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# State Affairs Committee

**Thursday, January 16, 2020  
2:30 PM – 4:30 PM  
Morris Hall (17 HOB)**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### State Affairs Committee

**Start Date and Time:** Thursday, January 16, 2020 02:30 pm

**End Date and Time:** Thursday, January 16, 2020 04:30 pm

**Location:** Morris Hall (17 HOB)

**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

CS/CS/HB 39 Independent Living Task Force by Children, Families & Seniors Subcommittee, Local, Federal & Veterans Affairs Subcommittee, Gottlieb

HB 73 Environmental Regulation by Overdorf

HB 7003 OGSR/Payment Instrument Transaction Information/Office of Financial Regulation by Oversight, Transparency & Public Management Subcommittee, Andrade

HB 7009 Penalties for Violations of the Constitutional Prohibition Against Abuse of Public Position by Public Integrity & Ethics Committee, Byrd

**Consideration of the following proposed committee bill(s):**

PCB SAC 20-01 -- Repeal of Advisory Bodies and Councils

**NOTICE FINALIZED on 01/14/2020 4:04PM by Denson.Tori**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 39 Independent Living Task Force

**SPONSOR(S):** Children, Families & Seniors Subcommittee, Local, Federal & Veterans Affairs Subcommittee, Gottlieb and others

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 364

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	10 Y, 0 N, As CS	Renner	Miller
2) Children, Families & Seniors Subcommittee	11 Y, 0 N, As CS	Morris	Brazzell
3) State Affairs Committee		Renner	Williamson

### SUMMARY ANALYSIS

Low-cost, supportive, and affordable housing options may result in a greater degree of independence for people with disabilities. Affordability is a primary barrier to independent living for many people with disabilities as 25 percent of working-age people with disabilities live in poverty compared to 9 percent of people without disabilities. Supportive housing options provide people with disabilities opportunities to choose where, how, and with whom they live while providing personalized support services to ensure the individual may continue to live with a certain level of independence.

The Florida Housing Finance Corporation (FHFC) was created by the Legislature to assist in providing a range of affordable housing opportunities for residents. FHFC provides affordable housing opportunities through a number of programs, including the State Apartment Incentive Loan Program and the State Housing Initiatives Partnership Program, that provide private or nonprofit developers with upfront construction subsidies so the developer is able to charge a lower rate for rent.

The bill creates the Independent Living Task Force (Task Force) within FHFC. The Task Force must develop and evaluate policy proposals that incentivize developers or contractors to create units within mixed-use developments that may be used as low-cost, supportive, and affordable housing for individuals with a disability, while giving special consideration to the needs of individuals who have a developmental disability or a mental illness.

The bill specifies the membership of the Task Force and requires it to begin meeting by August 1, 2020. It must submit a report of its recommendations and findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2021. The Task Force expires January 1, 2022.

The bill may have an insignificant negative fiscal impact on FHFC, as it requires FHFC to administer the activities of the Task Force using existing resources. The bill does not have a fiscal impact on local governments.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Disability

The term “disability,” as enacted in the Americans with Disabilities Act,<sup>1</sup> means a physical or mental impairment that substantially limits one or more major life activities such as caring for oneself, performing manual tasks, seeing, walking, hearing, standing, learning, thinking, and communicating. Types of disabilities include ambulatory, hearing, cognitive, vision, independent living, and self-care.<sup>2</sup> Disabilities can be related to conditions present at birth, associated with developmental conditions, related to an injury, or associated with a longstanding condition.<sup>3</sup> Individuals with disabilities are a diverse group of people with a wide range of needs.<sup>4</sup>

Approximately 26 percent of the United States population has a disability.<sup>5</sup> Florida’s disability population is 28 percent of the state population.<sup>6</sup>

A disability may have an impact on an individual’s ability to independently live and work in the community based on the nature of the disability. Barriers to independent living include:

- Lack of affordable or physically accessible housing;
- Lack of qualified support staff;
- Parent or guardian opposition;
- Lack of affordable and accessible transportation;
- Lack of adequate medical or dental care;
- Neighborhood opposition;
- Lack of jobs, job training, and supported employment;
- Lack of residential services; and
- Lack of day services.<sup>7</sup>

A lack of housing options can cause individuals with disabilities to reside in homeless shelters, public institutions, nursing homes, board and care homes, at home with aging parents, or in segregated group quarters.<sup>8</sup>

#### *Developmental Disabilities and Mental Illnesses*

A “developmental disability” is a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi

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<sup>1</sup> 42 U.S.C. §. 12101.

<sup>2</sup> United States Census Bureau, *Types of Disabilities*, <https://www.census.gov/library/visualizations/2019/comm/types-of-disabilities.html> (last visited Dec. 4, 2019).

<sup>3</sup> Centers for Disease Control and Prevention, *Disability Health Overview*, <https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html> (last visited Dec. 4, 2019).

<sup>4</sup> *Id.*

<sup>5</sup> Centers for Disease Control and Prevention, *Disability and Health Infographics*, <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html> (last visited Dec. 19, 2019).

<sup>6</sup> Centers for Disease Control and Prevention, *Florida Disability*, [https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/pdfs/Florida\\_Disability.pdf](https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/pdfs/Florida_Disability.pdf) (last visited Dec. 19, 2019).

<sup>7</sup> National Council on Disability, *Living Independently and in the Community: Implementation Lessons from the United States*, [https://ncd.gov/rawmedia\\_repository/685cba5b\\_974d\\_47ce\\_922a\\_d74df9893c2b.pdf](https://ncd.gov/rawmedia_repository/685cba5b_974d_47ce_922a_d74df9893c2b.pdf) (last visited Dec. 4, 2019).

<sup>8</sup> Priced Out, *The Housing Crisis for People with Disabilities*, <http://www.tacinc.org/media/59493/priced-out-in-2016.pdf> (last visited Dec. 4, 2019).

syndrome, which manifests before the age of 18 and constitutes a substantial handicap that can reasonably be expected to continue indefinitely.<sup>9</sup>

“Mental illness” is an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality and substantially interferes with a person’s ability to meet the ordinary demands of living.<sup>10</sup> Examples include depression, anxiety, bipolar disorder, personality disorders, posttraumatic stress disorder, and schizophrenia.<sup>11</sup> Symptoms of a mental illness may be occasional or chronic.<sup>12</sup>

### Independent Living

The term “independent living” is not defined in Florida Statutes.

