

Transportation & Economic Development Appropriations Subcommittee

**Wednesday, March 27, 2013
8:00 AM - 10:00 AM
Reed Hall (102 HOB)**

MEETING PACKET

**Will Weatherford
Speaker**

**Ed Hooper
Chair**



The Florida House of Representatives

Appropriations Committee

Transportation & Economic Development Appropriations Subcommittee

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
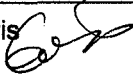
March 27, 2013

AGENDA
8:00 AM – 10:00 AM
Reed Hall

- I. Call to Order/Roll Call
- II. Chair's Budget Proposal for FY 2013-14
- III. Consideration of Bills
 - CS/HB 135 Spaceport Territory by Rep. Goodson
 - CS/HB 345 Northeast Florida Regional Transportation Commission by Rep. Cummings
 - HB 363 Disabled Parking Permits by Rep. Watson
 - HB 699 Florida Salutes Veterans License Plate by Rep. Smith
 - HB 975 Archeological Sites and Specimens by Rep. Metz
 - HB 4033 Technological Research & Development Authority by Rep. Workman
 - HB 4045 Agricultural Lands by Rep. Raulerson
- IV. Closing Remarks/Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 135 Spaceport Territory
SPONSOR(S): Economic Development & Tourism Subcommittee; Goodson
TIED BILLS: IDEN./SIM. **BILLS:** SB 848

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	12 Y, 0 N, As CS	Tecler	West
2) Transportation & Economic Development Appropriations Subcommittee		Proctor 	Davis 
3) Local & Federal Affairs Committee			
4) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill amends s. 331.304, F.S., to designate the following properties in Brevard County as spaceport territory: the Space Coast Regional Airport, the Space Coast Industrial Park and the Spaceport Commerce Park. As a result of the bill, new and expanding businesses engaged in spaceport activities and located at any of the above properties, may be eligible for a tax exemption on machinery and equipment pursuant to s. 212.08, F.S.

On March 16, 2013, the Revenue Estimating Conference adopted a negative recurring impact of \$100,000 on the General Revenue Fund related to this exemption.

The bill will take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Commercial Space Industry

With the retirement of the Space Shuttle Program in July of 2010, the United States will increasingly rely on the private sector for the transportation of cargo and passengers to the International Space Station, low Earth orbit, and beyond. Historically, the commercial space industry has focused primarily on putting payloads, such as satellites, into orbit using expendable launch systems. As the industry shifts its focus toward space tourism, expendable launch systems are slowly being replaced by reusable systems capable of transporting humans and general cargo into space. In response, several states have developed or proposed commercial spaceports in order to capture a greater share of what is anticipated to be a growing market in the near future.¹

Federal Regulations

The Office of Commercial Space Transportation within the Federal Aviation Administration (FAA) is the federal agency responsible for regulating and facilitating the safe operations of the U.S. commercial space transportation industry. The Commercial Space Launch Act of 1984, as amended, authorizes the FAA to establish licensing and regulatory requirements for launch vehicles, launch sites, and reusable suborbital rockets.² The FAA's launch regulations and licensing procedures apply to all commercial launches taking place within U.S. territory, and for launches being conducted abroad by U.S. companies. In general, the FAA does not license launch sites owned or operated by agencies of the U.S. government.³ Since 1984, the FAA has licensed the operation of eight FAA-approved launch sites, including the Cape Canaveral Spaceport and the spaceport at Cecil Field.⁴

Spaceports in Florida

Currently, Florida has two federally owned spaceports and two FAA licensed commercial spaceports. The Cape Canaveral Air Force Station and the National Aeronautics and Space Administration's Kennedy Space Center are owned and operated by the federal government. The two FAA licensed commercial spaceports in Florida include the Cape Canaveral Spaceport, operated by Space Florida, and the Cecil Field Spaceport, operated by the Jacksonville Aviation Authority. The Space Launch Site Operator licenses for the Cape Canaveral Spaceport and Cecil Field Spaceport were issued in 1999 and 2010 respectively.

Space Coast Regional Airport

The Space Coast Regional Airport is located about 5 miles south of Titusville and features a 7,319 foot runway. The airport is governed by the Titusville-Cocoa Airport Authority and serves as a corporate and commercial charter aviation facility. The Airport Authority is currently seeking a Space Launch Site Operator license from the FAA. Two industrial properties, the Space Coast Industrial Park and the Spaceport Commerce Park, are located adjacent to the airport.

¹ Florida, Alaska, California, New Mexico, Oklahoma, and Virginia currently have FAA approved launch sites. Colorado, Hawaii, Texas and Wyoming are seeking FAA licensure of proposed launch sites.

² 51 U.S.C. Ch. 509, §§ 50901-23.

³ The FAA also exempts certain classes of small rockets from licensure.

⁴ California Spaceport, Kodiak Launch Complex (AK), Mid-Atlantic Regional Spaceport (VA), Mojave Air and Space Port (CA), Clinton-Sherman Industrial Airpark (OK), and Spaceport America (NM).

Spaceport Territories Designated in the Florida Statutes

Section 331.304, F.S., provides that certain real property in the following areas constitute a spaceport territory:

- Brevard County and within the 1998 boundaries of Patrick Air Force Base, Cape Canaveral Air Force Station, or John F. Kennedy Space Center,
- Santa Rosa, Okaloosa, Gulf, and Walton Counties and within the 1997 boundaries of Eglin Air Force Base,
- Duval County which is included within the boundaries of Cecil Airport and Cecil Commerce Center, and
- Real property licensed as a spaceport by the Federal Aviation Administration, and designated as spaceport territory by the board of directors of Space Florida.

Currently, the Space Coast Regional Airport, the Space Coast Industrial Park and the Spaceport Commerce Park are not designated as a "spaceport territory" in the Florida Statutes.

Effect of Proposed Changes

The bill amends s. 331.304, F.S., to designate certain real property within the boundaries of the Space Coast Regional Airport, the Space Coast Industrial Park and the Spaceport Commerce Park, as spaceport territory.

Section 212.08, F.S., provides a tax exemption for machinery and equipment purchased for a new or expanding business in a spaceport territory. New and expanding businesses located within spaceport territory designated by the bill, may be eligible for this exemption. In order to qualify, a business must be engaged in spaceport activities, as defined by s. 212.02(22), F.S.⁵

The bill will take effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Adds subsection (5) to s. 331.304, F.S., designating the Space Coast Regional Airport, Space Coast Industrial Park and the Spaceport Commerce Park as spaceport territory.

Section 2: Provides for an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

New and expanding businesses engaged in spaceport activities and located within the spaceport territory designated by this bill, may be eligible for a tax exemption on purchased machinery and equipment. On March 16, 2013, the Revenue Estimating Conference adopted a negative recurring impact of \$100,000 on the General Revenue Fund related to this exemption.

⁵ The term "Spaceport Activities" means activities directed or sponsored by Space Florida on spaceport territory pursuant to its powers and responsibilities under the Space Florida Act.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference estimates the bill will have a negative insignificant impact on local revenues.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may facilitate the development of new aerospace-related businesses in the Titusville area.

FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 13, 2013, the Economic Development & Tourism Subcommittee adopted one amendment, which designates the Spaceport Commerce Park as spaceport territory under s. 331.304, F.S. The bill was reported favorably as a committee substitute and the analysis has been updated to reflect the adopted amendment.

CS/HB 135

2013

1 A bill to be entitled
2 An act relating to spaceport territory; amending s.
3 331.304, F.S.; revising spaceport territory for
4 purposes of the Space Florida Act to include certain
5 property; providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Subsection (5) is added to section 331.304,
10 Florida Statutes, to read:

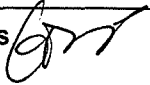
11 331.304 Spaceport territory.—The following property shall
12 constitute spaceport territory:

13 (5) Certain real property located in Brevard County which
14 is included within the boundaries of Space Coast Regional
15 Airport, Space Coast Regional Airport Industrial Park, and
16 Spaceport Commerce Park.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 345 Northeast Florida Regional Transportation Commission
SPONSOR(S): Transportation & Highway Safety Subcommittee; Cummings
TIED BILLS: IDEN./SIM. **BILLS:** SB 606

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	11 Y, 0 N, As CS	Johnson	Miller
2) Transportation & Economic Development Appropriations Subcommittee		Davis 	Davis
3) Economic Affairs Committee			

SUMMARY ANALYSIS

In 2010, the Legislature created the Northeast Florida Regional Transportation Study Commission. The study commission was required to prepare a report detailing its findings and make specific legislative recommendations relating to regional transportation in Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties. The study commission issued its final report in December 2012. The report recommended a two-phased approach to regional transportation governance. The bill implements the recommendations of Phase I.

Major provisions of the bill:

- Creates the Northeast Florida Regional Transportation Commission.
- Provides for commission membership, powers and duties, and funding.
- Provides criteria for transportation projects of regional significance.
- Authorizes the acquisition of lands and property, but does not authorize condemnation or eminent domain.
- Exempts the commission from taxation.
- Provides for repeal of the commission unless certain conditions are met.
- Provides that the commission is exempt from the Administrative Procedures Act.

There is no impact on state funds, the commission will initially be locally funded from each constituent county of up to 30 cents per capita per year. The estimated total annual budget of the commission is estimated to be between \$214,000 and \$215,000. See fiscal analysis for a breakdown of the estimated cost for each constituent county.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Background

For at least 25 years, a regional approach to transportation in Northeast Florida has been discussed.

In 1987, the First Coast Regional Transportation Study Committee was created.¹ The committee recommended that a five-county regional transportation authority with a nine member governing board be created.² No action was ever taken on these recommendations.

In 2009, the Legislature enacted HB 1213,³ requiring the Jacksonville Transportation Authority (JTA), at the direction of the Department of Transportation (DOT), to perform a Regional Transportation Authority study. That study affirmed the need for a regional approach to transportation in Northeast Florida but also recommended further study. Additionally, the 2009 Regional Transportation Authority Study Final Report found that the development of a regional transportation elements plan is needed as the basis for further action on any regional transportation initiative.⁴

In 2010, the Legislature enacted SB 2470,⁵ creating the Northeast Florida Regional Transportation Study Commission consisting of representatives from Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties and the JTA.⁶ The bill required the study commission, to prepare a report detailing its findings and making recommendations regarding regional transportation. The report was required to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2012. The report was required to include a regional transportation elements plan, the defining characteristics of transportation elements of regional significance, and an implementation plan for undertaking a regional transportation element plan. The report was allowed to include recommendations for the establishment of a regional transportation authority, draft legislation, and any other legislation the study commission deemed appropriate.

Recommendations from the Study

In December 2012, the Northeast Florida Regional Transportation Study Commission issued its final report.⁷ The report recommended a two-phased approach to regional transportation governance. Phase I would be a regional transportation commission and Phase II would be the establishment of a regional transportation entity and proposed funding to implement the multimodal regional transportation commission's regional transportation plan.

In the Phase I, the commission will:

- develop a multimodal regional transportation plan;
- identify and secure dedicated funding to implement the plan;

¹ Executive order 86-148

² A copy of the Findings and Recommendations of the First Coast Regional Transportation Study Committee (January 1987) is available at <http://www.northfloridartsc.com/Pages/LegislationReports.aspx> (Last visited February 8, 2013).

³ Ch. 2009-111, L.O.F.

⁴ A copy of the 2009 Regional Transportation Study Final Report is available at <http://www.northfloridartsc.com/Pages/LegislationReports.aspx> (Last visited February 8, 2013).

⁵ Ch. 2010-202, L.O.F.

⁶ The Department of Transportation's District 2 Secretary, the chair of the Northeast Florida Regional Council, and the North Florida Transportation Planning Organization served as nonvoting members of the Northeast Florida Regional Transportation Study Commission.

