.3175.

51 4. Comments to the local government from state agencies
52 shall be limited to the following subjects as they relate to
53 important state resources and facilities that will be adversely
54 impacted by the amendment if adopted:

55 a. The Department of Environmental Protection shall limit
56 its comments to the subjects of air and water pollution;
57 wetlands and other surface waters of the state; federal and
58 state-owned lands and interest in lands, including state parks,
59 greenways and trails, and conservation easements; solid waste;
60 water and wastewater treatment; and the Everglades ecosystem
61 restoration.

62 b. The Department of State shall limit its comments to the
63 subjects of historic and archaeological resources.

64 c. The Department of Transportation shall limit its
65 comments to issues within the agency's jurisdiction as it
66 relates to transportation resources and facilities of state
67 importance.

68 d. The Fish and Wildlife Conservation Commission shall
69 limit its comments to subjects relating to fish and wildlife
70 habitat and listed species and their habitat.

71 e. The Department of Agriculture and Consumer Services
72 shall limit its comments to the subjects of agriculture,
73 forestry, and aquaculture issues.

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74 f. The Department of Education shall limit its comments to
75 the subject of public school facilities.

76 g. The appropriate water management district shall limit
77 its comments to flood protection and floodplain management,
78 wetlands and other surface waters, and regional water supply.

79 h. The state land planning agency shall limit its comments
80 to important state resources and facilities outside the
81 jurisdiction of other commenting state agencies and may include
82 comments on countervailing planning policies and objectives
83 served by the plan amendment that should be balanced against
84 potential adverse impacts to important state resources and
85 facilities.

86 (c)1. The local government shall hold its second public
87 hearing, which shall be a hearing on whether to adopt one or
88 more comprehensive plan amendments pursuant to subsection (11).
89 If the local government fails, within 180 days after receipt of
90 agency comments, to hold the second public hearing, the
91 amendments shall be deemed withdrawn unless extended by
92 agreement with notice to the state land planning agency and any
93 affected person that provided comments on the amendment. The
94 180-day limitation does not apply to amendments processed
95 pursuant to s. 380.06.

96 2. All comprehensive plan amendments adopted by the
97 governing body, along with the supporting data and analysis,
98 shall be transmitted within 10 working days after the second
99 public hearing to the state land planning agency and any other
100 agency or local government that provided timely comments under
101 subparagraph (b)2.

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102 3. The state land planning agency shall notify the local
103 government of any deficiencies within 5 working days after
104 receipt of an amendment package. For purposes of completeness,
105 an amendment shall be deemed complete if it contains a full,
106 executed copy of the adoption ordinance or ordinances; in the
107 case of a text amendment, a full copy of the amended language in
108 legislative format with new words inserted in the text
109 underlined, and words deleted stricken with hyphens; in the case
110 of a future land use map amendment, a copy of the future land
111 use map clearly depicting the parcel, its existing future land
112 use designation, and its adopted designation; and a copy of any
113 data and analyses the local government deems appropriate.

114 4. An amendment adopted under this paragraph does not
115 become effective until 31 days after the state land planning
116 agency notifies the local government that the plan amendment
117 package is complete. If timely challenged, an amendment does not
118 become effective until the state land planning agency or the
119 Administration Commission enters a final order determining the
120 adopted amendment to be in compliance.

121 (4) STATE COORDINATED REVIEW PROCESS.—

122 (b) Local government transmittal of proposed plan or
123 amendment.—Each local governing body proposing a plan or plan
124 amendment specified in paragraph (2)(c) shall transmit the
125 complete proposed comprehensive plan or plan amendment to the
126 reviewing agencies within 10 working days after ~~immediately~~
127 ~~following~~ the first public hearing pursuant to subsection (11).
128 The transmitted document shall clearly indicate on the cover
129 sheet that this plan amendment is subject to the state

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130 coordinated review process of this subsection. The local
131 governing body shall also transmit a copy of the complete
132 proposed comprehensive plan or plan amendment to any other unit
133 of local government or government agency in the state that has
134 filed a written request with the governing body for the plan or
135 plan amendment.

136 (e) Local government review of comments; adoption of plan
137 or amendments and transmittal.-

138 1. The local government shall review the report submitted
139 to it by the state land planning agency, if any, and written
140 comments submitted to it by any other person, agency, or
141 government. The local government, upon receipt of the report
142 from the state land planning agency, shall hold its second
143 public hearing, which shall be a hearing to determine whether to
144 adopt the comprehensive plan or one or more comprehensive plan
145 amendments pursuant to subsection (11). If the local government
146 fails to hold the second hearing within 180 days after receipt
147 of the state land planning agency's report, the amendments shall
148 be deemed withdrawn unless extended by agreement with notice to
149 the state land planning agency and any affected person that
150 provided comments on the amendment. The 180-day limitation does
151 not apply to amendments processed pursuant to s. 380.06.

152 2. All comprehensive plan amendments adopted by the
153 governing body, along with the supporting data and analysis,
154 shall be transmitted within 10 working days after the second
155

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Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Workman offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove lines 111-113 and insert:

6 (1) The comprehensive plan shall provide the principles,
7 guidelines, standards, and strategies for the orderly and
8 balanced future economic, social, physical, environmental, and
9 fiscal development of the area that reflects community
10 commitments to implement the plan and its elements. These
11 principles and strategies shall guide future decisions in a
12 consistent manner and shall contain programs and activities to
13 ensure comprehensive plans are implemented. The sections of the
14 comprehensive plan containing the principles and strategies,
15 generally provided as goals, objectives, and policies, shall
16 describe how the local government's programs, activities, and
17 land development regulations will be initiated, modified, or
18 continued to implement the comprehensive plan in a consistent
19 manner. It is not the intent of this part to require the

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20 inclusion of implementing regulations in the comprehensive plan
21 but rather to require identification of those programs,
22 activities, and land development regulations that will be part
23 of the strategy for implementing the comprehensive plan and the
24 principles that describe how the programs, activities, and land
25 development regulations will be carried out. The plan shall
26 establish meaningful and predictable standards for the use and
27 development of land and provide meaningful guidelines for the
28 content of more detailed land development and use regulations.

29 (f) All mandatory and optional elements of the
30 comprehensive plan and plan amendments shall be based upon
31 relevant and appropriate data and an analysis by the local
32 government that may include, but not be limited to, surveys,
33 studies, community goals and vision, and other data available at
34 the time of adoption of the comprehensive plan or plan
35 amendment. To be based on data means to react to it in an
36 appropriate way and to the extent necessary indicated by the
37 data available on that particular subject at the time of
38 adoption of the plan or plan amendment at issue.