The federal Rehabilitation Act of 1973, as amended,<sup>13</sup> created a framework for states to obtain funding for independent living programs, known as Centers for Independent Living, which work to support community living and independence for people with disabilities.<sup>14</sup> There are 16 Centers for Independent Living in Florida, which together serve all 67 counties.<sup>15</sup> To receive funding, states must develop a State Plan for Independent Living (SPIL), which is a three-year plan for providing independent living services in the state, through a designated Statewide Independent Living Council (SILC).

In 1988, the Legislature created the Florida Independent Living Council (council), which serves as Florida’s SILC.<sup>16</sup> The council’s responsibilities include jointly developing and submitting the state plan for independent living.<sup>17</sup> The council works to ensure that persons with disabilities have an opportunity for input into the development of the SPIL and works for systematic change in the areas that are the biggest barriers to people with disabilities participating fully in their communities.<sup>18</sup> The council describes the independent living philosophy as “promot[ing] consumer control of services, self-determination and equal access and participation in every aspect of community life, to the level that individual wishes.”<sup>19</sup> The council’s 2017-2019 state plan identified the need for safe, affordable, accessible housing as being critical for Florida’s Centers for Independent Living and noted a lack of housing is commonly identified as the main barrier to independent living.<sup>20</sup>

### Low-Cost, Supportive, and Affordable Housing

Affordability is a primary barrier to independent living for many people with disabilities as 25 percent of working-age people with disabilities live in poverty compared to 9 percent of people without disabilities.<sup>21</sup> As such, low-cost, supportive, and affordable housing options may result in a greater degree of independence for people with disabilities.<sup>22</sup> Affordable housing options may be created by

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<sup>9</sup> S. 393.063(12), F.S.

<sup>10</sup> S. 394.455(28), F.S.

<sup>11</sup> The Centers for Disease Control and Prevention, *Learn About Mental Health*, <https://www.cdc.gov/mentalhealth/learn/index.htm> (last visited Dec. 16, 2019).

<sup>12</sup> *Id.*

<sup>13</sup> 29 U.S.C. §701 et seq.

<sup>14</sup> Administration for Community Living, *Centers for Independent Living*, <https://acl.gov/programs/aging-and-disability-networks/centers-independent-living> (last visited Dec. 3, 2019).

<sup>15</sup> Florida Department of Education Division of Vocational Rehabilitation, *Independent Living Program*, [http://www.rehabworks.org/indep\\_living.shtml](http://www.rehabworks.org/indep_living.shtml) (last visited Dec. 3, 2019).

<sup>16</sup> Ch. 88-214, Laws of Fla.

<sup>17</sup> S. 413.395, F.S.

<sup>18</sup> Florida Independent Living Council, *About Independent Living*, <https://www.floridasilc.org/independent-living/> (last visited Nov. 26, 2019).

<sup>19</sup> *Id.*

<sup>20</sup> State Plan for Independent Living for Florida for 2017-2019, [https://www.floridasilc.org/documents/State\\_Plan.pdf](https://www.floridasilc.org/documents/State_Plan.pdf) (last visited Dec. 4, 2019).

<sup>21</sup> *Id.* at 6.

<sup>22</sup> Florida Developmental Disabilities Council, *Housing in Florida: A Resource Guide for Individuals with Developmental Disabilities*, 2013, at 4, <https://www.fddc.org/sites/default/files/file/Housing%20Guide.pdf>. (last visited Nov. 26, 2019).

utilizing multiple sources of funding from a combination of tax credits, operating subsidies, and rental-assistance or housing vouchers.<sup>23</sup>

Examples of funding sources utilized in Florida include:

- Funding for subsidized rental units through programs such as the State Apartment Incentive Loan Program (SAIL) and the State Housing Initiatives Partnership Program (SHIP) that provide private or nonprofit developers with upfront construction subsidies so the developer is able to charge a lower rate for rent;<sup>24</sup>
- Funding for public monthly rent assistance such as the federal HUD Section 8 Housing Choice voucher that provides a rental subsidy to local public housing authorities;<sup>25</sup> and
- Funding for private monthly rent assistance such as the federal Home-Tenant Based Rental Assistance Program that provides a rental subsidy to private landlords.<sup>26</sup>

Supportive housing options provide people with disabilities opportunities to choose where, how, and with whom they live while providing personalized support services to ensure this level of independence continues.<sup>27</sup> Supported living services can be provided throughout an individual's daily routine and include assistance in areas such as shopping, cooking, personal care, housekeeping, banking, socialization, and recreation.<sup>28</sup> A supportive housing option allows individuals with a disability to control their home and lifestyle with individualized and flexible support services to meet their needs.<sup>29</sup>

### Florida Housing Finance Corporation

The Florida Housing Finance Corporation (FHFC) was created by the Legislature to assist in providing a range of affordable housing opportunities for residents.<sup>30</sup> The Legislature found that it is necessary to:

- Encourage the investment of private capital in residential housing through the use of public financing to deal with the problem of disintermediation;<sup>31</sup>
- Stimulate the construction and rehabilitation of residential housing;
- Facilitate the purchase and sale of existing residential housing;
- Provide construction and mortgage loans for projects; and
- Make loans to and purchase mortgage loans from private lending institutions.<sup>32</sup>

FHFC provides affordable housing opportunities through a number of programs, including the SAIL and SHIP programs.

### Affordable Housing Workgroup

In 2017, the Legislature created the Affordable Housing Workgroup (Workgroup).<sup>33</sup> The executive director of FHFC served as chair of the Workgroup. The Workgroup was charged with developing recommendations to address the state's affordable housing needs, including:

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<sup>23</sup> Independent Living Research Utilization, *Funding Sources Successfully Used by States to Support Development of Integrated, Affordable, and Accessible Community Housing*, May 2016, <https://www.ilru.org/funding-sources-successfully-used-states-support-development-integrated-affordable-and-accessible>. (last visited Nov. 26, 2019).

<sup>24</sup> *Supra* note 21, at 7. See also Florida Housing Finance Corporation, <https://floridahousing.org/> (last visited Nov. 26, 2019).

<sup>25</sup> *Id.* at 11.

<sup>26</sup> *Id.*

<sup>27</sup> Agency for Persons with Disabilities, *About Supported Living*, <http://apd.myflorida.com/customers/supported-living/about-supported-living.htm>. (last visited Nov. 26, 2019).

<sup>28</sup> Florida Developmental Disabilities Council, *A Guide to Supported Living in Florida: Chapter One*, January 2005, at 7-8, <http://apd.myflorida.com/customers/supported-living/living-guide/docs/chapter1.pdf>. (last visited Nov. 26, 2019).