⁷ A copy of the Northeast Florida Regional Transportation Study Commission's final report is available at: <http://www.northfloridartsc.com/Pages/default.aspx> (Last visited February 8, 2013).

- advance strategic projects and services with an initial focus on coordinating regional transit; and
- propose an organizational framework for implementing the regional transportation plan.

In Phase II, the multimodal regional transportation plan would be implemented with dedicated funding as authorized by future legislation.

The bill implements the recommended Phase I, creating the Northeast Florida Regional Transportation Commission (commission).

Proposed Changes

Chapter 343, F.S.

The bill redesignates parts I through IV of ch. 343, F.S. as parts II through V respectively and creates a new part I of ch. 343, F.S.

Short Title

The bill creates s. 343.0001, F.S., creating the Northeast Florida Regional Transportation Commission Act as part I of ch. 343, F.S.

Definitions

The bill creates s. 343.1002, F.S., defining various terms. Notably the bill contains very broad definitions of the following terms:

Transportation facilities-all mobile and fixed assets, including real or personal property or rights therein, used in the transportation of persons or property by any means of conveyance, and all related appurtenances. This includes but is not limited to:

- highways; bridges; limited or controlled access roadways, lanes and related facilities;
- docks, wharves, vessels, jetties, piers, and marine terminals;
- vehicles, fixed guideway facilities, including freight rail, intermodal facilities, and any means of conveyance of persons or property of all types;
- passenger and other terminals;
- park and ride facilities;
- bicycle ways and related facilities;
- pedestrian-ways and pedestrian-related facilities appurtenant to other transportation facilities;
- transit-related improvements or developments adjacent to transit facilities or stations;
- bus, train, vessel, or other vehicle storage, cleaning, fueling, control, and maintenance facilities; and
- administrative or other office space for the commission.

Transportation services-the conveyance of persons or property or the provision of transportation facilities which allows the conveyance of persons or property, including mass transit services such as fixed-route bus, fixed-guideway vehicle service, paratransit service, flex route or demand responsive service, and the planning, designing, constructing, and operating transportation facilities.

Northeast Florida Regional Transportation Commission

The bill creates s. 343.1003, F.S., creating and establishing the Northeast Florida Regional Transportation Commission (commission). The commission covers a six-county area comprised of Baker, Clay, Duval, Nassau, Putnam, and St. Johns Counties.⁸ The commission's governing board consists of nine members who are selected as follows:

- The county commissions of Baker, Clay, Nassau, Putnam, and St. Johns Counties each appoint one person, who may be an elected official of the county.

⁸ Flagler County declined to join the commission.
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- The City of Jacksonville will be represented by four members, who may be elected officials of the city. Of the four members the Mayor of the City of Jacksonville appoints two members, and the Jacksonville City Council appoints two members.

To ensure continuity on the initial governing board, the initial appointees will draw lots at the governing board's first meeting to provide for two-, three- and four-year terms. An appointed member may not select or have a designee selected to serve in the absence of the member, whether the member is an elected official or otherwise. However, if an appointed member is designed by the appointing entity by title, such as a chair of a county commission or a chair of a transportation planning agency, the successor or vice-chair of the position may serve for the appointee in his or her absence. After the initial board's terms, members will be appointed for four-year terms. A member may not serve more than two consecutive terms.

The DOT secretary appoints a nonvoting advisor to the board. In addition, the board may create an advisory panel, whose membership will be determined by the board, and may establish committees by direction of the chair or upon vote of the board.

Members of the board and persons appointed to a committee or advisory panel serve without compensation but are entitled to receive reimbursement for travel expenses and per diem actually incurred in connection with commission business.⁹ Notwithstanding s. 348.0003(4)(c), F.S., members of the board are required to file with the Commission on Ethics as their mandatory financial disclosure the Form 1 statement of financial interest.¹⁰

At its inaugural meeting, and annually thereafter, the board is required to elect a chair, vice chair, secretary, and treasurer from among its members, to serve a one-year term. No person may hold the office of chair for more than two consecutive terms. The commission's first meeting must be held no later than 60 days after its creation.

The commission may employ an executive director and an administrative assistant to the board and executive director. The commission may employ permanent or temporary staff, including consultants, as it determines necessary or convenient. Alternatively, with the approval by their respective boards or administrative chiefs, the commission may use the staff of:

- The JTA, its legal counsel, technical experts, engineers, and other administrative employees.
- The North Florida Transportation Planning Organization, for planning matters.
- The Northeast Florida Regional Council, for planning and coordination matters.
- The DOT.
- The Jacksonville Port Authority.
- The counties represented on the commission board, on an as-needed basis.

Members of the board may be removed by their appointing entity, for cause, including, but not limited to failure to attend two or more commission meetings in a 9-month period.

There is no liability on the part of, and no cause of action of any nature shall arise against, any commission member for any action taken in the performance of their duties.

⁹ The provisions for per diem and travel expenses are in s. 112.061, F.S.

¹⁰ The Form 1 statement of financial interest is provided for in s. 112.3145, F.S. Section 348.0003(4)(c), F.S. requires members of transportation authorities created pursuant to ch. 343, F.S., to file Form 6 with the Commission on Ethics, which is a more detailed financial disclosure.

Commission Powers and Duties

The bill creates s. 343.1004, F.S., providing the commission's powers and duties. The commission's express purposes are to improve mobility and expand multimodal transportation options for passengers and freight throughout the six-county Northeast Florida region. The commission shall, at a minimum:

- develop a multimodal, prioritized plan for transportation projects of regional significance; and
- research and develop an implementation plan that identifies available but not yet imposed, and potentially developable, sources of funding to execute the regional transportation plan.

In developing the regional transportation plan, the commission is to review and coordinate with the future land use, capital improvements, and traffic circulation elements of the constituent counties' local governments' comprehensive plans, the Northeast Florida Regional Council's Strategic Regional Policy Plan,¹¹ and the schedules of other units of government having a transit or transportation authority within whose jurisdiction the projects or improvements will be located. This process is intended to define and resolve potential inconsistencies between these plans and the commission's regional transportation plan.

The commission is to present the regional transportation plan and updates to the governing bodies of the constituent counties within 90 days after adoption. The commission is to update the regional transportation plan and the implementation plan not less frequently than every other year. The commission may plan, develop, construct, coordinate, and promote transportation projects of regional significance that are identified in the commission's regional transportation plan.

Subject to available funding and with the approval of the affected counties and transportation authorities, the commission may own, purchase, operate, maintain, relocate, equip, repair, and manage transit services of regional significance. This includes services such as express bus services, bus rapid transit services, light rail, commuter rail, heavy rail or other transit services, and related transit stations and park-and-ride lots, that are identified in the regional transportation plan.

The commission may facilitate efforts to secure funding commitments from federal and state sources, or from the applicable counties, for the planning, development, construction, purchase, operation and maintenance of transportation projects which are of regional significance or support intercounty mobility for persons or freight.

The commission may request funding and technical assistance from DOT and from federal and local agencies. In order to operate for its first five years, the commission shall also request annual funding from each constituent county of up to 30 cents per capita per year based on the latest census. However, the contribution of Duval County may not exceed 45 percent of the commission's budget for any fiscal year.

The commission may exercise all powers necessary, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers to:

- Sue and be sued in all courts.
- Apply for and to accept grants from federal, state, local, or private sources.
- Partner with private sector business community and engage the public in support of regional multimodal transportation improvements.
- Adopt rules for the regulation of the affairs and the conducting of business including termination of membership in the commission for the nonpayment of county contributions.
- Advertise, market, and promote regional transit services and facilities, freight mobility plans and projects, and the activities of the commission.
- Cooperate with other governmental entities and contract with other governmental agencies.

¹¹ A copy of the Northeast Florida Regional Council's Strategic Regional Policy Plan is available at <http://www.nefrc.org/SRPP.htm> (Last visited February 11, 2013).

- Purchase directly from local, national, or international insurance companies liability insurance that the commission is contractually and legally obligated to provide, notwithstanding the requirements of s. 287.022(1), F.S.¹²
- Make contracts and execute necessary instruments.
- Form public benefit corporations with other agencies of the state or local governments.
- Require or elect not to require bid bonds and protest bonds, prequalifying bidders or proposers in various categories of work or services, and to suspend or debar consultants and contractors in accordance with commission rules.
- Do all acts and things necessary or convenient for the conduct of its business and the general welfare of the commission in order to carry out its powers.

The commission does not have the power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency of the state. The commission's obligations shall not be deemed to be obligations of the state or of any political subdivision. The state and any political subdivision or agency, except the commission, shall not be liable for the payment of the principal or interest on such obligations.

Transportation Projects of Regional Significance

The bill creates s. 343.1005, F.S., providing that transportation projects of regional significance are those transportation facilities and transportation services within a regional transportation corridor identified in the Northeast Florida Regional Transportation Study Commission's December 2012 report, or subsequently identified by the commission, which:

- exhibit a significant level of travel between counties or regions;
- provide a primary connection between activity centers or municipalities;
- exhibit a significant percentage of freight conveyance;
- provide a primary connection to marine, aviation or intermodal facilities;
- provide a regional emergency evacuation route;
- support or enhance the functionality of another identified transportation project of regional significance in the corridor by providing for regional movements or removing non-regional trips from some other transportation project of regional significance; or
- have such other characteristics as the commission determines to be of regional significance.

Coordination with Other Agencies

The bill creates s. 343.1006, F.S., requiring the regional transportation plan and implementation plan to be forwarded to the North Florida Transportation Planning Organization for inclusion in its long-range transportation plans and other planning documents. To the extent feasible, the commission's planning activities, including the development and adoption of the regional transportation plan and the implementation plan shall be coordinated with the work of the North Florida Transportation Planning Organization, the Northeast Florida Regional Council, and DOT.

Acquisition of Lands and Property

The bill creates s. 343.1007, F.S., providing that the commission may acquire by gift, bequest, voluntary purchase any property or property rights necessary to carry out its mission and purposes. However, the commission may not obtain private or public property by condemnation or eminent domain.

If the commission acquires property, the commission is not subject to any liability imposed by chs. 376 or 403, F.S.,¹³ for preexisting soil or groundwater contamination due solely to its ownership. This does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a

¹² Section 287.022(1), F.S. pertains to the purchase of insurance for all agencies by the Department of Management Services.

¹³ Chapter 376, F.S. relates to pollution discharge prevention and removal and ch. 403, F.S., relates to environmental control.

pollution source. The commission and the Department of Environmental Protection (DEP) may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the commission.

Authority to Contract

The bill creates s. 343.1008, F.S., providing that the commission may make and enter into contracts, leases, conveyances, partnerships, interlocal and other agreements with a county, municipality, district, political subdivision, agency, or instrumentality of the state and any federal agency, corporation, or individual for the purpose of carrying out its statutory authority and serving the purposes of the commission.

Exemption from taxation and assessment

The bill creates s. 343.1009, F.S., providing that effectuation of the commission's authorized purposes is for the benefit of the people of this state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and because the commission performs essential governmental functions, the commission is not required to pay taxes or assessments of any kind upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income, or charges received by it.

Powers of Commission are Supplemental

The bill creates s. 343.1010, F.S., providing that the powers conferred by this part are supplemental to the existing authority of the North Florida Transportation Planning Organization, the JTA, the Northeast Florida Regional Council, the counties and the municipalities located therein, and the DOT. This does not repeal any other law, general, special, or local, but supplements other laws in the exercise of the powers provided and provides a complete method for the exercise of powers granted to the commission. The projects planned and constructed by the commission must comply with all applicable federal, state, and local laws. The transportation facilities and services of the commission may be accomplished in compliance with the provisions of the bill without regard to or necessity for compliance with the provisions, limitation, or restrictions contained in any other general, special, or local law except as specifically set forth in the bill. The bill does not repeal, rescind, or modify any other law relating to the North Florida Transportation Planning Organization, the JTA, or DOT.