39 1. Surveys, studies, and data utilized in the preparation
40 of the comprehensive plan may not be deemed a part of the
41 comprehensive plan unless adopted as a part of it. Copies of
42 such studies, surveys, data, and supporting documents for
43 proposed plans and plan amendments shall be made available for
44 public inspection, and copies of such plans shall be made
45 available to the public upon payment of reasonable charges for
46 reproduction. Support data or summaries are not subject to the
47 compliance review process, but the comprehensive plan must be

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48 clearly based on appropriate data. Support data or summaries may
49 be used to aid in the determination of compliance and
50 consistency.

51 2. Data must be taken from professionally accepted
52 sources. The application of a methodology utilized in data
53 collection or whether a particular methodology is professionally
54 accepted may be evaluated. However, the evaluation may not
55 include whether one accepted methodology is better than another.
56 Original data collection by local governments is not required.
57 However, local governments may use original data so long as
58 methodologies are professionally accepted.

59 3. The comprehensive plan shall be based upon permanent
60 and seasonal population estimates and projections, which shall
61 either be those published provided by the Office of Economic and
62 Demographic Research University of Florida's Bureau of Economic
63 and Business Research or generated by the local government based
64 upon a professionally acceptable methodology. The plan must be
65 based on at least the minimum amount of land required to
66 accommodate the medium projections as published by the Office of
67 Economic and Demographic Research of the University of Florida's
68 Bureau of Economic and Business Research for at least a 10-year
69 planning period unless otherwise limited under s. 380.05,
70 including related rules of the Administration Commission. Absent
71 physical limitations on population growth, population
72 projections for each municipality and the unincorporated area
73 within a county must, at a minimum, be reflective of each area's
74 proportional share of the total county population and the total
75 county population growth.

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76 (6) In addition to the requirements of subsections (1)-
77 (5), the comprehensive plan shall include the following
78 elements:

79 (a) A future land use plan element designating proposed
80 future general distribution, location, and extent of the uses of
81 land for residential uses, commercial uses, industry,
82 agriculture, recreation, conservation, education, public
83 facilities, and other categories of the public and private uses
84 of land. The approximate acreage and the general range of
85 density or intensity of use shall be provided for the gross land
86 area included in each existing land use category. The element
87 shall establish the long-term end toward which land use programs
88 and activities are ultimately directed.

89 1. Each future land use category must be defined in terms
90 of uses included, and must include standards to be followed in
91 the control and distribution of population densities and
92 building and structure intensities. The proposed distribution,
93 location, and extent of the various categories of land use shall
94 be shown on a land use map or map series which shall be
95 supplemented by goals, policies, and measurable objectives.

96 2. The future land use plan and plan amendments shall be
97 based upon surveys, studies, and data regarding the area, as
98 applicable, including:

99 a. The amount of land required to accommodate anticipated
100 growth.

101 b. The projected permanent and seasonal population of the
102 area.

103 c. The character of undeveloped land.

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104 d. The availability of water supplies, public facilities,
105 and services.

106 e. The need for redevelopment, including the renewal of
107 blighted areas and the elimination of nonconforming uses which
108 are inconsistent with the character of the community.

109 f. The compatibility of uses on lands adjacent to or
110 closely proximate to military installations.

111 g. The compatibility of uses on lands adjacent to an
112 airport as defined in s. 330.35 and consistent with s. 333.02.

113 h. The discouragement of urban sprawl.

114 i. The need for job creation, capital investment, and
115 economic development that will strengthen and diversify the
116 community's economy.

117 j. The need to modify land uses and development patterns
118 within antiquated subdivisions.

119 3. The future land use plan element shall include criteria
120 to be used to:

121 a. Achieve the compatibility of lands adjacent or closely
122 proximate to military installations, considering factors
123 identified in s. 163.3175(5).

124 b. Achieve the compatibility of lands adjacent to an
125 airport as defined in s. 330.35 and consistent with s. 333.02.

126 c. Encourage preservation of recreational and commercial
127 working waterfronts for water-dependent uses in coastal
128 communities.

129 d. Encourage the location of schools proximate to urban
130 residential areas to the extent possible.

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131 e. Coordinate future land uses with the topography and
132 soil conditions, and the availability of facilities and
133 services.

134 f. Ensure the protection of natural and historic
135 resources.

136 g. Provide for the compatibility of adjacent land uses.

137 h. Provide guidelines for the implementation of mixed-use
138 development including the types of uses allowed, the percentage
139 distribution among the mix of uses, or other standards, and the
140 density and intensity of each use.

141 4. The amount of land designated for future planned uses
142 shall provide a balance of uses that foster vibrant, viable
143 communities and economic development opportunities and address
144 outdated development patterns, such as antiquated subdivisions.
145 The amount of land designated for future land uses should allow
146 the operation of real estate markets to provide adequate choices
147 for permanent and seasonal residents and business and may not be
148 limited solely by the projected population. The element shall
149 accommodate at least the minimum amount of land required to
150 accommodate the medium projections as published by the Office of
151 Economic and Demographic Research ~~of the University of Florida's~~
152 ~~Bureau of Economic and Business Research~~ for at least a 10-year
153 planning period unless otherwise limited under s. 380.05,
154 including related rules of the Administration Commission.

155 5. The future land use plan of a county may designate
156 areas for possible future municipal incorporation.

157 6. The land use maps or map series shall generally
158 identify and depict historic district boundaries and shall

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159 designate historically significant properties meriting
160 protection.

161 7. The future land use element must clearly identify the
162 land use categories in which public schools are an allowable
163 use. When delineating the land use categories in which public
164 schools are an allowable use, a local government shall include
165 in the categories sufficient land proximate to residential
166 development to meet the projected needs for schools in
167 coordination with public school boards and may establish
168 differing criteria for schools of different type or size. Each
169 local government shall include lands contiguous to existing
170 school sites, to the maximum extent possible, within the land
171 use categories in which public schools are an allowable use.

172 8. Future land use map amendments shall be based upon the
173 following analyses:

174 a. An analysis of the availability of facilities and
175 services.

176 b. An analysis of the suitability of the plan amendment
177 for its proposed use considering the character of the
178 undeveloped land, soils, topography, natural resources, and
179 historic resources on site.

180 c. An analysis of the minimum amount of land needed to
181 achieve the goals and requirements of this section as determined
182 by the local government.

183 9. The future land use element and any amendment to the
184 future land use element shall discourage the proliferation of
185 urban sprawl.

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186 a. The primary indicators that a plan or plan amendment
187 does not discourage the proliferation of urban sprawl are listed
188 below. The evaluation of the presence of these indicators shall
189 consist of an analysis of the plan or plan amendment within the
190 context of features and characteristics unique to each locality
191 in order to determine whether the plan or plan amendment:

192 (I) Promotes, allows, or designates for development
193 substantial areas of the jurisdiction to develop as low-
194 intensity, low-density, or single-use development or uses.

195 (II) Promotes, allows, or designates significant amounts
196 of urban development to occur in rural areas at substantial
197 distances from existing urban areas while not using undeveloped
198 lands that are available and suitable for development.