<sup>29</sup> *Id.*

<sup>30</sup> S. 420.502, F.S.

<sup>31</sup> Disintermediation is the elimination of intermediaries in a supply chain, or "cutting out the middlemen," in connection with a transaction or a series of transactions.

<sup>32</sup> S. 420.502(7), F.S.

<sup>33</sup> Ch. 2017-71, Laws of Fla.

- Reviewing housing in Florida with a focus on affordable rental housing; and
- Examining land use and building codes as they relate to affordable housing.<sup>34</sup>

The Workgroup recommendations included a review of the following:<sup>35</sup>

- Market rate developments;
- Affordable housing developments;
- Land use for affordable housing;
- Building codes for affordable housing developments;
- Florida’s implementation of the low income housing tax credit;
- Private and public sector development and construction industries;
- Rental market for assisted rental housing; and
- Development of strategies and pathways for low-income housing.

The Workgroup also recommended creating a workgroup of subject matter experts to create an alternative credit underwriting approach for developments serving persons with special needs and homeless households developed or operated by nonprofit organizations.<sup>36</sup>

The FHFC board of directors approved the recommendations on December 8, 2017.

### Mixed-Use Development

A mixed-use development is a real estate development or project that integrates a combination of multiple functions on a single site, such as residential, retail space, hotel, or recreational functions.<sup>37</sup> Examples include a single high-rise structure with two or more uses within the single structure, two high-rise structures on a single site with one use within each structure, or a mid-rise structure on a single site with one function, such as retail on the ground floor and another function, like residential or office, on the upper floors.<sup>38</sup> Mixed-use developments could include a variety of types of residential settings, including low-income housing and assisted living facility units.

Mixed-use developments may present zoning challenges; tenancy law difficulties; and, because of the multiple, varying functions, can be difficult to assess for risk.<sup>39</sup>

### Task Force

A task force is an advisory body created without specific statutory enactment for a time not to exceed one year, or created by specific statutory enactment for a time not to exceed three years, and appointed to study a specific problem and recommend a solution or policy alternative related to that problem.<sup>40</sup> The existence of a task force terminates upon the completion of its assignment.<sup>41</sup>

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<sup>34</sup> Affordable Housing Workgroup, Final Report 2017, p. 5, <https://floridahousing.org/about-florida-housing/workgroup-on-affordable-housing> (last visited Nov. 26, 2019).

<sup>35</sup> *Id.* at 4.

<sup>36</sup> *Id.* at 48

<sup>37</sup> Rabianski, Joseph, et al, “Mixed-Use Development: A Review of Professional Literature,” National Association of Industrial and Office Properties Research Foundation, November 2007, at 4, <https://www.naiop.org/-/media/Research/Research/Research-Reports/An-Analysis-of-the-Feasibility-of-Mixed-Use-Development/FeasibilityMixedUseDevelopment.ashx>, (last visited Nov. 26, 2019).

<sup>38</sup> *Id.* at 5.

<sup>39</sup> DeLisle, James, et al, “An Empirical Study of the Efficacy of Mixed-Use Development: The Seattle Experience,” ARES Conference 2011, <https://www.naiop.org/-/media/Research/Research/Research-Reports/An-Empirical-Study-of-the-Efficacy-of-Mixed-Use-Development/ARES-AnEmpiricalStudyoftheEfficacyofMixedUseDevelopment.ashx> (last visited Nov. 26, 2019).

<sup>40</sup> S. 20.03(8), F.S.

<sup>41</sup> *Id.*



## Effect of the Bill

The bill creates the Independent Living Task Force (Task Force) within the FHFC. The bill requires FHFC to use existing resources to administer the activities of the Task Force. The bill requires the Task Force to develop and evaluate policy proposals that incentivize developers or contractors to create units within mixed-use development that may be used as low-cost, supportive, and affordable housing for individuals with a disability, as defined in the Americans with Disabilities Act, while giving special consideration to the needs of individuals who have a developmental disability or a mental illness.

The Task Force consists of the following members:

- Director of the FHFC or his or her designee, who serves as chair;
- Director of the Agency for Persons with Disabilities or his or her designee;
- Secretary of the Department of Children and Families or his or her designee;
- Executive director of the Department of Economic Opportunity or his or her designee;
- Secretary of the Department of Business and Professional Regulation or his or her designee;
- Executive director of the Commission for the Transportation Disadvantaged or his or her designee;
- Secretary of the Department of Elderly Affairs or his or her designee;
- Governor-appointed individual;
- An attorney who is a member in good standing of the Elder Law Section of the Florida Bar; and
- A representative from each of the following groups, appointed by the director of the FHFC:
  - Florida Supportive Housing Coalition;
  - Florida Housing Coalition;
  - Florida Independent Living Council;
  - ARC of Florida;
  - National Alliance on Mental Illness-Florida;
  - Florida League of Cities;
  - Florida Association of Counties;
  - Association of Florida Community Developers;
  - Associated Builders and Contractors of Florida;
  - Florida Association of Rehabilitation Facilities;
  - Florida Developmental Disabilities Council;
  - Banking industry, with involvement in financing mixed-used developments;
  - Coalition of Affordable Housing Providers;
  - Commercial Real Estate Development Association;
  - Florida Behavioral Health Association; and
  - Florida Assisted Living Association.

The bill requires the Task Force to identify potential barriers and opportunities to incentivize building contractors and developers to create low-cost, supportive, and affordable housing units for individuals with disabilities in mixed-use developments. The bill also requires the Task Force to make recommendations and proposals for modifications to existing laws, rules, or policies; new policies, rules, or laws; and funding mechanisms to facilitate the creation of low-cost, supportive, and affordable housing units for individuals with disabilities in mixed-use developments.

Members of the Task Force serve without compensation and are not entitled to reimbursement for per diem or travel expenses. The bill requires the Task Force to begin meeting by August 1, 2020. By December 1, 2021, the Task Force must produce a report of its recommendations and findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill provides for the expiration of the Task Force on January 1, 2022.

### B. SECTION DIRECTORY:

**Section 1:** Creates s. 420.5075, F.S., relating to the Task Force.

**Section 2:** Provides that the bill takes effect upon becoming a law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires FHFC to use existing resources to administer the activities of the Task Force.