Public Meetings and Hearings

The bill creates s. 343.1011, F.S., requiring the commission to meet at the times and locations as the chair determines, provided that to the extent feasible there be regular quarterly meetings.

The bill also provides that before the adoption of the regional transportation plan or the implementation plan, the commission must conduct a properly noticed public hearing in each of the affected counties and at least one of which must be before the commission's board. At the hearings, any interested party has the opportunity to be heard and to introduce testimony. Additionally, the commission shall comply with all applicable federal and state requirements related to new or altered transportation facilities or services.

Discretionary Sales Surtax

The bill creates s. 343.1012, F.S., providing that the commission is not an "authority" for the purposes of the Charter County and Regional Transportation System Surtax.¹⁴

Repeal

The bill creates s. 343.1013, F.S., repealing this act on November 30, 2018, unless:

- the commission has adopted a regional transportation plan and the implementation plan, and at least Clay, Duval, Nassau, and St. Johns counties have adopted resolutions endorsing the plans; and

¹⁴ S. 212.055(1), F.S.

- adequate funding sources to carry out the initial phases of such plans have been secured.

Florida Administrative Code

Currently, s. 20.52(1), F.S., defines "agency" for the purpose of the Administrative Procedures Act.¹⁵ The statute exempts expressway authorities created pursuant to ch. 348, F.S., or transportation authorities created under chs. 343 or 349, F.S., from the definition of "agency" for the purpose of the Administrative Procedures Act. The bill amends the exemption of s. 120.52(1), F.S., to include a transportation commission under chs. 343 or 349, F.S. which would provide that the Northeast Florida Regional Transportation Commission is not subject to the Administrative Procedures Act.

Effective Date

The bill has an effective date of July 1, 2013.

B. SECTION DIRECTORY:

- Section 1: Creates part I of ch. 343, F.S., creating the Northeast Florida Regional Transportation Commission.
- Section 2: Amends s. 120.52, F.S., relating to definitions as used in the Administrative Procedures Act.
- Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate. See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Indeterminate. While the bill requires the commission to request funding from its constituent counties for its operations for the first five years, there is no requirement these counties make such expenditures. To the extent they do, however, the commission would be funded from funds appropriated from each of the constituent counties up to 30 cents per capita per year, with Duval County's contribution not exceeding 45 percent of the commission's budget. The Northeast Florida Regional Transportation Study Commission estimated that the Northeast Florida Regional Transportation Commission's annual budget would be between \$214,000 and \$215,000. This would result in an estimated cost of 21.1 cents per capita. The estimated county contributions are as follows:

¹⁵ Ch. 120, F.S.

County	Estimated Contribution
Baker	\$5,682
Clay	\$40,331
Duval	\$96,445 ¹⁶
Nassau	\$15,547
Putnam	\$15,625
St. Johns	\$40,692
Total	\$214,322

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

While not required, the bill authorizes the commission to request funding and technical assistance from the Department of Transportation and other federal, state, and local sources. To the extent any such entity is asked and agrees to provide funding or assistance, this would impact either expenditures or workload on personnel.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. While the bill provides that the commission may request funding by its member counties, funding would have to be approved by each county on an annual basis.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Section 2 of the bill provides that the commission is exempt from the Administrative Procedures Act in ch. 120, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 7, 2013, the Transportation & Highway Safety Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provided that the financial disclosure provisions in the bill notwithstanding a conflicting provision of law.

¹⁶ Duval County's contribution is based on a maximum of 45 percent of the costs.

57 | 343.1007, 343.1008, 343.1009, 343.1010, 343.1011, 343.1012, and
 58 | 343.1013, is created to read:

59 | CHAPTER 343

60 | REGIONAL TRANSPORTATION AUTHORITIES

61 | PART I

62 | NORTHEAST FLORIDA REGIONAL TRANSPORTATION COMMISSION

63 | 343.1001 Short title.—This part may be cited as the
 64 | "Northeast Florida Regional Transportation Commission Act."

65 | 343.1002 Definitions.—As used in this part, the term:

66 | (1) "Agency of the state" means the state and any
 67 | department of the state, the commission, or any corporation,
 68 | agency, or instrumentality created, designated, or established
 69 | by the state.

70 | (2) "Board" means the governing body of the commission.

71 | (3) "Commission" means the Northeast Florida Regional
 72 | Transportation Commission.

73 | (4) "Department" means the Department of Transportation.

74 | (5) "Transportation authority" means the department and
 75 | any entity created under this chapter, chapter 348, or chapter
 76 | 349.

77 | (6) "Transportation facilities" means all mobile and fixed
 78 | assets, including real or personal property or rights therein,
 79 | used in the transportation of persons or property by any means
 80 | of conveyance, and all appurtenances thereto, such as, but not
 81 | limited to: highways; bridges; limited or controlled access
 82 | roadways, lanes and related facilities; docks, wharves, vessels,
 83 | jetties, piers, and marine terminals; vehicles, fixed guideway
 84 | facilities, including freight rail, intermodal facilities, and

113 an elected official of such county. However, in order to ensure
114 continuity on the initial governing board, the initial
115 appointees under this paragraph shall draw lots at the first
116 meeting of the governing board to determine which two members
117 shall serve initial terms of 2 years, which member shall serve
118 an initial terms of 3 years, and which two members shall serve
119 initial terms of 4 years.

120 (b) The City of Jacksonville shall be represented by four
121 members, who may be elected officials of the city. Of the four
122 members, the mayor of the City of Jacksonville shall appoint two
123 members, and the Jacksonville City Council shall appoint two
124 members. However, in order to ensure continuity on the initial
125 governing board, the initial appointees shall draw lots at the
126 first meeting of the governing board to determine which member
127 shall serve an initial term of 2 years, which two members shall
128 serve an initial term of 3 years, and which member shall serve
129 an initial term of 4 years.

130 (c) An appointed member may not select or have a designee
131 selected to serve in the absence of the member, whether such
132 member is an elected official or otherwise. However, if an
133 appointed member is designated by the appointing entity by
134 title, such as the chair of a county commission or the chair of
135 a transportation or planning agency, the successor or vice chair
136 may serve for such appointee in his or her absence.

137 (d) Except for the initial board, members shall be
138 appointed for 4-year terms. A member may not serve more than two
139 consecutive terms.

140 (3) The secretary of the department shall appoint a

169 | the board does not impair the ability of a quorum to exercise
 170 | all rights and perform all duties of the commission.

171 | (11) The commission may employ an executive director and
 172 | an administrative assistant to the board and to the executive
 173 | director. The commission may employ permanent or temporary
 174 | staff, including consultants, as it determines necessary or
 175 | convenient, or, subject to approval by their respective boards
 176 | or administrative chiefs, may use the staff of:

177 | (a) The Jacksonville Transportation Authority, its legal
 178 | counsel, technical experts, engineers, and other administrative
 179 | employees.

180 | (b) The North Florida Transportation Planning
 181 | Organization, for planning matters.

182 | (c) The Northeast Florida Regional Council, for planning
 183 | and coordination matters.

184 | (d) The department.

185 | (e) The Jacksonville Port Authority.

186 | (f) The counties represented on the commission board, on
 187 | an as-needed basis.

188 | (12) An appointing county commission, or, in the case of
 189 | Duval County, upon request of the mayor or the city council
 190 | president, the Jacksonville City Council, may remove a member
 191 | appointed by it for cause, including, but not limited to,
 192 | failure to attend two or more meetings of the commission during
 193 | any 9-month period.

194 | (13) No liability on the part of, and no cause of action
 195 | may arise against, any member for any action taken in the
 196 | performance of his or her duties under this part.

225 | other year.

226 | (2) The commission may plan, develop, coordinate, and
 227 | promote transportation projects and transportation services of
 228 | regional significance which are identified in the commission's
 229 | regional transportation plan.

230 | (a) Subject to available funding and with the approval of
 231 | the affected counties and transportation authorities, the
 232 | commission may own, purchase, operate, maintain, relocate,
 233 | equip, repair, and manage transportation facilities and services
 234 | of regional significance identified in the regional
 235 | transportation plan.

236 | (b) To ensure coordination of its plans with those of
 237 | local governments, the commission shall consult with local
 238 | governments concerning the commission's regional transportation
 239 | plan.

240 | (c) The commission may facilitate efforts to secure
 241 | funding commitments from federal and state sources, or from the
 242 | applicable counties, for the planning, development,
 243 | construction, purchase, operation and maintenance of
 244 | transportation projects that are of regional significance or
 245 | that support intercounty mobility for persons or freight.

246 | (3) In carrying out its purposes and powers, the
 247 | commission may request funding and technical assistance from the
 248 | department and from federal and local agencies. In order to
 249 | carry out the purposes and powers of the commission for its
 250 | first 5 years, the commission shall also timely request annually
 251 | that each constituent county appropriate funds of up to 30 cents
 252 | per capita per year, based on the latest decennial census, to

281 authorities or agencies, municipalities, and expressway and
 282 bridge authorities.

283 (h) Purchase liability insurance directly from local,
 284 national, or international insurance companies which the
 285 commission is contractually and legally obligated to provide,
 286 notwithstanding s. 287.022(1).

287 (i) Make contracts and execute all instruments necessary
 288 or convenient for conducting its business.

289 (j) Form, alone or with one or more other agencies of the
 290 state or local governments, public benefit corporations to carry
 291 out the powers and obligations granted under this part or the
 292 powers and obligations of such other agencies or local
 293 governments.

294 (k) Require or elect not to require bid bonds and protest
 295 bonds, prequalify bidders or proposers in various categories of
 296 work or services, and suspend or debar consultants and
 297 contractors in accordance with commission rules.

298 (l) Do everything necessary or convenient for the conduct
 299 of its business and the general welfare of the commission in
 300 order to carry out the powers granted to it by this part or any
 301 other law.

302 (5) The commission may not pledge the credit or taxing
 303 power of the state or any political subdivision or agency
 304 thereof, nor may any of the commission's obligations be deemed
 305 to be obligations of the state or of any political subdivision
 306 or agency thereof, nor may the state or any political
 307 subdivision or agency thereof, except the commission, be liable
 308 for the payment of the principal of or interest on such

337 Organization for inclusion in its long-range transportation plan
338 and other planning documents as required by law. To the extent
339 feasible, the commission's planning activities, including the
340 development and adoption of the regional transportation plan and
341 the implementation plan, shall be coordinated with the work of
342 the North Florida Transportation Planning Organization, the
343 Northeast Florida Regional Council, and the department.

344 343.1007 Acquisition of lands and property.-

345 (1) The commission may acquire by gift, bequest, or
346 voluntary purchase any property or property rights necessary to
347 carry out its mission and purposes under this part; however, the
348 commission may not obtain private or public property by
349 condemnation or eminent domain.

350 (2) If the commission acquires property pursuant to this
351 part, the commission is not subject to any liability imposed by
352 chapter 376 or chapter 403 for preexisting soil or groundwater
353 contamination due solely to its ownership. This subsection does
354 not affect the rights or liabilities of any past or future
355 owners of the acquired property, nor does it affect the
356 liability of any governmental entity for actions that create or
357 exacerbate a pollution source. The commission and the Department
358 of Environmental Protection may enter into interagency
359 agreements for the performance, funding, and reimbursement of
360 investigative and remedial acts necessary for acquiring property
361 by the commission.

362 343.1008 Authority to contract.-The commission may make
363 and enter into contracts, leases, conveyances, partnerships, or
364 interlocal or other agreements with a county, municipality,

393 provisions, limitations, or restrictions contained in any other
 394 general, special, or local law except as specifically set forth
 395 in this part.