199 (III) Promotes, allows, or designates urban development in
200 radial, strip, isolated, or ribbon patterns generally emanating
201 from existing urban developments.

202 (IV) Fails to adequately protect and conserve natural
203 resources, such as wetlands, floodplains, native vegetation,
204 environmentally sensitive areas, natural groundwater aquifer
205 recharge areas, lakes, rivers, shorelines, beaches, bays,
206 estuarine systems, and other significant natural systems.

207 (V) Fails to adequately protect adjacent agricultural
208 areas and activities, including silviculture, active
209 agricultural and silvicultural activities, passive agricultural
210 activities, and dormant, unique, and prime farmlands and soils.

211 (VI) Fails to maximize use of existing public facilities
212 and services.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7081 (2012)

Amendment No. 3

213 (VII) Fails to maximize use of future public facilities
214 and services.

215 (VIII) Allows for land use patterns or timing which
216 disproportionately increase the cost in time, money, and energy
217 of providing and maintaining facilities and services, including
218 roads, potable water, sanitary sewer, stormwater management, law
219 enforcement, education, health care, fire and emergency
220 response, and general government.

221 (IX) Fails to provide a clear separation between rural and
222 urban uses.

223 (X) Discourages or inhibits infill development or the
224 redevelopment of existing neighborhoods and communities.

225 (XI) Fails to encourage a functional mix of uses.

226 (XII) Results in poor accessibility among linked or
227 related land uses.

228 (XIII) Results in the loss of significant amounts of
229 functional open space.

230 b. The future land use element or plan amendment shall be
231 determined to discourage the proliferation of urban sprawl if it
232 incorporates a development pattern or urban form that achieves
233 four or more of the following:

234 (I) Directs or locates economic growth and associated land
235 development to geographic areas of the community in a manner
236 that does not have an adverse impact on and protects natural
237 resources and ecosystems.

238 (II) Promotes the efficient and cost-effective provision
239 or extension of public infrastructure and services.

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240 (III) Promotes walkable and connected communities and
241 provides for compact development and a mix of uses at densities
242 and intensities that will support a range of housing choices and
243 a multimodal transportation system, including pedestrian,
244 bicycle, and transit, if available.

245 (IV) Promotes conservation of water and energy.

246 (V) Preserves agricultural areas and activities, including
247 silviculture, and dormant, unique, and prime farmlands and
248 soils.

249 (VI) Preserves open space and natural lands and provides
250 for public open space and recreation needs.

251 (VII) Creates a balance of land uses based upon demands of
252 the residential population for the nonresidential needs of an
253 area.

254 (VIII) Provides uses, densities, and intensities of use
255 and urban form that would remediate an existing or planned
256 development pattern in the vicinity that constitutes sprawl or
257 if it provides for an innovative development pattern such as
258 transit-oriented developments or new towns as defined in s.
259 163.3164.

260 10. The future land use element shall include a future
261 land use map or map series.

262 a. The proposed distribution, extent, and location of the
263 following uses shall be shown on the future land use map or map
264 series:

265 (I) Residential.

266 (II) Commercial.

267 (III) Industrial.

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268 (IV) Agricultural.

269 (V) Recreational.

270 (VI) Conservation.

271 (VII) Educational.

272 (VIII) Public.

273 b. The following areas shall also be shown on the future
274 land use map or map series, if applicable:

275 (I) Historic district boundaries and designated
276 historically significant properties.

277 (II) Transportation concurrency management area boundaries
278 or transportation concurrency exception area boundaries.

279 (III) Multimodal transportation district boundaries.

280 (IV) Mixed-use categories.

281 c. The following natural resources or conditions shall be
282 shown on the future land use map or map series, if applicable:

283 (I) Existing and planned public potable waterwells, cones
284 of influence, and wellhead protection areas.

285 (II) Beaches and shores, including estuarine systems.

286 (III) Rivers, bays, lakes, floodplains, and harbors.

287 (IV) Wetlands.

288 (V) Minerals and soils.

289 (VI) Coastal high hazard areas.

290 11. Local governments required to update or amend their
291 comprehensive plan to include criteria and address compatibility
292 of lands adjacent or closely proximate to existing military
293 installations, or lands adjacent to an airport as defined in s.
294 330.35 and consistent with s. 333.02, in their future land use

Amendment No. 3

295 plan element shall transmit the update or amendment to the state
296 land planning agency by June 30, 2012.

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D I R E C T O R Y A M E N D M E N T

302

303 Remove line 107 and insert:

304 Section 3. Subparagraph 3. of paragraph (f) of subsection (1)
305 and paragraphs (a), (f), and (h) of subsection (6) of

306

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

310

311 Remove line 9 and insert:

312 plan; amending s. 163.3177, F.S.; replacing Bureau of Economic
313 and Business Research with the Office of Economic and
314 Demographic Research; providing criteria for population
315 projections; revising the housing

316

COMMITTEE/SUBCOMMITTEE AMENDMENT
PCB Name: PCS for CS/HB 887 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Economic Affairs Committee
2 Representative Workman offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 348 and 349, insert:

6 Section 15. Section 548,061, Florida Statutes, is amended to
7 read:

8 548.061 Closed circuit television.- Each person or club
9 that holds or shows any matches on a closed circuit telecast
10 viewed within the state, ~~whether~~ originating within this state
11 ~~or another state~~, shall file a written report, under oath, which
12 states the exact number of tickets sold for the showing, the
13 amount of gross receipts, and any other information the
14 commission requires and shall, within 72 hours after the
15 telecast, pay a tax of 5 percent of its total gross receipts
16 from the sale of tickets.

Amendment No. 1

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

Remove lines 50-51 and insert:
Contractors; amending s. 548.061, F.S.; removing the requirement
that each person or club that holds or shows matches on a closed
circuit telecast viewed within the state, but originating within
another state, must file certain reports; providing an effective
date.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Economic Affairs Committee
 2 Representative Nelson offered the following:

3

4 **Amendment (with title amendment)**

5 Between lines 66 and 67, insert:

6 Section 1. Effective upon becoming a law and first
 7 applying to ad valorem tax rolls for 2012, subsection (2) of
 8 section 196.173, Florida Statutes, is amended to read:

9 196.173 Exemption for deployed servicemembers.—

10 (2) The exemption is available to servicemembers who were
 11 deployed during the preceding calendar year on active duty
 12 outside the continental United States, Alaska, or Hawaii in
 13 support of:

14 (a) Operation Noble Eagle, which began on September 15,
 15 2001;

16 (b)-(a) Operation Enduring Freedom, which began on October
 17 7, 2001;

18 (c)-(b) Operation Iraqi Freedom, which began on March 19,
 19 2003, and ended on August 31, 2010; ~~or~~

Amendment No. 1

20 (d)(e) Operation New Dawn, which began on September 1,
21 2010, and ended on December 15, 2011; or

22 (e) Operation Odyssey Dawn, which began on March 19, 2011,
23 and ended on October 31, 2011.