### 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:

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

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 6, 2019, the Local, Federal & Veterans Affairs Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Revises the definition of “disability” to be the same as in the Americans with Disabilities Act and makes conforming changes throughout the bill;
- Adds the Secretary of the Department of Elderly Affairs or his or her designee, and a representative from the Florida Behavioral Health Association and from the Florida Assisted Living Association to the Task Force;
- Changes the date the Task Force must convene its first meeting from June 1, 2020, to August 1, 2020;
- Changes the date a report must be submitted from December 1, 2020, to December 1, 2021; and

- Changes the expiration date of the Task Force from January 1, 2021, to January 1, 2022.

On December 12, 2019, the Children, Families & Seniors Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Removes a reference to the specific version of the Americans with Disabilities Act in effect as of the date the bill becomes law; and
- Requires the Task Force to give special consideration to the needs of individuals with developmental disabilities or mental illnesses when developing and evaluating policy proposals.

This analysis is drafted to the committee substitute as approved by the Children, Families & Seniors Subcommittee.

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A bill to be entitled  
 An act relating to the Independent Living Task Force;  
 creating s. 420.5075, F.S.; establishing the  
 Independent Living Task Force within the Florida  
 Housing Finance Corporation; defining the term  
 "disability"; providing for duties, membership, and  
 meetings of the task force; requiring the task force  
 to submit a report to the Governor and Legislature by  
 a specified date; providing for expiration of the task  
 force; providing an effective date.

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

Section 1. Section 420.5075, Florida Statutes, is created  
 to read:

420.5075 Independent Living Task Force.—

(1) The Independent Living Task Force, a task force as  
 defined in s. 20.03(8), is established within the Florida  
 Housing Finance Corporation for administrative purposes only.  
 The corporation shall use existing and available resources to  
 administer and support the activities of the task force under  
 this section.

(2) For purposes of this section, the term "disability"  
 has the same meaning as provided in 42 U.S.C. s. 12102(1), as  
 that definition exists on the effective date of this act.

26        (3) The task force shall develop and evaluate policy  
 27 proposals that incentivize building contractors and developers  
 28 to create units within mixed-use developments which may be used  
 29 as low-cost, supportive, and affordable housing for individuals  
 30 who are in need of such housing and who have a disability. The  
 31 task force shall give special consideration to the needs of  
 32 individuals who have a developmental disability, as defined in  
 33 s. 393.063, or a mental illness, as defined in s. 394.455, when  
 34 developing and evaluating policy proposals under this section.

35        (4) The task force shall consist of the following members:

36        (a) The director of the Florida Housing Finance  
 37 Corporation or his or her designee, who shall serve as chair of  
 38 the task force.

39        (b) The director of the Agency for Persons with  
 40 Disabilities or his or her designee.

41        (c) The Secretary of Children and Families or his or her  
 42 designee.

43        (d) The executive director of the Department of Economic  
 44 Opportunity or his or her designee.

45        (e) The Secretary of Business and Professional Regulation  
 46 or his or her designee.

47        (f) The executive director of the Commission for the  
 48 Transportation Disadvantaged or his or her designee.

49        (g) The Secretary of Elderly Affairs or his or her  
 50 designee.

- 51        (h) An individual appointed by the Governor.
- 52        (i) The following members appointed by the director of the  
53 Florida Housing Finance Corporation:
- 54            1. A representative from the Florida Supportive Housing  
55 Coalition.
- 56            2. A representative from the Florida Housing Coalition.
- 57            3. A representative from the Florida Independent Living  
58 Council.
- 59            4. A representative from the ARC of Florida.
- 60            5. A representative from the National Alliance on Mental  
61 Illness-Florida.
- 62            6. A representative from the Florida League of Cities.
- 63            7. A representative from the Florida Association of  
64 Counties.
- 65            8. A representative from the Association of Florida  
66 Community Developers.
- 67            9. A representative from the Associated Builders and  
68 Contractors of Florida.
- 69            10. A representative from the Florida Association of  
70 Rehabilitation Facilities.
- 71            11. A representative from the Florida Developmental  
72 Disabilities Council.
- 73            12. A representative from the banking industry who  
74 finances mixed-use developments.
- 75            13. A representative from the Coalition of Affordable

76 Housing Providers.

77 14. A representative from the Commercial Real Estate  
 78 Development Association.

79 15. A representative from the Florida Behavioral Health  
 80 Association.

81 16. A representative from the Florida Assisted Living  
 82 Association.

83 17. An attorney who is a member in good standing of the  
 84 Elder Law Section of the Florida Bar.

85 (5) Members of the task force shall serve without  
 86 compensation and are not entitled to reimbursement for per diem  
 87 or travel expenses. The task force shall convene its first  
 88 meeting by August 1, 2020, and shall meet as often as necessary  
 89 to fulfill its responsibilities under this section. Meetings may  
 90 be conducted in person, by teleconference, or by other  
 91 electronic means.

92 (6) In consultation with the applicable local and state  
 93 governmental entities, the task force shall:

94 (a) Identify potential barriers and opportunities in  
 95 existing policies, rules, or laws to incentivize building  
 96 contractors and developers to create low-cost, supportive, and  
 97 affordable housing units for individuals with disabilities  
 98 within mixed-use developments.

99 (b) Recommend modifications to existing policies, rules,  
 100 or laws or propose new policies, rules, or laws, such as

101 allowing greater density, which would allow for the creation of  
102 low-cost, supportive, and affordable housing units for  
103 individuals with disabilities within mixed-use developments.

104 (c) Recommend financial and regulatory incentives to  
105 encourage building contractors and developers to create low-  
106 cost, supportive, and affordable housing units for individuals  
107 with disabilities within mixed-use developments.

108 (d) Propose funding mechanisms for the development and  
109 maintenance of spaces for low-cost, supportive, and affordable  
110 housing units for individuals with disabilities within mixed-use  
111 developments.

112 (7) The task force shall submit a report by December 1,  
113 2021, to the Governor, the President of the Senate, and the  
114 Speaker of the House of Representatives which includes its  
115 findings, conclusions, and recommendations.

116 (8) This section expires January 1, 2022.

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



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 39 (2020)

Amendment No.