396 (2) This part does not repeal, rescind, or modify any
 397 other law relating to the North Florida Transportation Planning
 398 Organization, the Jacksonville Transportation Authority, or the
 399 department.

400 343.1011 Public meetings and hearings.—

401 (1) The commission shall hold regular public meetings at
 402 the times and locations determined by the chair but, if
 403 feasible, at least quarterly.

404 (2) Before the adoption of the regional transportation
 405 plan or the implementation plan, a public hearing shall be
 406 conducted by the commission in each of the counties affected, at
 407 least one of which must be before the board. Any interested
 408 party shall have the opportunity to be heard in person or by
 409 counsel and to introduce testimony in his or her behalf at the
 410 hearing. Reasonable notice of each public hearing must be
 411 published in a newspaper of general circulation in each county
 412 in which such hearings are required to be held, at least 7 days
 413 before the hearing. The commission shall comply with all
 414 applicable federal and state requirements related to new or
 415 altered transportation facilities or services.

416 343.1012 Discretionary sales surtax.—The commission is not
 417 an "authority" for purposes of s. 212.055(1).

418 343.1013 Repeal.—This part shall stand repealed on
 419 November 30, 2018, unless:


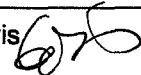
420 (1) The commission has adopted the regional transportation

449 This definition does not include a ~~any~~ municipality or legal
 450 entity created solely by a municipality; a ~~any~~ legal entity or
 451 agency created in whole or in part pursuant to part II of
 452 chapter 361; a ~~any~~ metropolitan planning organization created
 453 pursuant to s. 339.175; a ~~any~~ separate legal or administrative
 454 entity created pursuant to s. 339.175 of which a metropolitan
 455 planning organization is a member; an expressway authority
 456 pursuant to chapter 348 or any transportation authority or
 457 commission under chapter 343 or chapter 349; or a ~~any~~ legal or
 458 administrative entity created by an interlocal agreement
 459 pursuant to s. 163.01(7), unless any party to such agreement is
 460 otherwise an agency as defined in this subsection.

461 Section 3. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 363 Disabled Parking Permits
SPONSOR(S): Watson
TIED BILLS: IDEN./SIM. BILLS: CS/SB 94

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	14 Y, 0 N	Kiner	Miller
2) Transportation & Economic Development Appropriations Subcommittee		Rayman 	Davis 
3) Economic Affairs Committee			

SUMMARY ANALYSIS

During the 2012 regular legislative session, the Florida Legislature passed CS/SB 226, which among other things, required the Department of Highway Safety and Motor Vehicles (DHSMV) to renew the disabled parking permit of any person certified as being permanently disabled on the application if the person provided a certificate of disability issued within the last 12 months.

House Bill 363 removes the provision that requires a person that is certified as being permanently disabled to provide a certificate of disability issued within the last 12 months upon renewing a disabled parking permit. Under the bill, a permanently disabled person – that has already been certified as permanently disabled on the original permit application – will no longer have to provide a recently issued certificate of disability upon renewing his or her disabled parking permit.

The bill has an insignificant fiscal impact which DHSMV states it can absorb within existing resources.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents to issue a disabled parking permit to a person with impaired mobility. The permit may be issued for a period of up to four years to any person with long-term mobility impairment. Similarly, a person with temporary mobility impairment may be issued a temporary disabled parking permit for a period of up to six months.

A person applying for a disabled parking permit must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- the inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- the need to permanently use a wheelchair;
- lung disease as measured within specified limits;
- use of portable oxygen;
- a Class III or Class IV heart condition; or
- a severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statute. However, provisions are made to encompass certification by similarly-licensed physicians from other states, as well. The certification must include:

- the disability of the applicant;
- the certifying practitioner's name, address, and certification number;
- the eligibility criteria for the permit;
- information concerning the penalty for falsification;
- the duration of the condition; and
- justification for any additional placard issued.

The disabled parking permit must be a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver license number or state identification card number along with a warning the applicant must have such identification at all times while using the parking permit.

Although a disabled parking permit must be renewed every four years, it does not expire under current law. DHSMV allows for online and mail-in renewals, as well as replacements in the case of stolen or damaged permits, for persons certified as having a long-term disability.

During the 2012 regular legislative session, the Florida Legislature passed CS/SB 226¹, which among other things, required DHSMV to renew the disabled parking permit of any person certified as being permanently disabled on the application if the person provided a certificate of disability issued within the last 12 months.

¹ Ch. 2012-157, L.O.F.
STORAGE NAME: h0363b.TEDAS.DOCX
DATE: 3/25/2013

Effect of Proposed Change

The bill removes the provision that requires a person that is certified as being permanently disabled to provide a certificate of disability issued within the last 12 months upon renewing a disabled parking permit. Under the bill, a permanently disabled person – that has already been certified as permanently disabled on the original permit application – will no longer have to provide a recently issued certificate of disability upon renewing his or her disabled parking permit.

This bill has no fiscal impact and is effective July 1, 2013.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.0848(1) (d), F.S., to remove the requirement for an applicant to provide a certificate of disability issued within the last 12 months at the time of renewal.

Section 2: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Insignificant. See fiscal comment.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

The department states it can accommodate the 16 hours of programming costs within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither requires nor impacts rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The department states for consistency in requirements and implementation for disabled parking permit replacements, the bill does not address amending s. 320.0848(2)(e), F.S., and the requirement for a person to obtain a replacement for a disabled parking permit that has been lost or stolen. The person must provide a certificate of disability issued within the last 12 months pursuant to subsection (1).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 363

2013

1 A bill to be entitled
 2 An act relating to disabled parking permits; amending
 3 s. 320.0848, F.S.; removing a provision that requires
 4 an applicant to provide a certificate of disability
 5 for renewal; providing an effective date.
 6

7 Be It Enacted by the Legislature of the State of Florida:
 8

9 Section 1. Paragraph (d) of subsection (1) of section
 10 320.0848, Florida Statutes, is amended to read:

11 320.0848 Persons who have disabilities; issuance of
 12 disabled parking permits; temporary permits; permits for certain
 13 providers of transportation services to persons who have
 14 disabilities.—



15 (1)

16 (d) Beginning October 1, 2012, the department shall renew
 17 the disabled parking permit of any person certified as
 18 permanently disabled on the application ~~if the person provides a~~
 19 ~~certificate of disability issued within the last 12 months~~
 20 ~~pursuant to this subsection.~~

21 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 699 Florida Salutes Veterans License Plate
SPONSOR(S): Smith
TIED BILLS: IDEN./SIM. BILLS: SB 884

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	13 Y, 0 N	Thompson	Miller
2) Transportation & Economic Development Appropriations Subcommittee		Rayman 	Davis 
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The Florida Salutes Veterans specialty license plate (plate) was created by the Legislature in 1989. Persons wishing to register a vehicle with the plate must pay a \$15 annual use fee in addition to the normal fees required when registering a vehicle. Originally, all of the revenues from the annual use fee were deposited in the State Homes for Veterans Trust Fund (Trust Fund). Trust Fund moneys are administered by the Department of Veterans' Affairs (DVA) and used solely for the purposes of constructing, operating, and maintaining domiciliary and nursing homes for veterans, and promotion and marketing of the plate.

Effective July 1, 2008, the Legislature established a direct support organization (the Florida Veterans Foundation, Inc.) for the DVA and revised the distribution of the annual use fee from the plate. 20 percent of the annual use fee was directed to the Florida Veterans Foundation, Inc., for a period not to exceed 24 months from the date the organization was incorporated. In 2010, the distribution of the annual use fee was again revised directing 10 percent to the Florida Veterans Foundation, Inc., for a period not to exceed 48 months after the date the Florida Veterans Foundation, Inc., was incorporated. All remaining fees are deposited in the State Homes for Veterans Trust Fund, in the State Treasury. The distribution to the Florida Veterans Foundation, Inc., expired June 30, 2012.

HB 699 changes the distribution of revenues coming from this specialty plate. It reinstates and increases to 20 percent, the amount of the annual use fee distributed from sales of the Florida Salutes Veterans license plate to the Florida Veterans' Foundation, Inc. The bill also eliminates the expiration period of the annual distribution to the Florida Veterans Foundation, Inc., thereby continuing the 20 percent distribution indefinitely.

The bill will have a negative fiscal impact on the State Homes for Veterans Trust Fund and a corresponding positive fiscal impact on the Florida Veterans' Foundation, Inc. The Department of Veterans' Affairs estimates a recurring negative impact will be approximately \$68,000, but this is a minimal impact on the total trust fund balance.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Specialty License Plates

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.

The Legislature has authorized 121 specialty license plates. Sales of specialty license plates generated over \$31 million in total net revenues during the Fiscal Year 2011-2012.¹

An organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements. An organization is first required to submit the following to DHSMV:

- A request for the plate describing it in specific terms;
- An application fee of \$60,000 defraying DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.²

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action.³

Currently, the Department of Highway Safety and Motor Vehicles is prohibited by law from issuing any new specialty license plates until after July 1, 2014.⁴

Florida Salutes Veterans License Plates

The Florida Salutes Veterans specialty license plate (plate) was created by the Legislature in 1989.⁵ Persons wishing to register a vehicle with the plate must pay a \$15 annual use fee in addition to the normal fees required when registering a vehicle. Originally, all of the revenues from the use fee were deposited in the State Homes for Veterans Trust Fund (Trust Fund). Trust Fund moneys are administered by the Department of Veterans' Affairs (DVA) and used solely for the purposes of constructing, operating, and maintaining domiciliary and nursing homes for veterans, and promotion and marketing of the plate.

¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plate Administrative Fees*, available at <http://www.flhsmv.gov/specialtytags/slp.html#3> (last visited March 14, 2013).

² Section 320.08053, F.S.

³ *Id.*

⁴ *Id.*, Note., A., provides that "[e]xcept for a specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, Florida Statutes, prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, Florida Statutes, between July 1, 2008, and July 1, 2014."

⁵ Chapter 89-168, L.O.F.; codified in s. 320.08058(4), F.S.

Effective July 1, 2008, the Legislature established a direct support organization⁶ (known as the Florida Veterans Foundation, Inc.⁷) for the DVA and revised the distribution of the annual use fee from the plate.⁸ Consequently, 20 percent of the annual use fee was directed to the Florida Veterans Foundation, Inc., for a period not to exceed 24 months from the date the organization was incorporated.⁹

In 2010, the distribution of the annual use fee was further revised directing 10 percent to the Florida Veterans Foundation, Inc., for a period not to exceed 48 months after the date the organization was incorporated. All remaining fees are to be deposited in the Trust Fund, in the State Treasury. As a result, distribution of the annual use fee to the Florida Veterans Foundation, Inc., expired June 30, 2012.¹⁰

State Homes for Veterans Trust Fund

The State Homes for Veterans Trust Fund is authorized under section 20.375(4), F.S. Revenues from the sale of various specialty tags are credited to the trust fund and administered in accordance within the provisions of ss. 320.08058 and 320.0891, F.S. All such moneys are to be administered by the Department of Veterans' Affairs and must be used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans and for continuing promotion and marketing of the license plate, subject to the requirements of chapter 216. According to Annual Trust Fund Report for Fiscal Year-End 06/30/2012, provided by the Chief Financial Officer, the balance of the fund was \$1,286,490.

Effect of Proposed Changes

The bill reinstates and increases to 20 percent, the amount of the annual use fee distributed from sales of the Florida Salutes Veterans license plate to the Florida Veterans' Foundation, Inc. The bill also eliminates the expiration period of the annual distribution of the fee to the Florida Veterans Foundation, Inc., thereby continuing the distribution indefinitely.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.08058, F.S., relating to specialty license plates.