24
25 The Department of Revenue shall notify all property appraisers
26 and tax collectors in this state of the designated military
27 operations.

28 Section 2. This section is effective upon becoming a law.
29 Notwithstanding the application deadline in s. 196.173(5),
30 Florida Statutes, the deadline for an eligible servicemember to
31 file a claim for an additional ad valorem tax exemption for a
32 qualifying deployment during the 2011 calendar year is June 1,
33 2012. Any applicant who seeks to claim the additional exemption
34 and who fails to file an application by June 1 must file an
35 application for the exemption with the property appraiser on or
36 before the 25th day following the mailing by the property
37 appraiser of the notices required under s. 194.011(1), Florida
38 Statutes. Upon receipt of sufficient evidence, as determined by
39 the property appraiser, demonstrating the applicant was unable
40 to apply for the exemption in a timely manner or otherwise
41 demonstrating extenuating circumstances judged by the property
42 appraiser to warrant granting the exemption, the property
43 appraiser may grant the exemption. If the applicant fails to
44 produce sufficient evidence demonstrating the applicant was
45 unable to apply for the exemption in a timely manner or
46 otherwise demonstrating extenuating circumstances as judged by
47 the property appraiser, the applicant may file, pursuant to s.

Amendment No. 1

48 194.011(3), Florida Statutes, a petition with the value
 49 adjustment board requesting that the exemption be granted. Such
 50 petition must be filed during the taxable year on or before the
 51 25th day following the mailing of the notice by the property
 52 appraiser as provided in s. 194.011(1), Florida Statutes.
 53 Notwithstanding s. 194.013, Florida Statutes, the applicant is
 54 not required to pay a filing fee for such a petition. Upon
 55 reviewing the petition, if the applicant is qualified to receive
 56 the exemption and demonstrates particular extenuating
 57 circumstances judged by the value adjustment board to warrant
 58 granting the exemption, the value adjustment board may grant the
 59 exemption for the current year.

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

Between lines 2 and 3, insert:
 196.173, F.S.; authorizing servicemembers who receive a
 homestead exemption and who are deployed in certain
 military operations to receive an additional ad valorem tax
 exemption; providing a deadline for claiming tax exemptions
 for qualifying deployments during the 2011 calendar year;
 providing procedures and requirements for filing
 applications and petitions to receive the tax exemption
 after expiration of the deadline; providing application;

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Economic Affairs Committee
 2 Representative Nelson offered the following:

4 **Amendment (with title amendment)**

5 Remove lines 67-146 and insert:

6 Section 1. Subsections (3), (5), and (6) of section
 7 163.3175, Florida Statutes, are amended to read:

8 163.3175 Legislative findings on compatibility of
 9 development with military installations; exchange of information
 10 between local governments and military installations.-

11 (3) The Florida Defense Support Task Force Council ~~on~~
 12 ~~Military Base and Mission Support~~ may recommend to the
 13 Legislature changes to the military installations and local
 14 governments specified in subsection (2) based on a military
 15 base's potential for impacts from encroachment, and incompatible
 16 land uses and development.

17 (5) The commanding officer or his or her designee may
 18 provide advisory comments to the affected local government on
 19 the impact such proposed changes may have on the mission of the

Amendment No. 2

20 military installation. Such advisory comments shall be based on
21 appropriate data and analyses provided with the comments and may
22 include:

23 (a) If the installation has an airfield, whether such
24 proposed changes will be incompatible with the safety and noise
25 standards contained in the Air Installation Compatible Use Zone
26 (AICUZ) adopted by the military installation for that airfield;

27 (b) Whether such changes are incompatible with the
28 Installation Environmental Noise Management Program (IENMP) of
29 the United States Army;

30 (c) Whether such changes are incompatible with the
31 findings of a Joint Land Use Study (JLUS) for the area if one
32 has been completed; and

33 (d) Whether the military installation's mission will be
34 adversely affected by the proposed actions of the county or
35 affected local government.

36
37 The commanding officer's comments, underlying studies, and
38 reports shall be considered by the local government in the same
39 manner as the comments received from other reviewing agencies
40 pursuant to s. 163.3184 are not binding on the local government.

41 (6) The affected local government shall take into
42 consideration any comments and accompanying data and analyses
43 provided by the commanding officer or his or her designee
44 pursuant to subsection (4) as they relate to the strategic
45 mission of the base, public safety, and the economic vitality
46 associated with the base's operations, while also respecting and
47 must also be sensitive to private property rights and not being

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48 ~~be~~ unduly restrictive on those rights. The affected local
49 government shall forward a copy of any comments regarding
50 comprehensive plan amendments to the state land planning agency.

51 Section 2, Section 265.003, Florida Statutes, is amended
52 to read:

53 265.003 Florida Veterans' Hall of Fame.—

54 (1) It is the intent of the Legislature to recognize and
55 honor those military veterans who, through their works and lives
56 during or after military service, have made a significant
57 contribution to the State of Florida.

58 (2) There is established the Florida Veterans' Hall of
59 Fame.

60 (a) The Florida Veterans' Hall of Fame is administered by
61 the Florida Department of Veterans' Affairs without
62 appropriation of state funds.

63 (b) The Department of Management Services shall set aside
64 an area on the Plaza Level of the Capitol Building along the
65 northeast front wall and shall consult with the Department of
66 Veterans' Affairs regarding the design and theme of the area.

67 (c) Each person who is inducted into the Florida Veterans'
68 Hall of Fame shall have his or her name placed on a plaque
69 displayed in the designated area of the Capitol Building.

70 (3)(a) The Florida Veterans' Hall of Fame Council is
71 created within the Department of Veterans' Affairs as an
72 advisory council, as defined in s. 20.03(7), consisting of seven
73 members who shall all be honorably discharged veterans, and at
74 least four of whom must be members of a congressionally
75 chartered veterans service organization. The Governor, the

Amendment No. 2

76 President of the Senate, the Speaker of the House of
77 Representatives, the Attorney General, the Chief Financial
78 Officer, the Commissioner of Agriculture, and the executive
79 director of the Department of Veterans' Affairs shall each
80 appoint one member. For the purposes of ensuring staggered
81 terms, the council members appointed by the Governor, the
82 Attorney General, the Chief Financial Officer, and the
83 Commissioner of Agriculture shall be appointed to 4-year terms
84 beginning on January 1 of the year of appointment, and the
85 council members appointed by the President of the Senate, the
86 Speaker of the House of Representatives, and the executive
87 director of the Department of Veterans' Affairs shall be
88 appointed to 2-year terms beginning on January 1 of the year of
89 appointment. After the initial appointments, all appointees
90 shall be appointed to 4-year terms. A member whose term expires
91 shall continue to serve on the council until such time as a
92 replacement is appointed.