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: State Affairs Committee  
2 Representative Gottlieb offered the following:

3

4 **Amendment**

5 Between lines 84 and 85, insert:

6 18. A representative from the Florida Association of  
7 Managing Entities.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 73 Environmental Regulation  
**SPONSOR(S):** Overdorf  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 326

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	14 Y, 0 N	Melkun	Moore
2) Agriculture & Natural Resources Appropriations Subcommittee	10 Y, 0 N	White	Pigott
3) State Affairs Committee		Melkun	Williamson

### SUMMARY ANALYSIS

#### Recyclable Materials and Contamination

State law requires each county to implement a recyclable materials recycling program within its boundaries and encourages counties to work with municipalities for this purpose. Recyclable materials can become contaminated when residents place materials that are not recyclable into curbside recycling bins. While facilities are equipped to handle some non-recyclable materials, excessive contamination can undermine the recycling process and result in increased costs due to equipment downtime, repair, or replacement needs. In addition to the increased recycling processing costs, contamination also results in poorer quality recyclables, increased rejection, and landfilling of unusable materials. Counties and municipalities may contract with private companies to operate their recycling programs, but current law does not require the contracts to address the contamination of recyclable materials.

The bill requires counties and municipalities to address nonhazardous contamination of recyclable materials in contracts with residential recycling collectors and recovered materials processing facilities. Contracts executed or renewed after October 1, 2020, must:

- Define the term “contaminated recyclable material” in a manner that is appropriate for the local community;
- Include strategies and obligations of the parties to reduce the amount of contaminated recyclable materials being collected or processed;
- Create procedures for identifying, documenting, managing, and rejecting contaminated recyclable materials;
- Authorize remedies in handling contaminated containers; and
- Provide education and enforcement measures for collection contracts.

#### Environmental Resource Permits

State law allows water management districts and the Department of Environmental Protection (DEP) to require an environmental resource permit (ERP) and impose reasonable conditions to ensure certain construction activities comply with the law and will not harm water resources. Some projects can be exempted from ERP permitting if they meet specific statutory restrictions, and local governments may require an applicant get verification from DEP that an activity qualifies for an ERP exception. An ERP exception currently exists for the replacement or repair of a dock or pier if the replacement or repaired dock or pier is in the same location and under specific conditions. The exception allows minor deviations to upgrade the dock or pier to current structural and design standards.

The bill prohibits local governments from requiring further verification from DEP that a particular construction activity meets an ERP exception. In addition, the bill revises the ERP exception for the replacement or repair of existing docks and piers to allow for the repair or replacement if it is within five feet of the same location and no larger than the existing dock or pier and no additional aquatic resources are adversely and permanently impacted.

#### Fiscal Impact

The bill will have an insignificant negative fiscal impact on DEP that can be absorbed within existing resources for updating its rules regarding environmental resource permits. The bill does not appear to have a fiscal impact on local governments.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Recyclable Materials and Contamination

##### **Background**

Recycling is any process by which solid waste<sup>1</sup> or materials that would otherwise become solid waste are collected, separated, or processed and then reused or returned to use in the form of raw materials or intermediate or final products.<sup>2</sup> Recyclable materials are materials that are capable of being recycled and would otherwise be processed or disposed of as solid waste.<sup>3</sup>

##### *Local Government Recycling Programs*

Each county is required to implement a recyclable materials recycling program with a goal of recycling 75 percent by December 31, 2020 (recycling goal).<sup>4</sup> To assess the progress in meeting the recycling goal, counties must provide information to the Department of Environmental Protection (DEP) regarding their annual solid waste management program and recycling activities by April 1 of each year.<sup>5</sup>

Counties and municipalities are encouraged to form cooperative agreements for implementing recycling programs.<sup>6</sup> Recycling programs must recycle a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash.<sup>7</sup> Counties and municipalities are also encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.<sup>8</sup>

##### *Local Government Contracting for Solid Waste*

A county or municipality may enter into a written agreement with other entities to fulfill some or all of its solid waste responsibilities.<sup>9</sup> In developing and implementing recycling programs, counties and municipalities must consider having the collection, marketing, and disposition of recyclable materials conducted by entities engaged in the business of recycling.<sup>10</sup> Counties and municipalities are encouraged to use both for-profit and nonprofit organizations in fulfilling their solid waste responsibilities.<sup>11</sup>

##### *Curbside Recyclable Materials Collection*

In developing and implementing a curbside recyclable materials collection program, a county or municipality must first negotiate with any franchisee operating to exclusively collect solid waste within a

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<sup>1</sup> Section 403.703(36), F.S., defines “solid waste” as sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

<sup>2</sup> Section 403.703(31), F.S.

<sup>3</sup> Section 403.703(30), F.S.

<sup>4</sup> Section 403.706(2)(a), F.S. The statute provided for incremental goals, starting with the goal to recycle 40 percent of recyclable solid waste by December 31, 2012.

<sup>5</sup> Section 403.706(7), F.S.

<sup>6</sup> Section 403.706(2), F.S.

<sup>7</sup> Section 403.706(2)(f), F.S.

<sup>8</sup> Section 403.706(2)(g), F.S.

<sup>9</sup> Section 403.706(8), F.S.

<sup>10</sup> Section 403.706(10), F.S.

<sup>11</sup> *Id.*

service area of the county or municipality.<sup>12</sup> If, within 60 days, the county or municipality and franchisee fail to reach an agreement under which the franchisee undertakes the county or municipality's curbside recyclable materials collection responsibilities, the county or municipality may solicit proposals (requests for proposals or RFPs) from other entities. The county or municipality may undertake, or enter into an agreement with the entity that submitted the lowest responsible proposal to undertake, the curbside recyclable materials collection responsibilities for the county or municipality notwithstanding the exclusivity of the franchise agreement.<sup>13</sup>

### *Contamination of Recyclable Material*

Contamination of recyclable material occurs when residents place materials that are not recyclable into curbside recycling bins (e.g., plastic bags, Styrofoam peanuts, and other thin plastics).<sup>14</sup> While a material recovery facility is equipped to handle some non-recyclable materials, excessive contamination can undermine the recycling process resulting in additional sorting, processing, energy consumption, and other increased costs due to equipment downtime, repair, or replacement needs.<sup>15</sup> In addition to increased recycling processing costs, contamination also results in poorer quality recyclables, increased rejection, and landfilling of unusable materials.<sup>16</sup> Some local governments have contamination rates reaching more than 30-40 percent by weight.<sup>17</sup>

### **Effect of the Bill**

The bill requires counties and municipalities to address the contamination of nonhazardous recyclable material in contracts for the collection, transportation, and processing of residential recyclable material. Counties and municipalities may not require residential recycling collectors or recovered materials processing facilities to collect or process contaminated recyclable material except pursuant to a contract.

The bill defines a "residential recycling collector" as a for-profit business entity that collects and transports residential recyclable material on behalf of a county or municipality.