Section 2: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

⁶ Chapter 2008-84; codified in s. 292.055, F.S.

⁷ As a Direct Support Organization, the Foundation is incorporated as a not for profit corporation under chapter 617, Florida Statutes, to provide assistance, funding and support for the FDVA in carrying out its mission of veterans' advocacy. The Foundation operates for the direct and indirect benefit of the veterans of Florida, the FDVA, and veteran service organizations.

<http://floridaveteransfoundation.org/WeAre/WeAre.html>

⁸ Chapter 2008-84, L.O.F.

⁹ Section 292.055, F.S., authorizes the Department of Veterans' Affairs to establish a direct-support organization to provide assistance, funding, and support for the department in carrying out its mission.

¹⁰ Chapter 2008-84, L.O.F.; codified in s. 320.08058(4)(b), F.S.

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments

D. FISCAL COMMENTS:

Changing the revenue distribution by reinstating the Florida Veterans Foundation as a recipient of funds will have a minimal negative fiscal impact on the State Homes for Veterans Trust Fund and a corresponding positive fiscal impact on the Florida Veterans' Foundation, Inc., DVA's direct support organization. Reinstating and increasing the amount of the annual use fee distributed to the Florida Veterans' Foundation, Inc., to 20 percent would effectively reduce the amount of annual use fees distributed to the State Homes for Veterans Trust Fund in Fiscal Year 2013-14 by 20 percent. Based on Fiscal Year 2011-12 license plate sales data, the reduction is estimated at \$68,000. However, the amounts of the distributions vary based on the number of license plates sold or renewed each year. In Fiscal Year 2011-12, DHSMV reports that 22,660¹¹ of the plates were sold or renewed, from which the Florida Veterans Foundation, Inc., received 10 percent or approximately \$34,000 in annual use fees.¹² For Fiscal Year 2012-13 the DVA State Veterans Homes Program has a budget of over \$79 million.¹³

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

¹¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plate Administrative Fees*, available at <http://www.flhsmv.gov/specialtytags/slp.html#3> (last visited March 14, 2013).

¹² Florida Veterans Foundation, Inc. Audited Financial Statements for the Year Ended June 30, 2012, available at http://www.floridaveteransfoundation.org/DOCs/FVF_Audited_Financial_Statements_for_2012.pdf, page 5 (last visited March 14, 2013).

¹³ Government Program Summary entitled *Veterans' Homes*, which was last updated on October 18, 2012, Florida Office of Program Policy Analysis and Government Accountability, available at <http://www.oppaga.state.fl.us/profiles/5037/>, (last visited March 17, 2013).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
An act relating to the Florida Salutes Veterans
license plate; amending s. 320.08058, F.S.; revising
provisions for distribution and use of fees collected
from the sale of the Florida Salutes Veterans license
plate; providing an effective date.

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

Section 1. Paragraph (b) of subsection (4) of section
320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(4) FLORIDA SALUTES VETERANS LICENSE PLATES.—

(b) The Florida Salutes Veterans license plate annual use
fee shall be distributed as follows:

1. Twenty ~~Ten~~ percent shall be distributed to a direct-
support organization created under s. 292.055 ~~for a period not~~
~~to exceed 48 months after the date the direct support~~
~~organization is incorporated.~~

2. Any remaining fees must be deposited in the State Homes
for Veterans Trust Fund, which is created in the State Treasury.
All such moneys are to be administered by the Department of
Veterans' Affairs and must be used solely for the purpose of
constructing, operating, and maintaining domiciliary and nursing
homes for veterans and for continuing promotion and marketing of
the license plate, subject to the requirements of chapter 216.

Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 975 Archeological Sites and Specimens
SPONSOR(S): Metz
TIED BILLS: IDEN./SIM. BILLS: SB 1188

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	11 Y, 0 N	Collins	West
2) Transportation & Economic Development Appropriations Subcommittee		Rayman <i>SR</i>	Davis <i>[Signature]</i>
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Florida law prohibits persons from conducting archaeological field investigations on, or removing or attempting to remove, deface, destroy, or otherwise alter any archaeological site or specimen located upon any land owned or controlled by the state or within the boundaries of a designated state archaeological landmark or landmark zone, except under the authority of a permit granted by the Division of Historical Resources of the Department of State (Division). Persons engaging in these activities without an approved permit can face criminal penalties, administrative fines, and the forfeiture of any collected materials.

HB 975 expands the area where unauthorized archaeological activity is prohibited to include land owned by water authorities, and authorizes the Division to issue permits for archaeological research at these locations.

The Division estimates the workload to issue additional permits requires one position and recurring \$45,120 General Revenue for salary and benefits.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

State Policy Relative to Historic Properties

The state policy relative to Historic Properties¹ acknowledges that the rich and unique heritage of historic properties in this state, representing more than 10,000 years of human presence, is an important legacy to be valued and conserved for present and future generations, and that the destruction of these nonrenewable historical resources will engender a significant loss to the state's quality of life, economy, and cultural environment. It is the policy of the state to:

- Provide leadership in the preservation of the state's historic resources;
- Administer state-owned or state-controlled historic resources in a spirit of stewardship and trusteeship;
- Contribute to the preservation of non-state-owned historic resources and give encouragement to organizations and individuals undertaking preservation by private means;
- Foster conditions, using measures that include financial and technical assistance, for a harmonious coexistence of society and state historic resources;
- Encourage the public and private preservation and utilization of elements of the state's historically-built environment; and
- Assist local governments to expand and accelerate their historic preservation programs and activities.

This policy also provides that all treasure trove, artifacts and objects having intrinsic or historical and archaeological value, which have been abandoned on state-owned lands or state-owned sovereignty submerged lands, belong to the state with the title vested in the Division for the purposes of administration and protection.

State Archaeological Landmarks and Landmark Zones

The Division may designate an archaeological site of significance to the scientific study or public representation of the state's historical, prehistoric, or aboriginal past as a "state archaeological landmark". In addition, the Division may publicly designate an interrelated grouping of significant archaeological sites as a "state archaeological landmark zone". No site or grouping of sites may be designated without the express written consent of a private owner. Upon designation of an archaeological site, the owners and occupants of each designated state archaeological landmark or landmark zone are given written notification by the Division. Once designated, no person may conduct field investigation activities without first securing a permit from the Division.²

Archaeological Research Permits

¹ Section 267.061, F.S.

² Section 267.11, F.S.

The Division may issue permits to conduct archaeological excavation and surface reconnaissance on state lands as long as the work to be conducted is undertaken by a museum, university, college, or other such institution. Division accredited institutions may conduct archaeological field activities on state-owned or controlled lands without acquiring permits; however, the Division must ensure the planned project will conform to existing guidelines. The Division is required to review the planned project and make a determination within 15 days from the date of notification.³

Prohibited Archaeological Practices and Penalties

Those who attempt to conduct an archaeological field investigation or remove, deface, or destroy any archaeological site on state-owned or controlled land without first acquiring the required permits or approvals from the Division will commit a first degree misdemeanor and are subject to penalties provided in s. 775.082 or s. 775.083, F.S. All materials collected at the site, including photographs, will be forfeited to the state.⁴

Anyone who attempts to conduct an unsanctioned archaeological excavation will commit a first degree felony and will be subject to penalties provided in s. 775.082, s. 775.083, or s. 775.084, F.S. In addition, all materials collected at the site, including photographs, will be forfeited to the state, and the offender may be required to make restitution to the state for the archaeological or commercial value and cost of restoration and repair of such materials.⁵ Individuals are also prohibited, and subject to criminal penalties, for selling or purchasing archaeological artifacts which have been acquired in violation of state law.⁶

The Division also has the authority to institute administrative proceedings which could result in fines up to \$500 per day for anyone who attempts to excavate historical artifacts on state-owned or controlled lands.⁷

Effect of Proposed Changes

Current law excludes Water Management District lands and water authority lands from archaeological permitting requirements. The bill expands the provisions contained in s. 267.12, F.S. related to the issuance of permits for excavation and surface reconnaissance on state-owned or controlled lands to also apply to land owned by water authorities. In addition, the bill amends s. 267.13, F.S. to extend prohibited practices and penalties related to archaeological sites located on state-owned or controlled land to include land owned by water authorities.

The bill makes no changes to the process by which lands are designated as state archaeological landmarks or landmark zones.

B. SECTION DIRECTORY:

Section 1: Amends s. 267.12, F. S., to include land owned by a water authority as an area that the Division of Historical Resources may issue permits for evacuation and surface reconnaissance.

Section 2: Amends s. 267.13, F. S., to include land owned by a water authority as an area of land whereby it is a crime to excavate, conduct archaeological investigations, or remove artifacts without express authority from the Division of Historical Resources.

Section 3: Provides an effective date of July 1, 2013.

³ Section 267.12, F.S.

⁴ Section 267.13(1)(a), F.S.

⁵ Section 267.13(1)(b), F.S.

⁶ Section 267.13(1)(c), F.S.

⁷ Section 267.13(2), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Division is unable to accurately estimate revenues (court imposed administrative fines or court ordered restitution) as they would be dependent on successful prosecutions of looting incidents.

2. Expenditures:

The Department indicates the provisions of the bill will increase its permitting workload, leaving them a need of 1 FTE with a recurring cost of \$45,120 General Revenue.

Collection, conservation, cataloguing, and facility storage costs for archaeological artifacts recovered cannot be accurately estimated at this time..

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Water Authority land managers will be required to coordinate with the Division in the preparation of permits prior to anticipated archaeological field activities.

Local law enforcement may need to be enhanced to prevent unauthorized archaeological activities.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to the Division, approximately 17% of all research and compliance Rule 1A-32 permits processed by the Division are for Water Management District (WMD) lands (an average over 7 years) even though there is no statutory requirement for archaeologists contracted by the WMDs to seek a permit from the Division. By expanding the lands of WMDs and water authorities to those that would require permits, the current permit workload would double.

The Division presently is seeing permit compliance from only a portion of projects that are being conducted on WMD property but this would likely increase. 1) WMD property is believed to be the most pristine state land, the majority of archaeological sites should be located on it, hence, more required archaeological assessments for high probability land; 2) there are water authority lands that do not belong to the State but that likewise would fall under this statutory requirement; and 3) there would be permit penalties imposed, an enforcement policy which currently does not exist.

Additionally, all cultural material collected from water authority lands would require conservation and accession into Bureau of Archaeological Research (BAR) collections, creating the need for additional BAR collections space.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Division is concerned that the definition of water authority lands is not clearly defined.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to archeological sites and specimens;
 amending s. 267.12, F.S.; authorizing the Division of
 Historical Resources of the Department of State to
 issue permits for excavation, surface reconnaissance,
 and archaeological activities on land owned by a water
 authority; amending s. 267.13, F.S.; providing that
 specified activities relating to archaeological sites
 and specimens located upon land owned by a water
 authority are prohibited and subject to penalties;
 authorizing the division to impose an administrative
 fine on and seek injunctive relief against certain
 entities; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 267.12,
 Florida Statutes, are amended to read:

267.12 Research permits; procedure.—

(1) The division may issue permits for excavation and
 surface reconnaissance on land owned or controlled by the state,
land owned by a water authority, ~~lands~~ or land ~~lands~~ within the
 boundaries of a designated state archaeological landmark
~~landmarks~~ or landmark zone ~~zones~~ to institutions that ~~which~~ the
 division deems ~~shall deem~~ to be properly qualified to conduct
 such activity, subject to such rules and regulations as the
 division may prescribe, provided such activity is undertaken by
 reputable museums, universities, colleges, or other historical,

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29 scientific, or educational institutions or societies that
 30 possess or will secure the archaeological expertise for the
 31 performance of systematic archaeological field research,
 32 comprehensive analysis, and interpretation in the form of
 33 publishable reports and monographs, such reports to be submitted
 34 to the division.