93 (b) The members shall annually elect a chair from among
94 their number. The council shall meet at the call of its chair,
95 at the request of the executive director of the Department of
96 Veterans' Affairs, or at such times as may be prescribed by the
97 council. A majority of the members of the council currently
98 appointed constitutes a quorum, and a meeting may not be held
99 unless a quorum is present. The affirmative vote of a majority
100 of the members of the council present is necessary for any
101 official action by the council.

102 (c) Members of the council may not receive compensation or
103 honorarium for their services. Members may be reimbursed for

Amendment No. 2

104 travel expenses incurred in the performance of their duties, as
105 provided in s. 112.061, however, no state funds may be used for
106 this purpose.

107 (d) The original appointing authority may remove his or
108 her appointee from the council for misconduct or malfeasance in
109 office, neglect of duty, incompetence, or permanent inability to
110 perform official duties or if the member is adjudicated guilty
111 of a felony.

112 (4)(3)(a) The Florida Veterans' Hall of Fame Council
113 Department of Veterans' Affairs shall annually accept
114 nominations of persons to be considered for induction into the
115 Florida Veterans' Hall of Fame and shall then transmit a list of
116 up to 20 nominees its recommendations to the Department of
117 Veterans' Affairs for submission to the Governor and the Cabinet
118 who will select the nominees to be inducted.

119 (b) In selecting its nominees for submission making its
120 recommendations to the Governor and the Cabinet, the Florida
121 Veterans' Hall of Fame Council Department of Veterans' Affairs
122 shall give preference to veterans who were born in Florida or
123 adopted Florida as their home state or base of operation and who
124 have made a significant contribution to the state in civic,
125 business, public service, or other pursuits.

126 (5)(4) The Florida Veterans' Hall of Fame Council
127 Department of Veterans' Affairs may establish criteria and set
128 specific time periods for acceptance of nominations and for the
129 process of selection of nominees for membership and establish a
130 formal induction ceremony to coincide with the annual
131 commemoration of Veterans' Day.

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132 Section 3. Subsections (9) and (10) of section 288.972,
133 Florida Statutes, are amended to read:

134 288.972 Legislative intent.—It is the policy of this
135 state, once the Federal Government has proposed any base closure
136 or has determined that military bases, lands, or installations
137 are to be closed and made available for reuse, to:

138 ~~(9) Coordinate the development of the Defense Related~~
139 ~~Business Adjustment Program to increase commercial technology~~
140 ~~development by defense companies.~~

141 (9) ~~(10)~~ Coordinate the development, maintenance, and
142 analysis of a workforce database to assist workers adversely
143 affected by defense-related activities in their relocation
144 efforts.

145 Section 4. Section 288.980, Florida Statutes, is amended
146 to read:

147 288.980 Military base retention; legislative intent;
148 grants program.—

149 (1)(a) It is the intent of this state to provide the
150 necessary means to assist communities with military
151 installations in supporting and sustaining those installations
152 ~~that would be adversely affected by federal base realignment or~~
153 ~~closure actions.~~ It is further the intent to encourage
154 communities to initiate a coordinated program of response and
155 plan of action in advance of future actions of the federal
156 government relating to realignments and closures Base
157 ~~Realignment and Closure Commission.~~ It is critical that ~~closure-~~
158 ~~vulnerable~~ communities develop and implement strategies such a
159 program to preserve and protect affected military installations.

Amendment No. 2

160 The Legislature hereby recognizes that the state needs to
161 coordinate all efforts that can support ~~facilitate the retention~~
162 ~~of all remaining~~ military installations throughout ~~in~~ the state.
163 The Legislature, therefore, declares that providing such
164 assistance to support the defense-related initiatives within
165 this section is a public purpose for which public money may be
166 used.

167 (b) The Florida Defense Alliance, an organization within
168 Enterprise Florida, is designated as the organization to ensure
169 that Florida, its resident military bases and missions, and its
170 military host communities are in competitive positions as the
171 United States continues its defense realignment and downsizing.
172 The defense alliance shall serve as an overall advisory body for
173 defense-related activity of Enterprise Florida, Inc. The Florida
174 Defense Alliance may receive funding from appropriations made
175 for that purpose administered by the department.

176 (2) The Military Base Protection Program is created. Funds
177 appropriated to this program may be used to address emergent
178 needs relating to mission sustainment and base retention. All
179 funds appropriated for the purposes of this program are eligible
180 to be used for matching of federal funds. The department shall
181 coordinate and implement this program.

182 (3)-(2)(a) The department is authorized to award grants on
183 a competitive basis from any funds available to it to support
184 activities related to the Florida Defense Reinvestment Grant
185 Program and the Florida Defense Infrastructure Grant Program
186 ~~retention of military installations potentially affected by~~
187 ~~federal base closure or realignment.~~

Amendment No. 2

188 (b) The term "activities" as used in this section means
189 studies, presentations, analyses, plans, and modeling. For the
190 purposes of the Florida Defense Infrastructure Grant Program,
191 the term "activities" also includes, but is not limited to,
192 construction, land purchases, and easements. Staff salaries are
193 not considered an "activity" for which grant funds may be
194 awarded. Travel costs and costs incidental thereto incurred by a
195 grant recipient shall be considered an "activity" for which
196 grant funds may be awarded.

197 (c) ~~Except for grants issued pursuant to the Florida~~
198 ~~Military Installation Reuse Planning and Marketing Grant Program~~
199 ~~as described in paragraph (3)(c), the amount of any grant~~
200 ~~provided to an applicant may not exceed \$250,000.~~ The department
201 shall require that an applicant:

202 1. Represent a local government with a military
203 installation or military installations that could be adversely
204 affected by federal actions ~~base realignment or closure.~~

205 2. Agree to match at least 30 percent of any grant
206 awarded.

207 3. Prepare a coordinated program or plan of action
208 delineating how the eligible project will be administered and
209 accomplished.

210 4. Provide documentation describing the potential for
211 changes to the mission ~~realignment or closure~~ of a military
212 installation located in the applicant's community and the
213 potential adverse impacts such changes ~~realignment or closure~~
214 will have on the applicant's community.

Amendment No. 2

215 (d) In making grant awards the department office shall
216 consider, at a minimum, the following factors:

217 1. The relative value of the particular military
218 installation in terms of its importance to the local and state
219 economy relative to other military installations ~~vulnerable to~~
220 ~~closure.~~

221 2. The potential job displacement within the local
222 community should the mission of the military installation be
223 changed ~~closed.~~

224 3. The potential ~~adverse~~ impact on industries and
225 technologies which service the military installation.