The bill requires each contract to define the term "contaminated recyclable material" in a manner that is appropriate for the local community, taking into consideration available markets for recyclable material, available waste composition studies, and other relevant factors. The bill clarifies that the term "contaminated recyclable material" refers to recyclable material that is comingled or mixed with solid waste or other nonhazardous material and not "contamination" as used in ch. 376, F.S., (pollutant discharge) or other sections of ch. 403, F.S. (hazardous waste remediation).

The bill requires county and municipality contracts, RFPs, and other solicitations with residential recycling collectors to include:

- Respective strategies and obligations of the county or municipality and the residential recycling collector to reduce the amount of contaminated recyclable material being collected;
- Procedures for identifying, documenting, managing, and rejecting residential recycling containers, truck loads, carts, or bins that contain contaminated recyclable material;
- Authorized remedies if a container, cart, or bin contains contaminated recyclable material; and
- Education and enforcement measures to reduce the amount of contaminated recyclable material.

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<sup>12</sup> Section 403.706(9), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> See DEP, *Florida and the 2020 75% Recycling Goal – Volume 1 Report* (Dec 2017), p. 11, available at [https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1\\_0\\_0.pdf](https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1_0_0.pdf) (last visited Oct. 1, 2019).

<sup>15</sup> *Id.* at 13.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

The bill requires county and municipal contracts, RFPs, and other solicitations with a recovered materials processing facility to include:

- Respective strategies and obligations of the county or municipality and the facility to reduce the amount of contaminated recyclable material being collected and processed;
- Procedures for identifying, documenting, managing, and rejecting residential recycling containers, truck loads, carts, or bins that contain contaminated recyclable material; and
- Authorized remedies if a container or truck load contains contaminated recyclable material.

The bill specifies that these new contract requirements apply to contracts executed or renewed after October 1, 2020.

## Environmental Resource Permits

### **Background**

State law provides that a water management district (WMD) or DEP may require an environmental resource permit (ERP) and impose reasonable conditions necessary to assure the construction or alteration of any stormwater management system,<sup>18</sup> dam,<sup>19</sup> impoundment,<sup>20</sup> reservoir,<sup>21</sup> appurtenant work,<sup>22</sup> or works<sup>23</sup> complies with state law and applicable rules and will not be harmful to water resources.<sup>24</sup> A person proposing such construction or alteration must apply to the WMD or DEP for an ERP permit authorizing the construction or alteration. The application must contain the applicant's name and address, the name and address of the owner of the land where the works are to be constructed, a legal description of the land, location of the work, sketches of construction, name and address of the person who prepared the plans and specifications of construction and the person who will construct the proposed work, general purpose of the proposed work, and other information as DEP or the WMD may require.<sup>25</sup>

### *Notice Requirements for ERP Applications and Intended Agency Action*

After receiving an application for an ERP permit, DEP or the WMD must send a notice of receipt of permit application to anyone who filed a written request for notification of any pending applications affecting the particular designated area. The notice must contain the applicant's name and address; a brief description of the proposed activity, including any mitigation; the location of the proposed activity, including whether it is located within an Outstanding Florida Water or aquatic preserve; a map identifying the location of the proposed activity; a depiction of the proposed activity; a name or number identifying the application and the office where the application can be inspected; and any other information required by rule.<sup>26</sup>

DEP or the WMD may publish, or require an applicant to publish at the applicant's expense, in a newspaper of general circulation within the affected area, a notice of receipt of the application and a

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<sup>18</sup> Section 373.403(10), F.S., defines "stormwater management system" to mean a system designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

<sup>19</sup> Section 373.403(1), F.S., defines "dam" to mean any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.

<sup>20</sup> Section 373.403(3), F.S., defines "impoundment" to mean any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

<sup>21</sup> Section 373.403(4), F.S., defines "reservoir" to mean any artificial or natural holding area which contains or will contain the water impounded by a dam.

<sup>22</sup> Section 373.403(2), F.S., defines "appurtenant works" to mean any artificial improvements to a dam that might affect the safety of such dam or, when employed, might affect the holding capacity of such dam or of the reservoir or impoundment created by such dam.

<sup>23</sup> Section 373.403(5), F.S., defines "works" to mean all artificial structures, including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

<sup>24</sup> Section 373.413(1), F.S.

<sup>25</sup> Section 373.413(2), F.S.

<sup>26</sup> Section 373.413(3), F.S.

notice of intended agency action. DEP or the WMD must provide notice of this intended agency action to the applicant and to anyone who requested a copy of the intended agency action for that specific application.<sup>27</sup>

### *Types and Duration of ERPs*

General permits are issued for certain activities determined to have minimal adverse environmental effects to the water resources of the state when conducted in compliance with the terms and conditions of the permit.<sup>28</sup> Individual permits are required for activities that do not qualify for a general permit.<sup>29</sup> Individual permits are issued for five years, but an applicant may request a longer permit duration by providing reasonable assurance that the project cannot reasonably be expected to be completed within five years after commencement of construction, and the impacts of the activity, considering its nature, the size of the project, and any required mitigation, can be accurately assessed and offset where appropriate, and the terms of the permit can be met for the duration of the requested permit.<sup>30</sup>

A permittee may also request to extend the duration of an individual permit. The request must be granted under certain conditions if the request is received by DEP or the WMD before the permit expires. A request to extend the permit for up to five years is processed as a minor modification of the permit and is not subject to public notification requirements.<sup>31</sup>

### *ERP Exceptions*

Current law provides exceptions from ERP<sup>32</sup> permitting for certain types of projects.<sup>33</sup> Generally, these permit exceptions restrict how the project is undertaken, provide size and location requirements, or provide for maintenance, repair, or replacement of existing structures.<sup>34</sup> For example, state law provides exceptions from ERP permitting for the installation of overhead transmission lines with support structures that are not constructed in waters of the state and that do not create a navigational hazard, the installation and maintenance to design specifications of boat ramps on artificial bodies of waters where certain navigational access is provided, and the construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways when such construction will not violate existing water quality standards, impede navigation, or affect flood control.<sup>35</sup> These exceptions do not relieve an applicant from obtaining permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a WMD or from complying with local pollution control programs or other requirements of local governments.<sup>36</sup>

A local government, as part of its permitting process, may require applicants to provide verification from DEP that the activity qualifies for an exception from ERP permitting requirements. To expedite this process, DEP developed an online self-certification process for individuals to verify whether the activity falls within an exception.<sup>37</sup> Currently, there is no fee for using the online self-certification process, but DEP is authorized to charge a \$100 fee to determine if an activity falls within an exception.<sup>38</sup>

### *Replacement and Repair ERP Exceptions*

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<sup>27</sup> Section 373.413(4), F.S.