35 (2) Those state institutions considered by the division
 36 permanently to possess the required archaeological expertise to
 37 conduct the archaeological activities allowed under ~~the~~
 38 ~~provisions of~~ the permit may be designated as accredited
 39 institutions which will be allowed to conduct archaeological
 40 field activities on land owned or controlled by the state, land
 41 owned by a water authority, ~~state-owned or controlled lands~~ or
 42 land within the boundaries of a ~~any~~ designated state
 43 archaeological landmark or ~~any~~ landmark zone without obtaining
 44 an individual permit for each project, except that those
 45 accredited institutions will be required to give prior written
 46 notice of all anticipated archaeological field activities on
 47 land owned or controlled by the state, land owned by a water
 48 authority, ~~state-owned or controlled lands~~ or land within the
 49 boundaries of a ~~any~~ designated state archaeological landmark or
 50 landmark zone to the division, together with such information as
 51 may reasonably be required by the division to ensure the proper
 52 preservation, protection, and excavation of the archaeological
 53 resources. However, ~~no~~ archaeological activity may not be
 54 commenced by the accredited institution until the division has
 55 determined that the planned project will be in conformity with
 56 the guidelines, regulations, and criteria adopted pursuant to

57 ss. 267.11-267.14. Such determination will be made by the
 58 division and notification to the institution given within a
 59 ~~period of 15 days~~ after ~~from the time of~~ receipt of the prior
 60 notification by the division.

61 Section 2. Subsections (1) and (2) of section 267.13,
 62 Florida Statutes, are amended to read:

63 267.13 Prohibited practices; penalties.-

64 (1) (a) Any person who by means other than excavation
 65 ~~either~~ conducts archaeological field investigations on, or
 66 removes or attempts to remove, or defaces, destroys, or
 67 otherwise alters any archaeological site or specimen located
 68 upon, ~~any~~ land owned or controlled by the state, land owned by a
 69 water authority, or land within the boundaries of a designated
 70 state archaeological landmark or landmark zone, except in the
 71 course of activities pursued under the authority of a permit or
 72 under procedures relating to accredited institutions granted by
 73 the division, commits a misdemeanor of the first degree,
 74 punishable as provided in s. 775.082 or s. 775.083, and, in
 75 addition, shall forfeit to the state all specimens, objects, and
 76 materials collected, together with all photographs and records
 77 relating to such material.

78 (b) Any person who by means of excavation ~~either~~ conducts
 79 archaeological field investigations on, or removes or attempts
 80 to remove, or defaces, destroys, or otherwise alters any
 81 archaeological site or specimen located upon, ~~any~~ land owned or
 82 controlled by the state, land owned by a water authority, or
 83 land within the boundaries of a designated state archaeological
 84 landmark or landmark zone, except in the course of activities

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85 | pursued under the authority of a permit or under procedures
86 | relating to accredited institutions granted by the division,
87 | commits a felony of the third degree, punishable as provided in
88 | s. 775.082, s. 775.083, or s. 775.084, and any vehicle or
89 | equipment of any person used in connection with the violation is
90 | subject to forfeiture to the state if it is determined by any
91 | court of law that the vehicle or equipment was involved in the
92 | violation. Such person shall forfeit to the state all specimens,
93 | objects, and materials collected or excavated, together with all
94 | photographs and records relating to such material. The court may
95 | also order the defendant to make restitution to the state for
96 | the archaeological or commercial value and cost of restoration
97 | and repair as defined in subsection (4).

98 | (c) Any person who offers for sale or exchange any object
99 | with knowledge that it has previously been collected or
100 | excavated in violation of any of the terms of ss. 267.11-267.14,
101 | or who procures, counsels, solicits, or employs any other person
102 | to violate any prohibition contained in ss. 267.11-267.14 or to
103 | sell, purchase, exchange, transport, receive, or offer to sell,
104 | purchase, or exchange any archaeological resource excavated or
105 | removed from ~~any~~ land owned or controlled by the state, land
106 | owned by a water authority, or land within the boundaries of a
107 | designated state archaeological landmark or landmark zone,
108 | except with the express consent of the division, commits a
109 | felony of the third degree, punishable as provided in s.
110 | 775.082, s. 775.083, or s. 775.084, and any vehicle or equipment
111 | of any person used in connection with the violation is subject
112 | to forfeiture to the state if it is determined by any court of

113 law that such vehicle or equipment was involved in the
 114 violation. All specimens, objects, and material collected or
 115 excavated, together with all photographs and records relating to
 116 such material, shall be forfeited to the state. The court may
 117 also order the defendant to make restitution to the state for
 118 the archaeological or commercial value and cost of restoration
 119 and repair as defined in subsection (4).

120 (2)(a) The division may institute an administrative
 121 proceeding to impose an administrative fine of not more than
 122 \$500 a day on any person or business organization that, without
 123 written permission of the division, explores for, salvages, or
 124 excavates treasure trove, artifacts, sunken or abandoned ships,
 125 or other objects having historical or archaeological value
 126 located upon land owned or controlled by the state ~~on state-~~
 127 ~~owned or state-controlled lands~~, including state sovereignty
 128 submerged land, or land owned by a water authority ~~lands~~.

129 (b) The division shall institute an administrative
 130 proceeding by serving written notice of a violation by certified
 131 mail upon the alleged violator. The notice shall specify the law
 132 or rule allegedly violated and the facts upon which the
 133 allegation is based. The notice shall also specify the amount of
 134 the administrative fine sought by the division. The fine is
 135 ~~shall not become~~ due until after service of notice and an
 136 administrative hearing. However, the alleged violator has ~~shall~~
 137 ~~have~~ 20 days after ~~from~~ service of notice to request an
 138 administrative hearing. Failure to respond within that time
 139 constitutes ~~shall constitute~~ a waiver, and the fine becomes
 140 ~~shall become~~ due without a hearing.

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141 (c) The division may enter its judgment for the amount of
 142 the administrative penalty imposed in a court of competent
 143 jurisdiction, pursuant to s. 120.69. The judgment may be
 144 enforced as any other judgment.

145 (d) The division may apply to a court of competent
 146 jurisdiction for injunctive relief against any person or
 147 business organization that explores for, salvages, or excavates
 148 treasure trove, artifacts, sunken or abandoned ships, or other
 149 objects having historical or archaeological value located upon
 150 ~~on state-owned or state-controlled~~ land owned or controlled by
 151 the state, including state sovereignty submerged land, or land
 152 owned by a water authority without the written permission of the
 153 division.

154 (e) The division shall adopt rules pursuant to ss.
 155 120.536(1) and 120.54 to administer ~~implement the provisions of~~
 156 this section.

157 Section 3. This act shall take effect July 1, 2013.

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: Transportation & Economic
 2 Development Appropriations Subcommittee
 3 Representative Metz offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 267.12, Florida Statutes, is amended to
 8 read:

9 267.12 Research permits; procedure.-

10 (1) As used in this section and s. 267.13, the term "water
 11 authority" means an independent special district created by
 12 special act whose purpose is to control and conserve freshwater
 13 resources.

14 (2) The division may issue permits for excavation and
 15 surface reconnaissance on land owned or controlled by the state,
 16 land owned by a water authority, lands or land lands within the
 17 boundaries of a designated state archaeological landmark
 18 ~~landmarks~~ or landmark zone zones to institutions that ~~which~~ the
 19 division deems ~~shall deem~~ to be properly qualified to conduct

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20 such activity, subject to such rules and regulations as the
21 division may prescribe, provided such activity is undertaken by
22 reputable museums, universities, colleges, or other historical,
23 scientific, or educational institutions or societies that
24 possess or will secure the archaeological expertise for the
25 performance of systematic archaeological field research,
26 comprehensive analysis, and interpretation in the form of
27 publishable reports and monographs, such reports to be submitted
28 to the division.

29 (3)~~(2)~~ Those state institutions considered by the division
30 permanently to possess the required archaeological expertise to
31 conduct the archaeological activities allowed under ~~the~~
32 ~~provisions of~~ the permit may be designated as accredited
33 institutions which will be allowed to conduct archaeological
34 field activities on land owned or controlled by the state, land
35 owned by a water authority, ~~state-owned or controlled lands~~ or
36 land within the boundaries of a ~~any~~ designated state
37 archaeological landmark or ~~any~~ landmark zone without obtaining
38 an individual permit for each project, except that those
39 accredited institutions will be required to give prior written
40 notice of all anticipated archaeological field activities on
41 land owned or controlled by the state, land owned by a water
42 authority, ~~state-owned or controlled lands~~ or land within the
43 boundaries of a ~~any~~ designated state archaeological landmark or
44 landmark zone to the division, together with such information as
45 may reasonably be required by the division to ensure the proper
46 preservation, protection, and excavation of the archaeological
47 resources. However, ~~no~~ archaeological activity may not be

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48 commenced by the accredited institution until the division has
49 determined that the planned project will be in conformity with
50 the guidelines, regulations, and criteria adopted pursuant to
51 ss. 267.11-267.14. Such determination will be made by the
52 division and notification to the institution given within a
53 ~~period of 15 days after~~ from the time of receipt of the prior
54 notification by the division.

55 ~~(4)(3)~~ All specimens collected under a permit issued by
56 the division or under the procedures adopted for accredited
57 institutions shall belong to the state with the title thereto
58 vested in the division for the purpose of administration and
59 protection. The division may arrange for the disposition of the
60 specimens so collected by accredited state institutions at those
61 institutions and for the temporary or permanent loan of such
62 specimens at permitholding institutions for the purpose of
63 further scientific study, interpretative displays, and
64 curatorial responsibilities.

65 Section 2. Subsections (1) and (2) of section 267.13,
66 Florida Statutes, are amended to read:

67 267.13 Prohibited practices; penalties.—

68 (1)(a) Any person who by means other than excavation
69 ~~either~~ conducts archaeological field investigations on, or
70 removes or attempts to remove, or defaces, destroys, or
71 otherwise alters any archaeological site or specimen located
72 upon, ~~any~~ land owned or controlled by the state, land owned by a
73 water authority, or land within the boundaries of a designated
74 state archaeological landmark or landmark zone, except in the
75 course of activities pursued under the authority of a permit or

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76 under procedures relating to accredited institutions granted by
77 the division, commits a misdemeanor of the first degree,
78 punishable as provided in s. 775.082 or s. 775.083, and, in
79 addition, shall forfeit to the state all specimens, objects, and
80 materials collected, together with all photographs and records
81 relating to such material.

82 (b) Any person who by means of excavation ~~either~~ conducts
83 archaeological field investigations on, or removes or attempts
84 to remove, or defaces, destroys, or otherwise alters any
85 archaeological site or specimen located upon, ~~any~~ land owned or
86 controlled by the state, land owned by a water authority, or
87 land within the boundaries of a designated state archaeological
88 landmark or landmark zone, except in the course of activities
89 pursued under the authority of a permit or under procedures
90 relating to accredited institutions granted by the division,
91 commits a felony of the third degree, punishable as provided in
92 s. 775.082, s. 775.083, or s. 775.084, and any vehicle or
93 equipment of any person used in connection with the violation is
94 subject to forfeiture to the state if it is determined by any
95 court of law that the vehicle or equipment was involved in the
96 violation. Such person shall forfeit to the state all specimens,
97 objects, and materials collected or excavated, together with all
98 photographs and records relating to such material. The court may
99 also order the defendant to make restitution to the state for
100 the archaeological or commercial value and cost of restoration
101 and repair as defined in subsection (4).