226 ~~(4)(3)~~ The Florida Defense Reinvestment Grant Program
227 ~~Economic Reinvestment Initiative~~ is established to respond to
228 the need for this state to work in conjunction with defense-
229 dependent communities in developing and implementing strategies
230 and approaches that will help communities support the missions
231 of military installations, and in developing and implementing
232 ~~and defense dependent communities in this state to develop~~
233 alternative economic diversification strategies to transition
234 from a defense economy to a nondefense economy ~~lessen reliance~~
235 ~~on national defense dollars in the wake of base closures and~~
236 ~~reduced federal defense expenditures and the need to formulate~~
237 ~~specific base reuse plans and identify any specific~~
238 ~~infrastructure needed to facilitate reuse.~~ Eligible applicants
239 include defense-dependent counties and cities, and local
240 economic development councils located within such communities.
241 The program initiative shall ~~consist of the following two~~
242 ~~distinct grant programs~~ to be administered by the department and

Amendment No. 2

243 grant awards may be provided to support community-based
244 activities that:

245 (a) Protect existing military installations; ~~The Florida~~
246 ~~Defense Planning Grant Program, through which funds shall be~~
247 ~~used to analyze the extent to which the state is dependent on~~
248 ~~defense dollars and defense infrastructure and prepare~~
249 ~~alternative economic development strategies. The state shall~~
250 ~~work in conjunction with defense dependent communities in~~
251 ~~developing strategies and approaches that will help communities~~
252 ~~make the transition from a defense economy to a nondefense~~
253 ~~economy. Grant awards may not exceed \$250,000 per applicant and~~
254 ~~shall be available on a competitive basis.~~

255 (b) Diversify the economy of a defense-dependent
256 community; or ~~The Florida Defense Implementation Grant Program,~~
257 ~~through which funds shall be made available to defense dependent~~
258 ~~communities to implement the diversification strategies~~
259 ~~developed pursuant to paragraph (a). Eligible applicants include~~
260 ~~defense dependent counties and cities, and local economic~~
261 ~~development councils located within such communities. Grant~~
262 ~~awards may not exceed \$100,000 per applicant and shall be~~
263 ~~available on a competitive basis. Awards shall be matched on a~~
264 ~~one to one basis.~~

265 (c) ~~The Florida Military Installation Reuse Planning and~~
266 ~~Marketing Grant Program, through which funds shall be used to~~
267 ~~help counties, cities, and local economic development councils~~
268 ~~Develop and implement plans for the reuse of closed or realigned~~
269 ~~military installations, including any plans necessary for~~

Amendment No. 2

270 infrastructure improvements needed to facilitate reuse and
271 related marketing activities.

272

273 Applications for grants under this subsection must include a
274 coordinated program of work or plan of action delineating how
275 the eligible project will be administered and accomplished,
276 which must include a plan for ensuring close cooperation between
277 civilian and military authorities in the conduct of the funded
278 activities and a plan for public involvement.

279 (5)~~(4)~~ The Defense Infrastructure Grant Program is
280 created. The department shall coordinate and implement this
281 program, the purpose of which is to support local infrastructure
282 projects deemed to have a positive impact on the military value
283 of installations within the state. Funds are to be used for
284 projects that benefit both the local community and the military
285 installation. ~~It is not the intent, however, to fund on base~~
286 ~~military construction projects.~~ Infrastructure projects to be
287 funded under this program include, but are not limited to, those
288 related to encroachment, transportation and access, utilities,
289 communications, housing, environment, and security. Grant
290 requests will be accepted only from economic development
291 applicants serving in the official capacity of a governing board
292 of a county, municipality, special district, or state agency
293 that will have the authority to maintain the project upon
294 completion. An applicant must represent a community or county in
295 which a military installation is located. There is no limit as
296 to the amount of any grant awarded to an applicant. A match by
297 the county or local community may be required. The program may

Amendment No. 2

298 not be used to fund on-base military construction projects. The
299 department shall establish guidelines to implement the purpose
300 of this subsection.

301 ~~(5)(a) The Defense Related Business Adjustment Program is~~
302 ~~hereby created. The department shall coordinate the development~~
303 ~~of the Defense Related Business Adjustment Program. Funds shall~~
304 ~~be available to assist defense related companies in the creation~~
305 ~~of increased commercial technology development through~~
306 ~~investments in technology. Such technology must have a direct~~
307 ~~impact on critical state needs for the purpose of generating~~
308 ~~investment grade technologies and encouraging the partnership of~~
309 ~~the private sector and government defense related business~~
310 ~~adjustment. The following areas shall receive precedence in~~
311 ~~consideration for funding commercial technology development: law~~
312 ~~enforcement or corrections, environmental protection,~~
313 ~~transportation, education, and health care. Travel and costs~~
314 ~~incidental thereto, and staff salaries, are not considered an~~
315 ~~"activity" for which grant funds may be awarded.~~

316 ~~(b) The department shall require that an applicant:~~

317 ~~1. Be a defense related business that could be adversely~~
318 ~~affected by federal base realignment or closure or reduced~~
319 ~~defense expenditures.~~

320 ~~2. Agree to match at least 50 percent of any funds awarded~~
321 ~~by the United States Department of Defense in cash or in kind~~
322 ~~services. Such match shall be directly related to activities for~~
323 ~~which the funds are being sought.~~

324 ~~3. Prepare a coordinated program or plan delineating how~~
325 ~~the funds will be administered.~~

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326 ~~4. Provide documentation describing how defense related~~
327 ~~realignment or closure will adversely impact defense related~~
328 ~~companies.~~

329 ~~(6) The Retention of Military Installations Program is~~
330 ~~created. The department shall coordinate and implement this~~
331 ~~program.~~

332 ~~(6)(7)~~ The department may award nonfederal matching funds
333 specifically appropriated for construction, maintenance, and
334 analysis of a Florida defense workforce database. Such funds
335 will be used to create a registry of worker skills that can be
336 used to match the worker needs of companies that are relocating
337 to this state or to assist workers in relocating to other areas
338 within this state where similar or related employment is
339 available.

340 ~~(7)(8)~~ Payment of administrative expenses shall be limited
341 to no more than 10 percent of any grants issued pursuant to this
342 section.

343 ~~(8)(9)~~ The department shall establish guidelines to
344 implement and carry out the purpose and intent of this section.

345 Section 5. The powers, duties, functions, records,
346 personnel, property, pending issues, existing contracts,
347 administrative authority, administrative rules, and unexpended
348 balances of appropriations, allocations, and other funds of the
349 Florida Council on Military Base and Mission Support within the
350 Department of Economic Opportunity are transferred by a type two
351 transfer, as defined in s. 20.06(2), Florida Statutes, to the
352 Florida Defense Support Task Force within the Department of
353 Economic Opportunity.

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354 Section 6. Section 288.984, Florida Statutes, is repealed.