<sup>28</sup> Section 403.814(1), F.S.

<sup>29</sup> Rule 62-330.054(1), F.A.C.

<sup>30</sup> Rule 62-330.320(2), F.A.C.; r. 62-330.010, F.A.C., *Environmental Resource Permit Applicant's Handbook Volume I*, 6.1.2.2 (June 1, 2018).

<sup>31</sup> Rule 62-330.315(2), F.A.C.

<sup>32</sup> See chs. 373 and 403, F.S.

<sup>33</sup> Section 403.813(1), F.S.

<sup>34</sup> See s. 403.813(1)(a)-(v), F.S.

<sup>35</sup> *Id.*

<sup>36</sup> Section 403.813(1), F.S.

<sup>37</sup> DEP, *Submitting an ERP*, available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/submitting-erp> (last visited Oct. 2, 2019).

<sup>38</sup> DEP, *Submitting an ERP*, available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/submitting-erp> (last visited Oct. 2, 2019); see also r. 62-4.050(4)(e)9., F.A.C.

An exception from ERP permitting applies for the replacement or repair of existing docks and piers if fill<sup>39</sup> material is not used and the replacement or repaired dock or pier is in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired. The exception allows the use of different construction materials or minor deviations to allow upgrades to current structural and design standards.<sup>40</sup>

Other ERP permit exceptions that allow for repair or replacement also require the repair or replacement to be of the same configuration, location, length, and dimensions. These include the repair or replacement of stormwater pipes or culverts,<sup>41</sup> open-trestle foot bridges and vehicular bridges that are 100 feet or less in length and two lanes or less in width,<sup>42</sup> and insect control impoundment dikes that are less than 100 feet in length.<sup>43</sup> Another ERP exception, regarding the restoration of seawalls, allows for the restoration of the seawall to take place at the previous location or upland of, or within 18 inches waterward of, the previous location.<sup>44</sup>

### **Effect of the Bill**

The bill prohibits local governments from requiring further verification from DEP that a particular construction activity meets an ERP permit exception.

The bill removes the requirement that a dock or pier replacement or repair remain in the same location and be of the same configuration and dimensions as the existing dock or pier. Instead, the ERP exception allows for the replacement or repair of an existing dock or pier if the replaced or repaired dock is within five feet of the same location and is no larger than the existing dock or pier and there are no additional aquatic resources that are adversely and permanently impacted by the replacement or repair.

### **B. SECTION DIRECTORY:**

Section 1. Amends s. 403.706, F.S., requiring counties and municipalities to address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material.

Section 2. Amends s. 403.813, F.S., prohibiting a local government from requiring proof from DEP of an ERP exception and removing the requirement that a dock or pier replacement or repair remain in the same location and be of the same configuration and dimensions as the existing dock or pier.

Section 3. Provides an effective date of July 1, 2020.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

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<sup>39</sup> Section 373.403(14), F.S., defines “filling” to mean the deposition, by any means, of materials in surface waters or wetlands, as delineated in s. 373.421(1), F.S.

<sup>40</sup> Section 403.813(1)(d), F.S.

<sup>41</sup> Section 403.813(1)(h), F.S.

<sup>42</sup> Section 403.813(1)(l), F.S.

<sup>43</sup> Section 403.813(1)(p), F.S.

<sup>44</sup> Section 403.813(1)(e), F.S.



The bill will have an insignificant negative fiscal impact on DEP that can be absorbed within existing resources for updating its rules regarding environmental resource permits.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill may have a positive fiscal impact on the private sector because residential recycling collectors are not required to collect or transport contaminated recyclable materials and recovered materials processing facilities are not required to process contaminated recyclable materials except pursuant to contract terms provided by the bill. This could decrease machinery issues and thereby save on costs of repair.

The bill may have a positive fiscal impact on the private sector by prohibiting a local government from requiring verification from DEP of an ERP exception. The bill may also have a positive fiscal impact on the private sector by expanding the permit exception for the replacement or repair of existing docks and piers if it results in more docks being built or repaired.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill would require DEP to update its existing handbook to incorporate the new exemption as well as the self-certification instructions; however, DEP possesses sufficient rulemaking authority to adopt rules to comply with the statutory changes.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

1                   A bill to be entitled  
2           An act relating to environmental regulation; amending  
3           s. 403.706, F.S.; specifying requirements for  
4           contracts between residential recycling collectors or  
5           recovered materials processing facilities and counties  
6           or municipalities for the collection or processing of  
7           residential recycling material; prohibiting counties  
8           and municipalities from requiring the collection,  
9           transport, or processing of contaminated recyclable  
10          material by residential recycling collectors or  
11          recovered materials processing facilities; defining  
12          the term "residential recycling collector"; providing  
13          applicability; amending s. 403.813, F.S.; prohibiting  
14          local governments from requiring further verification  
15          from the Department of Environmental Protection for  
16          certain projects; revising the types of dock and pier  
17          replacements and repairs that are exempt from such  
18          verification and certain permitting requirements;  
19          providing an effective date.

20  
21   Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Subsection (22) of section 403.706, Florida  
24   Statutes, is renumbered as subsection (23), and a new subsection  
25   (22) is added to that section, to read:

26 | 403.706 Local government solid waste responsibilities.—

27 | (22) (a) Each contract between a residential recycling  
 28 | collector and a county or municipality for the collection or  
 29 | transport of residential recyclable material, and each request  
 30 | for proposal or other solicitation for the collection of  
 31 | residential recyclable material, must include all of the  
 32 | following:

33 | 1. The respective strategies and obligations of the county  
 34 | or municipality and the residential recycling collector to  
 35 | reduce the amount of contaminated recyclable material being  
 36 | collected.

37 | 2. The procedures for identifying, documenting, managing,  
 38 | and rejecting residential recycling containers, truck loads,  
 39 | carts, or bins that contain contaminated recyclable material.

40 | 3. The remedies authorized to be used if a container,  
 41 | cart, or bin contains contaminated recyclable material.

42 | 4. The education and enforcement measures that will be  
 43 | used to reduce the amount of contaminated recyclable material.

44 | 5. A definition of the term "contaminated recyclable  
 45 | material" that is appropriate for the local community, taking  
 46 | into consideration available markets for recyclable material,  
 47 | available waste composition studies, and other relevant factors.