102 (c) Any person who offers for sale or exchange any object
103 with knowledge that it has previously been collected or

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104 excavated in violation of any of the terms of ss. 267.11-267.14,
105 or who procures, counsels, solicits, or employs any other person
106 to violate any prohibition contained in ss. 267.11-267.14 or to
107 sell, purchase, exchange, transport, receive, or offer to sell,
108 purchase, or exchange any archaeological resource excavated or
109 removed from ~~any~~ land owned or controlled by the state, land
110 owned by a water authority, or land within the boundaries of a
111 designated state archaeological landmark or landmark zone,
112 except with the express consent of the division, commits a
113 felony of the third degree, punishable as provided in s.
114 775.082, s. 775.083, or s. 775.084, and any vehicle or equipment
115 of any person used in connection with the violation is subject
116 to forfeiture to the state if it is determined by any court of
117 law that such vehicle or equipment was involved in the
118 violation. All specimens, objects, and material collected or
119 excavated, together with all photographs and records relating to
120 such material, shall be forfeited to the state. The court may
121 also order the defendant to make restitution to the state for
122 the archaeological or commercial value and cost of restoration
123 and repair as defined in subsection (4).

124 (2) (a) The division may institute an administrative
125 proceeding to impose an administrative fine of not more than
126 \$500 a day on any person or business organization that, without
127 written permission of the division, explores for, salvages, or
128 excavates treasure trove, artifacts, sunken or abandoned ships,
129 or other objects having historical or archaeological value
130 located upon land owned or controlled by the state ~~on state-~~
131 ~~owned or state-controlled lands,~~ including state sovereignty

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132 submerged land, or land owned by a water authority ~~lands~~.

133 (b) The division shall institute an administrative
134 proceeding by serving written notice of a violation by certified
135 mail upon the alleged violator. The notice shall specify the law
136 or rule allegedly violated and the facts upon which the
137 allegation is based. The notice shall also specify the amount of
138 the administrative fine sought by the division. The fine is
139 ~~shall not become~~ due until after service of notice and an
140 administrative hearing. However, the alleged violator has ~~shall~~
141 ~~have~~ 20 days after ~~from~~ service of notice to request an
142 administrative hearing. Failure to respond within that time
143 constitutes ~~shall constitute~~ a waiver, and the fine becomes
144 ~~shall become~~ due without a hearing.

145 (c) The division may enter its judgment for the amount of
146 the administrative penalty imposed in a court of competent
147 jurisdiction, pursuant to s. 120.69. The judgment may be
148 enforced as any other judgment.

149 (d) The division may apply to a court of competent
150 jurisdiction for injunctive relief against any person or
151 business organization that explores for, salvages, or excavates
152 treasure trove, artifacts, sunken or abandoned ships, or other
153 objects having historical or archaeological value located upon
154 ~~on state-owned or state-controlled~~ land owned or controlled by
155 the state, including state sovereignty submerged land, or land
156 owned by a water authority without the written permission of the
157 division.

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158 (e) The division shall adopt rules pursuant to ss.
159 120.536(1) and 120.54 to administer ~~implement the provisions of~~
160 this section.

161 Section 3. Subsection (1) of section 1004.56, Florida
162 Statutes, is amended to read:

163 1004.56 Florida Museum of Natural History; functions.--

164 (1) The functions of the Florida Museum of Natural
165 History, located at the University of Florida, are to make
166 scientific investigations toward the sustained development of
167 natural resources and a greater appreciation of human cultural
168 heritage, including, but not limited to, biological surveys,
169 ecological studies, environmental impact assessments, in-depth
170 archaeological research, and ethnological analyses, and to
171 collect and maintain a depository of biological, archaeological,
172 and ethnographic specimens and materials in sufficient numbers
173 and quantities to provide within the state and region a base for
174 research on the variety, evolution, and conservation of wild
175 species; the composition, distribution, importance, and
176 functioning of natural ecosystems; and the distribution of
177 prehistoric and historic archaeological sites and an
178 understanding of the aboriginal and early European cultures that
179 occupied them. State institutions, departments, and agencies may
180 deposit type collections from archaeological sites in the
181 museum, and it shall be the duty of each state institution,
182 department, and agency to cooperate by depositing in the museum
183 voucher and type biological specimens collected as part of the
184 normal research and monitoring duties of its staff and to
185 transfer to the museum those biological specimens and

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186 collections in its possession but not actively being curated or
187 used in the research or teaching of that institution,
188 department, or agency. The Florida Museum of Natural History is
189 empowered to accept, preserve, maintain, or dispose of these
190 specimens and materials in a manner which makes each collection
191 and its accompanying data available for research and use by the
192 staff of the museum and by cooperating institutions,
193 departments, agencies, and qualified independent researchers.
194 The biological, archaeological, and ethnographic collections
195 shall belong to the state with the title vested in the Florida
196 Museum of Natural History, except as provided in s. 267.12(4)
197 ~~267.12(3)~~. In collecting or otherwise acquiring these
198 collections, the museum shall comply with pertinent state
199 wildlife, archaeological, and agricultural laws and rules.
200 However, all collecting, quarantine, and accreditation permits
201 issued by other institutions, departments, and agencies shall be
202 granted routinely for said museum research study or collecting
203 effort on state lands or within state jurisdiction which does
204 not pose a significant threat to the survival of endangered wild
205 species, habitats, or ecosystems. In addition, the museum shall
206 develop exhibitions and conduct programs which illustrate,
207 interpret, and explain the natural history of the state and
208 region and shall maintain a library of publications pertaining
209 to the work as herein provided. The exhibitions, collections,
210 and library of the museum shall be open, free to the public,
211 under suitable rules to be promulgated by the director of the
212 museum and approved by the University of Florida.

213 Section 4. This act shall take effect July 1, 2013.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to archeological sites and specimens;
amending s. 267.12, F.S.; authorizing the Division of
Historical Resources of the Department of State to
issue permits for excavation, surface reconnaissance,
and archaeological activities on land owned by
specified independent special districts; amending s.
267.13, F.S.; providing that specified activities
relating to archaeological sites and specimens located
upon such lands are prohibited and subject to
penalties; authorizing the division to impose an
administrative fine on and seek injunctive relief
against certain entities; amending s. 1004.56, F.S.;
correcting a cross-reference; providing an effective
date.

Amendment No. Aml to Strike All

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: Transportation & Economic
 2 Development Appropriations Subcommittee
 3 Representative Metz offered the following:

Amendment to Amendment (014149) by Representative Metz

6 Remove line 13 of the amendment and insert:
 7 resources. The term does not include any water management
 8 district created pursuant to s. 373.069.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4033 Technological Research & Development Authority
SPONSOR(S): Workman and others
TIED BILLS: HB 1013 **IDEN./SIM. BILLS:** SB 954

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	14 Y, 0 N	Thompson	Miller
2) Transportation & Economic Development Appropriations Subcommittee		Rayman <i>SR</i>	Davis <i>CD-5</i>
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The Technological Research and Development Authority (TRDA) is an independent special district headquartered in Melbourne, Florida, and administered by a five-member commission of Brevard County residents who are appointed by the Governor to serve four-year terms. The TRDA is codified as a technology-based economic development organization with the purposes of promoting research and development and fostering higher education in Brevard County to diversify the economic base of the county and state, and to serve the public good.

Recently as the result of a civil lawsuit filed by the United States Department of Justice, the TRDA has agreed to resolve allegations that it violated the False Claims Act in connection with the misuse of certain federal grants, and to wind down its operations.

HB 4033 removes all references to the TRDA from Florida Statutes. Effective September 30, 2013, the bill deletes the 50 percent distribution to the TRDA of the annual use fee collected through the sale of Challenger/Columbia specialty license plates, and redistributes the full collection of annual use fees to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and the Education Technology Institute.

Effective July 1, 2013, the bill removes the TRDA from the research institutions that are eligible to receive funds from the Marine Resources Conservation Trust Fund.

Effective December 31, 2013, the bill removes the Florida gift law authorization reference to the TRDA.

The bill is linked to HB 1013 (2013), which effectively dissolves the TRDA on December 31, 2013.

The bill will have a positive fiscal impact on the Astronauts Memorial Foundation, Inc. There is an insignificant fiscal impact on Department of Highway Safety and Motor Vehicles who states it can absorb the programming costs within existing resources.

The bill provides an effective date of upon becoming law except as otherwise provided within the bill; effectiveness is contingent on HB 1013 or similar legislation being adopted during the 2013 legislative session.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Technological Research and Development Authority

The Technological Research and Development Authority (TRDA) is an independent special district headquartered in Melbourne, Florida, and is administered by a five-member commission of Brevard County residents who are appointed by the Governor to serve four-year terms. The TRDA is codified in ch.2005-337, L.O.F., as a technology-based economic development organization with the purposes of promoting research and development and fostering higher education in Brevard County to diversify the economic base of the county and state, and to serve the public good.

Recently, the TRDA and Melbourne Airport Authority in Melbourne, Florida, entered into an agreement to use National Aeronautics and Space Administration (NASA) and Economic Development Administration of the federal Department of Commerce (EDA) grant funds to construct an office building at the airport to be used as the TRDA's headquarters and an incubator facility. However, a civil lawsuit (United States v. Technological Research and Development Authority, No. 1:12-cv-00065-LG-JMR.) was filed in the U.S. District Court for the Southern District of Mississippi against the TRDA on behalf of NASA and the EDA. In the lawsuit, the United States alleged that construction of the office building was outside the scope of the NASA grants awarded to the TRDA and contrary to the terms of the EDA grant, which prohibited combining funds from more than one federal agency for the project. Under the terms of a consent judgment executed by the TRDA, the TRDA has agreed to pay \$15 million to resolve allegations that it violated the False Claims Act¹ in connection with the grants, and to wind down its operations. The claims settled by the agreements are allegations only. As such, there has been no determination of liability.²

The Challenger/Columbia License Plate

The Challenger/Columbia license plate, administered by the Department of Highway Safety and Motor Vehicles (DHSMV), commemorates the seven astronauts who died when the space shuttle Challenger exploded on liftoff in 1986, and the seven astronauts who died when the Columbia exploded on reentry in 2003.³ Current law allocates 50 percent of the Challenger/Columbia license plate annual use fee to the Astronauts Memorial Foundation, Inc.,⁴ to support the operations of the Center for Space Education and the Education Technology Institute.⁵ The other 50 percent is distributed to the TRDA, for the purpose of funding space-related research grants, the Teacher/Quest Scholarship Program under s. 1009.61, F.S., as approved by the Florida Department of Education and space-related economic development programs. The TRDA coordinates and distributes available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space science technology, community colleges, public school districts, and not-for-profit educational organizations.⁶

¹ The False Claims Act (31 U.S.C. §§ 3729–3733, also called the "Lincoln Law") is a federal law that imposes liability on persons and companies (typically federal contractors) who defraud governmental programs.

² The United States Department of Justice, Office of Public Affairs, *Florida's Technological Research and Development Authority Pays \$15 Million to Resolve False Claims Allegations*, Tuesday, November 20, 2012.

³ Section 320.08058, F.S.

⁴ The Astronauts Memorial Foundation honors and memorializes those astronauts who have sacrificed their lives for the nation and the space program by sponsoring the national Space Mirror Memorial, and implementing innovative educational technology programs. The Memorial was founded in the wake of the Challenger accident 1986. <http://floridaspacegrant.org/affiliates-info/the-astronauts-memorial-foundation/> (last visited March 13, 2013).

⁵ Section 320.08058(2)(b), F.S.

⁶ Section 320.08058(2)(c), F.S.