355 Section 7. Subsections (1) and (2) of section 288.985,
356 Florida Statutes, are amended to read:

357 288.985 Exemptions from public records and public meetings
358 requirements.—

359 (1) The following records held by the Florida Defense
360 Support Task Force Council on Military Base and Mission Support
361 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
362 Constitution:

363 (a) That portion of a record which relates to strengths
364 and weaknesses of military installations or military missions in
365 this state relative to the selection criteria for the
366 realignment and closure of military bases and missions under any
367 United States Department of Defense base realignment and closure
368 process.

369 (b) That portion of a record which relates to strengths
370 and weaknesses of military installations or military missions in
371 other states or territories and the vulnerability of such
372 installations or missions to base realignment or closure under
373 the United States Department of Defense base realignment and
374 closure process, and any agreements or proposals to relocate or
375 realign military units and missions from other states or
376 territories.

377 (c) That portion of a record which relates to the state's
378 strategy to retain its military bases during any United States
379 Department of Defense base realignment and closure process and
380 any agreements or proposals to relocate or realign military
381 units and missions.

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382 (2) Meetings or portions of meetings of the Florida
383 ~~Defense Support Task Force Council on Military Base and Mission~~
384 ~~Support~~, or a workgroup of the task force council, at which
385 records are presented or discussed which are exempt under
386 subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I
387 of the State Constitution.

388 Section 8. Subsections (2), (5), (6), and (7) of section
389 288.987, Florida Statutes, are amended to read:

390 288.987 Florida Defense Support Task Force.—

391 (2) The mission of the task force is to make
392 ~~recommendations to prepare the state to effectively compete in~~
393 ~~any federal base realignment and closure action~~, to support the
394 state's position in research and development related to or
395 arising out of military missions and contracting, and to improve
396 the state's military-friendly environment for service members,
397 military dependents, military retirees, and businesses that
398 bring military and base-related jobs to the state.

399 (5) The executive director of Department of Economic
400 Opportunity ~~the Office of Tourism, Trade, and Economic~~
401 ~~Development within the Executive Office of the Governor~~, or his
402 or her designee, shall serve as the ex officio, nonvoting
403 executive director of the task force.

404 (6) ~~The chair shall schedule and conduct the first meeting~~
405 ~~of the task force by October 1, 2011.~~ The task force shall
406 submit an annual a progress report and work plan ~~for the~~
407 ~~remainder of the 2011-2012 fiscal year~~ to the Governor, the
408 President of the Senate, and the Speaker of the House of

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409 Representatives ~~by February 1, 2012, and shall submit an annual~~
410 ~~report~~ each February 1 thereafter.

411 (7) The department ~~Office of Tourism, Trade, and Economic~~
412 ~~Development~~ shall contract with the task force for expenditure
413 of appropriated funds, which may be used by the task force for
414 economic and product research and development, joint planning
415 with host communities to accommodate military missions and
416 prevent base encroachment, advocacy on the state's behalf with
417 federal civilian and military officials, assistance to school
418 districts in providing a smooth transition for large numbers of
419 additional military-related students, job training and placement
420 for military spouses in communities with high proportions of
421 active duty military personnel, and promotion of the state to
422 military and related contractors and employers. The task force
423 may annually spend up to \$200,000 of funds appropriated to the
424 department ~~Executive Office of the Governor, Office of Tourism,~~
425 ~~Trade, and Economic Development~~, for the task force for staffing
426 and administrative expenses of the task force, including travel
427 and per diem costs incurred by task force members who are not
428 otherwise eligible for state reimbursement.

429

430

431

432

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

433

434

Remove lines 3-12 and insert:

435

163.3175, F.S.; authorizing the Florida Defense Support

436

Task Force to recommend to the Legislature specified

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437 changes in military installations and local governments
438 under the Community Planning Act; clarifying and revising
439 procedures related to exchange of information between
440 military installations and local governments under the act;
441 amending s. 265.003, F.S.; creating the Florida Veterans'
442 Hall of Fame Council; providing for membership and terms of
443 appointment; providing for the appointment of a chair;
444 providing for meetings, a quorum, and voting; providing for
445 reimbursement of travel expenses; providing for the removal
446 of an appointee; providing for the Florida Veterans' Hall
447 of Fame Council rather than the Department of Veterans'
448 Affairs to select nominees for induction into the Florida
449 Veterans' Hall of Fame and to establish the criteria for
450 selection; amending s. 288.972, F.S.; revising legislative
451 intent with respect to proposed closure or reuse of
452 military bases; amending s. 288.980, F.S.; creating the
453 Military Base Protection Program within the Department of
454 Economic Opportunity; providing for use of program funds;
455 revising provisions relating to the award of grants for
456 retention of military installations; revising a definition;
457 eliminating the Florida Economic Reinvestment Initiative;
458 establishing the Florida Defense Reinvestment Grant Program
459 to be administered by the Department of Economic
460 Opportunity; specifying purposes of the program; specifying
461 activities for which grant awards may be provided;
462 eliminating the Defense-Related Business Adjustment
463 Program, the Florida Defense Planning Grant Program, the
464 Florida Defense Implementation Grant Program, the Florida

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465 Military Installation Reuse Planning and Marketing Grant
466 Program, and the Retention of Military Installations
467 Program; transferring and reassigning the functions and
468 responsibilities of the Florida Council on Military Base
469 and Mission Support within the Department of Economic
470 Opportunity to the Florida Defense Support Task Force
471 within the Department of Economic Opportunity by type two
472 transfer; repealing s. 288.984, F.S., which establishes the
473 Florida Council on Military Base and Mission Support and
474 provides purposes thereof; amending s. 288.985, F.S.;
475 conforming provisions relating to exempt records and
476 meetings of the Council on Military Base and Mission
477 Support; amending s. 288.987, F.S.; revising provisions
478 relating to the Florida Defense Support Task Force, to
479 conform;

480

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCS for CS/HB 1391 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing PCB: Economic Affairs Committee
2 Representative Kreegel offered the following:

3
4 **Amendment**

5 Remove lines 53-211 and insert:

6 (3) The Department of Economic Opportunity shall certify a
7 project as a Sustainable Community Demonstration Project if, in
8 addition to complying with any applicable law other than this
9 section, the project:

10 (a) Is comprehensive in scope by addressing the full range
11 of community infrastructure, including renewable energy systems,
12 smart grid technologies, data communications networks,
13 alternative transportation mobility systems, sources for
14 powering electric vehicles, digital learning centers, health and
15 wellness features, and storm safety.

16 (b) Has in place the permits and entitlements required for
17 primary infrastructure before securing building permits for a
18 particular phase of construction.

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19 (c) Proposes to meet the majority of its electricity needs
20 from renewable sources and produce more electricity from on-site
21 renewable energy-generating facilities and distributed rooftop
22 renewable energy facilities than the community is projected to
23 use annually.

24 (d) Incorporates and integrates smart grid infrastructure
25 and technology as a tool for improving grid performance; manages
26 energy distribution, transmission, and consumption; maximizes
27 efficiencies; and deploys high-speed digital operating systems
28 and data transmission networks.

29 (e) Uses reasonable and customary industry practices in
30 the design and construction of proposed renewable energy systems
31 and smart grid infrastructure.

32 (f) Consists of a land area of at least 2,500 contiguous
33 acres.

34 (g) Includes an accountability plan for developing project
35 benchmarks and evaluating, measuring, and reporting project
36 results against the criteria provided in subsection (4), with
37 the involvement of members of the Florida Energy Systems
38 Consortium and research universities, and extending the
39 application of project knowledge throughout the state in
40 partnership with the State University System. The plan shall
41 provide for submission of the initial evaluation of project
42 results and economic impacts to the Department of Economic
43 Opportunity and the Governor no later than July 1, 2014, and
44 biennially thereafter.

45 (h) Based on professionally accepted models and
46 methodologies approved by the department, is projected to

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47 generate a positive return on investment in the form of job
48 creation, production of goods and services, capital investment,
49 and overall economic activity, with the expected economic impact
50 identified in the analysis and subsequently evaluated and
51 reported to the Department of Economic Opportunity and the
52 Governor on an ongoing basis over the life of the project.

53 (4) A project is intended to demonstrate:

54 (a) The economic feasibility and viability of clean
55 renewable energy systems and smart grid infrastructure and
56 technologies.

57 (b) The affordability and appeal of a sustainable smart
58 community to industry and residents.

59 (c) The ability to attract a cluster of complementary
60 industries and stimulate new capital investment in sustainable
61 innovation and community infrastructure.

62 (d) The efficient management of energy distribution and
63 consumption using smart grid systems to improve grid performance
64 and community design and construction features.

65 (e) The incorporation of sustainable community design
66 principles and construction features in a way that promotes
67 health and wellness and the development and use of innovative
68 alternatives in personal transportation, such as electric
69 vehicles.

70 (f) The catalytic effect of a renewable energy-centered
71 community and smart grid infrastructure system in spurring job
72 creation.

73 (g) The ability to attract companies to this state to
74 invest and create new jobs and industry.

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75 (h) The stabilization of energy prices over time.

76 (i) The opportunities to enter into partnerships with the
77 State University System in conducting research in innovative
78 clean energy and smart technology communities and technologies
79 and the translation of that research into business
80 opportunities.

81 (j) The effectiveness of enhanced building techniques and
82 design criteria in providing storm safety.

83 (5) A provider, as part of a project certified under this
84 section, may use customary and innovative alternatives for
85 financing and recovering prudent and reasonable costs in planned
86 energy infrastructure, such as renewable energy-generating
87 facilities and integrated smart grid infrastructure, and may
88 initiate proceedings with the Public Service Commission pursuant
89 to s. 366.94.

90 Section 3. Section 366.94, Florida Statutes, is created to
91 read:

92 366.94 Renewable energy cost recovery as part of a
93 Sustainable Community Demonstration Project.-

94 (1) As used in this section, the term:

95 (a) "Costs" include all costs or expenses incurred by a
96 provider in siting, licensing, designing, constructing, and
97 operating a renewable energy-generating facility and
98 transmission, distribution, and metering systems using
99 integrated smart grid infrastructure and components. The term
100 includes, but is not limited to, construction costs, inservice
101 capital investments, engineering expenses, operation and

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102 maintenance expenses, and any applicable taxes. The term does
103 not include the land on which the facility is constructed.

104 (b) "Renewable energy" has the same meaning as provided in
105 s. 366.91(2)(d).

106 (c) "Renewable energy-generating facility" or "facility"
107 means a facility of less than 75 megawatt gross capacity which
108 generates renewable energy, emits zero greenhouse gases at the
109 point of generation, is constructed and operated by a provider
110 as part of a Sustainable Community Demonstration Project
111 certified under s. 288.036, and is part of the electric utility
112 grid for this state. The term includes associated transmission
113 and distribution systems.

114 (2) To demonstrate the feasibility and viability of
115 renewable energy-generating facilities and integrated smart grid
116 infrastructure and the economic benefits for this state, and as
117 an investment in renewable energy, the commission may approve
118 all reasonable and prudent costs incurred by a provider under
119 the environmental cost-recovery clause in s. 366.8255 for
120 renewable energy-generating facilities and integrated smart grid
121 infrastructure that are constructed and operated as part of a
122 Sustainable Community Demonstration Project certified under s.
123 288.036.

124 (a) When determining whether to approve the recovery of
125 costs, the commission shall consider, among other factors, the
126 specific economic development and job creation benefits, the
127 projected long-term stabilization of energy costs, the reduction
128 of adverse environmental impacts, and the legislative findings

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129 and intent in ss. 366.91(1) and 366.92(1), including, but not
130 limited to:

131 1. Promoting this state's leadership among competitor
132 states in the development of renewable energy resources;

133 2. Diversifying the fuel mix;

134 3. Reducing the growing dependence on fuel sources which
135 results in an outflow of the state's capital;

136 4. Encouraging new investments in innovation and job
137 creation;

138 5. Protecting the economic viability of renewable energy
139 resources in the state; and

140 6. Minimizing the volatility of fuel costs.

141 (b) For purposes of this section, costs are reasonable and
142 prudent if the provider has used reasonable and customary
143 industry practices in the design, procurement, and construction
144 of the facility and has integrated smart grid infrastructure in
145 a cost-effective manner appropriate to the location of the
146 facility.

147 (c) A provider must initiate proceedings with the
148 commission no later than July 1, 2013.

149 (d) As part of the proceedings, each provider shall report
150 its construction costs, in-service costs, operating and
151 maintenance costs, hourly energy production of the renewable
152 energy-generating facility, and any other information deemed
153 relevant by the commission.

154 (e) The Legislature recognizes the potential catalytic
155 effect that a Sustainable Community Demonstration Project under
156 s. 288.036 is expected to have on economic growth, job creation,

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157 entrepreneurial innovation, capital investment, and energy
158 diversification. The Legislature also recognizes the opportunity
159 to position this state as a hub for renewable energy and smart
160 technology infrastructure, products, and expertise, while
161 reducing the risk of price instability and customer rate hikes
162 resulting from the current lack of fuel diversity. As a result,
163 the amount of cost recovery the commission may authorize under
164 this section may not exceed 5 cents per 1,000 kilowatt hours per
165 month, calculated on a levelized basis over the life of a facility
166 projected to produce cost savings in a majority of those years.

167 (3) As directed by the commission, providers approved for
168 cost recovery pursuant to this section shall report to the
169 commission on the construction and operational status of
170 approved renewable energy generating facilities that are part of
171 a demonstration project under this act.

172