The Marine Resources Conservation Trust Fund

The Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission (FWC) serves as a broad-based depository for funds from various marine-related and boating-related activities and is administered by FWC.⁷ Current law allocates 32.5 percent of the saltwater license and permit fees collected and deposited into the Marine Resources Conservation Trust Fund to be used for marine research and management.⁸ The FWC is authorized to award such moneys through grants and contracts to certain research institutions including the TRDA.⁹

The Florida Gift Law

Current law governing the reporting and prohibited receipt of gifts¹⁰ to public officers, popularly known as Florida's gift law, prohibits a reporting individual¹¹ or procurement employee¹² from soliciting or knowingly accepting any gift from a political committee, committee of continuous existence, a lobbyist; or an employer, principal, partner or firm of a lobbyist.¹³ However, the gift law authorizes certain governmental entities, including the TRDA, either directly or indirectly, to give a gift having a value in excess of \$100 to any reporting individual or procurement employee, and authorizes the reporting individual or procurement employee to accept such a gift.

House Bill 1013

House Bill (HB) 1013 is a local bill that repeals the special act charter for the TRDA, and dissolves the district effective December 31, 2013. The bill also provides that effective September 30, 2013, the TRDA will no longer receive user fees collected by DHSMV from the sale of Challenger/Columbia specialty license plates and transfers all assets and indebtedness of the district, if any, to Brevard County.

Proposed Changes

Effective September 30, 2013, the bill deletes the 50 percent distribution to the TRDA, of the annual use fee collected through the sale of Challenger/Columbia specialty license plates, and redistributes the full collection of the fee to the Astronauts Memorial Foundation, Inc.

Effective July 1, 2013, the bill removes the TRDA from the research institutions eligible to receive funds from the Marine Resources Conservation Trust Fund.

Effective December 31, 2013, the bill removes the authority for the TRDA to give a gift having a value in excess of \$100 to any reporting individual or procurement employee under the Florida gift law.

The bill is linked to, and, thereby contingent upon, the passage of HB 1013 (2013), which effectively dissolves the TRDA on December 31, 2013.

⁷ Section 379.208(1), F.S.

⁸ Section 379.2201(1)(c), F.S.

⁹ Section 379.2202, F.S.

¹⁰ "Gift" is defined in s. 112.312(12), F.S., and encompasses nearly anything of value.

¹¹ Section 112.3148(2)(d), F.S., defines a "reporting individual" as anyone who is required to file financial disclosure, including candidates.

¹² Section 112.3148(2)(e), F.S., defines a "procurement employee" as an employee of an officer, department, board, commission, or council of the executive or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, F.S., if the cost of such services or commodities exceeds \$1,000 in any year.

¹³ Section 112.3148(3)and(4), F.S.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.08058, F.S., relating to the Challenger/Columbia license plates; effective September 30, 2013.

Section 2: Amends s. 379.2202, F.S., relating to expenditure of funds; effective July 1, 2013.

Section 3: Amends s. 112.3148(6), F.S., relating to reporting and prohibiting receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees; effective December 31, 2013.

Section 4: Provides an effective date of upon becoming law except as otherwise provided within the bill; effectiveness is contingent on HB 1013 or similar legislation being adopted during the 2013 legislative session.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Insignificant. See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill redistributes the full collection of the annual use fee collected through the sale of Challenger/Columbia specialty license plates to the Astronauts Memorial Foundation, Inc. The amount of the distribution varies based on the number of license plates sold or renewed each year. In Fiscal Year 2011-12, \$300,019.52¹⁴ was distributed to the TRDA from sales of this license plate.

D. FISCAL COMMENTS:

The Department of Highway Safety and Motor Vehicles estimates one-time minimal hours of programming cost is required for the revisions in the bill and it will accommodate this within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

¹⁴ Information received from the Department of Highway Safety and Motor Vehicles, March 18, 2013 (email on file with the Transportation and Highway Safety Subcommittee).

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill is linked to, and, thereby contingent upon, the passage of HB 1013 (2013), which effectively dissolves the TRDA on December 31, 2013.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to the Technological Research and
 3 Development Authority; amending s. 320.08058, F.S.;
 4 deleting provisions for distribution by the Department
 5 of Highway Safety and Motor Vehicles to the authority
 6 of Challenger/Columbia license plate user fees;
 7 conforming provisions; amending s. 379.2202, F.S.;
 8 deleting provisions for distribution by the Fish and
 9 Wildlife Conservation Commission to the authority of
 10 saltwater license and permit fees; amending s.
 11 112.3148, F.S., relating to giving gifts to certain
 12 officers or candidates for office and to procurement
 13 employees; deleting reference to the authority;
 14 providing contingent effective dates.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Effective September 30, 2013, subsection (2) of
 19 section 320.08058, Florida Statutes, is amended to read:

20 320.08058 Specialty license plates.—

21 (2) CHALLENGER/COLUMBIA LICENSE PLATES.—

22 (a) The department shall develop a Challenger/Columbia
 23 license plate to commemorate the seven astronauts who died when
 24 the space shuttle Challenger exploded on liftoff in 1986 and the
 25 seven astronauts who died when the Columbia exploded on reentry
 26 in 2003. The word "Florida" shall appear at the top of the
 27 plate, and the words "Challenger/Columbia" must appear at the
 28 bottom of the plate, in small letters.

29 (b) ~~Fifty percent of~~ The Challenger/Columbia license plate
 30 annual use fee must be distributed to the Astronauts Memorial
 31 Foundation, Inc., to support the operations of the Center for
 32 Space Education and the Education Technology Institute. Funds
 33 received by the Astronauts Memorial Foundation, Inc., may be
 34 used for administrative costs directly associated with the
 35 operation of the center and the institute. These funds must be
 36 used for the maintenance and support of the operations of the
 37 Center for Space Education and the Education Technology
 38 Institute operated by the Astronauts Memorial Foundation, Inc.
 39 These operations must include preservice and inservice training
 40 in the use of technology for the state's instructional personnel
 41 in a manner consistent with state training programs and approved
 42 by the Department of Education. Up to 20 percent of funds
 43 received by the Center for Space Education and the Education
 44 Technology Institute may be expended for administrative costs
 45 directly associated with the operation of the center and the
 46 institute.

47 ~~(c) Fifty percent must be distributed to the Technological~~
 48 ~~Research and Development Authority created by s. 2, chapter 87-~~
 49 ~~455, Laws of Florida, for the purpose of funding space-related~~
 50 ~~research grants, the Teacher/Quest Scholarship Program under s.~~
 51 ~~1009.61 as approved by the Florida Department of Education, and~~
 52 ~~space-related economic development programs. The Technological~~
 53 ~~Research and Development Authority shall coordinate and~~
 54 ~~distribute available resources among state universities and~~
 55 ~~independent colleges and universities based on the research~~
 56 ~~strengths of such institutions in space science technology,~~

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57 ~~community colleges, public school districts, and not for profit~~
 58 ~~educational organizations.~~

59 (c) ~~(d)~~ Up to 10 percent of the funds distributed under
 60 paragraph (b) ~~paragraphs (b) and (c)~~ may be used for continuing
 61 promotion and marketing of the license plate.

62 (d) ~~(e)~~ The Auditor General has ~~the~~ authority to examine
 63 any and all records pertaining to the Astronauts Memorial
 64 Foundation, Inc., ~~and the Technological Research and Development~~
 65 ~~Authority~~ to determine compliance with the law.

66 Section 2. Effective July 1, 2013, section 379.2202,
 67 Florida Statutes, is amended to read:

68 379.2202 Expenditure of funds.—Any moneys available
 69 pursuant to s. 379.2201(1)(c) may be expended by the commission
 70 within Florida through grants and contracts for research with
 71 research institutions including but not limited to: Florida Sea
 72 Grant; Florida Marine Resources Council; Harbour Branch
 73 Oceanographic Institute; ~~Technological Research and Development~~
 74 ~~Authority~~; Fish and Wildlife Research Institute of the Fish and
 75 Wildlife Conservation Commission; Mote Marine Laboratory; Marine
 76 Resources Development Foundation; Florida Institute of
 77 Oceanography; Rosentiel School of Marine and Atmospheric
 78 Science; and Smithsonian Marine Station at Ft. Pierce.

79 Section 3. Effective December 31, 2013, paragraphs (a) and
 80 (b) of subsection (6) of section 112.3148, Florida Statutes, are
 81 amended to read:

82 112.3148 Reporting and prohibited receipt of gifts by
 83 individuals filing full or limited public disclosure of
 84 financial interests and by procurement employees.—

85 (6) (a) Notwithstanding the provisions of subsection (5),
 86 an entity of the legislative or judicial branch, a department or
 87 commission of the executive branch, a water management district
 88 created pursuant to s. 373.069, South Florida Regional
 89 Transportation Authority, ~~the Technological Research and~~
 90 ~~Development Authority~~, a county, a municipality, an airport
 91 authority, or a school board may give, either directly or
 92 indirectly, a gift having a value in excess of \$100 to any
 93 reporting individual or procurement employee if a public purpose
 94 can be shown for the gift; and a direct-support organization
 95 specifically authorized by law to support a governmental entity
 96 may give such a gift to a reporting individual or procurement
 97 employee who is an officer or employee of such governmental
 98 entity.

99 (b) Notwithstanding the provisions of subsection (4), a
 100 reporting individual or procurement employee may accept a gift
 101 having a value in excess of \$100 from an entity of the
 102 legislative or judicial branch, a department or commission of
 103 the executive branch, a water management district created
 104 pursuant to s. 373.069, South Florida Regional Transportation
 105 Authority, ~~the Technological Research and Development Authority~~,
 106 a county, a municipality, an airport authority, or a school
 107 board if a public purpose can be shown for the gift; and a
 108 reporting individual or procurement employee who is an officer
 109 or employee of a governmental entity supported by a direct-
 110 support organization specifically authorized by law to support
 111 such governmental entity may accept such a gift from such
 112 direct-support organization.

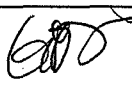
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113 Section 4. Except as otherwise expressly provided in this
114 act, this act shall take effect upon becoming a law, if HB 1013
115 or similar legislation is adopted in the same legislative
116 session or an extension thereof and becomes law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4045 Agricultural Lands
SPONSOR(S): Raulerson
TIED BILLS: IDEN./SIM. **BILLS:** SB 1700

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	12 Y, 0 N	Tecler	West
2) Transportation & Economic Development Appropriations Subcommittee		Proctor	Davis 
3) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 4045 repeals s. 604.006, F.S., which provides for the Department of Economic Opportunity to develop a program for mapping and monitoring the agricultural lands in the state. This section of law was adopted in 1984 and was never implemented by the DEO or its predecessor agency, the Department of Community Affairs.

The bill does not have a fiscal impact on the state or local governments.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Mapping and Monitoring of Agricultural Lands

Section 604.006, F.S., provides for the Department of Economic Opportunity (DEO) to develop a program for mapping and monitoring the agricultural lands in the state. The program was to provide governmental entities in the state with continuously updated information on the Florida's agricultural land base in order to determine whether there was a net decline in the amount of available agricultural lands.

This section of law was adopted in 1984 and was never implemented by the DEO or its predecessor agency, the Department of Community Affairs.¹

Effect of Proposed Changes

HB 4045 repeals s. 604.006, F.S., relating to the mapping and monitoring of agricultural lands.

The bill provides an effective date of July 1, 2013

B. SECTION DIRECTORY:

Section 1: Repeals s. 604.006, F.S., relating to the mapping and monitoring of agricultural lands.

Section 2: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 4045

2013

1 A bill to be entitled
2 An act relating to agricultural lands; repealing s.
3 604.006, F.S., relating to the mapping and monitoring
4 of agricultural lands by the Department of Economic
5 Opportunity; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Section 604.006, Florida Statutes, is repealed.

10 Section 2. This act shall take effect July 1, 2013.