48 | (b) Each contract between a recovered materials processing  
 49 | facility and a county or municipality for processing residential  
 50 | recyclable material, and each request for proposal or other

51 solicitation for processing residential recyclable material,  
 52 must include all of the following:

53 1. The respective strategies and obligations of the county  
 54 or municipality and the facility to reduce the amount of  
 55 contaminated recyclable material being collected and processed.

56 2. The procedures for identifying, documenting, managing,  
 57 and rejecting residential recycling containers, truck loads,  
 58 carts, or bins that contain contaminated recyclable material.

59 3. The remedies authorized to be used if a container or  
 60 truck load contains contaminated recyclable material.

61 4. A definition of the term "contaminated recyclable  
 62 material" that is appropriate for the local community, taking  
 63 into consideration available markets for recyclable material,  
 64 available waste composition studies, and other relevant factors.

65 (c) A residential recycling collector is not required to  
 66 collect or transport contaminated recyclable material, except  
 67 pursuant to a contract consistent with paragraph (a). As used in  
 68 this subsection, the term "residential recycling collector"  
 69 means a for-profit business entity that collects and transports  
 70 residential recyclable material on behalf of a county or  
 71 municipality.

72 (d) A recovered materials processing facility is not  
 73 required to process contaminated recyclable material, except  
 74 pursuant to a contract consistent with paragraph (b).

75 (e) This subsection applies to each contract between a

76 municipality or county and a residential recycling collector or  
 77 recovered materials processing facility executed or renewed  
 78 after October 1, 2020.

79 (f) This subsection applies only to the collection and  
 80 processing of material obtained from residential recycling  
 81 activities. As used in this subsection, the term "contaminated  
 82 recyclable material" refers only to recyclable material that is  
 83 comingled or mixed with solid waste or other nonhazardous  
 84 material. The term does not include contamination as that term  
 85 or a derivation of that term is used in chapter 376 and other  
 86 sections of chapter 403, including, but not limited to,  
 87 brownfield site cleanup, water quality remediation, drycleaning-  
 88 solvent-contaminated site cleanup, petroleum-contaminated site  
 89 cleanup, cattle dipping vat site cleanup, or other hazardous  
 90 waste remediation.

91 Section 2. Subsection (1) of section 403.813, Florida  
 92 Statutes, is amended to read:

93 403.813 Permits issued at district centers; exceptions.—

94 (1) A permit is not required under this chapter, chapter  
 95 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 96 chapter 25270, 1949, Laws of Florida, and a local government may  
 97 not require a person claiming this exception to provide further  
 98 department verification, for activities associated with the  
 99 following types of projects; however, except as otherwise  
 100 provided in this subsection, this subsection does not relieve an

101 applicant from any requirement to obtain permission to use or  
102 occupy lands owned by the Board of Trustees of the Internal  
103 Improvement Trust Fund or a water management district in its  
104 governmental or proprietary capacity or from complying with  
105 applicable local pollution control programs authorized under  
106 this chapter or other requirements of county and municipal  
107 governments:

108 (a) The installation of overhead transmission lines,  
109 having ~~with~~ support structures that ~~which~~ are not constructed in  
110 waters of the state and which do not create a navigational  
111 hazard.

112 (b) The installation and repair of mooring pilings and  
113 dolphins associated with private docking facilities or piers and  
114 the installation of private docks, piers, and recreational  
115 docking facilities, or piers and recreational docking facilities  
116 of local governmental entities when the local governmental  
117 entity's activities will not take place in any manatee habitat,  
118 any of which docks:

119 1. Has 500 square feet or less of over-water surface area  
120 for a dock ~~which is~~ located in an area designated as Outstanding  
121 Florida Waters or 1,000 square feet or less of over-water  
122 surface area for a dock ~~which is~~ located in an area that ~~which~~  
123 is not designated as Outstanding Florida Waters;

124 2. Is constructed on or held in place by pilings or is a  
125 floating dock ~~which is~~ constructed so as not to involve filling

126 | or dredging other than that necessary to install the pilings;

127 |       3. May ~~shall~~ not substantially impede the flow of water or  
128 | create a navigational hazard;

129 |       4. Is used for recreational, noncommercial activities  
130 | associated with the mooring or storage of boats and boat  
131 | paraphernalia; and

132 |       5. Is the sole dock constructed pursuant to this exemption  
133 | as measured along the shoreline for a distance of 65 feet,  
134 | unless the parcel of land or individual lot as platted is less  
135 | than 65 feet in length along the shoreline, in which case ~~there~~  
136 | ~~may be~~ one exempt dock may be allowed per parcel or lot.

137 |  
138 | ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department  
139 | from taking appropriate enforcement action pursuant to this  
140 | chapter to abate or prohibit any activity otherwise exempt from  
141 | permitting pursuant to this paragraph if the department can  
142 | demonstrate that the exempted activity has caused water  
143 | pollution in violation of this chapter.

144 |       (c) The installation and maintenance to design  
145 | specifications of boat ramps on artificial bodies of water where  
146 | navigational access to the proposed ramp exists or the  
147 | installation of boat ramps open to the public in any waters of  
148 | the state where navigational access to the proposed ramp exists  
149 | and where the construction of the proposed ramp will be less  
150 | than 30 feet wide and will involve the removal of less than 25

151 cubic yards of material from the waters of the state, and the  
152 maintenance to design specifications of such ramps.~~;~~ ~~however,~~  
153 The material to be removed shall be placed on ~~upon~~ a self-  
154 contained, upland spoil site which will ~~so as to~~ prevent the  
155 escape of the spoil material into the waters of the state.

156 (d) The replacement or repair of existing docks and piers,  
157 except that fill material may not be used and the replacement or  
158 repaired dock or pier must be within 5 feet of the same location  
159 and no larger in size than the existing dock or pier, and no  
160 additional aquatic resources may be adversely and permanently  
161 impacted by such replacement or repair ~~in the same location and~~  
162 ~~of the same configuration and dimensions as the dock or pier~~  
163 ~~being replaced or repaired.~~ This does not preclude the use of  
164 different construction materials or minor deviations to allow  
165 upgrades to current structural and design standards.

166 (e) The restoration of seawalls at their previous  
167 locations or upland of, or within 18 inches waterward of, their  
168 previous locations. ~~However,~~ This may ~~shall~~ not affect the  
169 permitting requirements of chapter 161, and department rules  
170 shall clearly indicate that this exception does not constitute  
171 an exception from the permitting requirements of chapter 161.

172 (f) The performance of maintenance dredging of existing  
173 manmade canals, channels, intake and discharge structures, and  
174 previously dredged portions of natural water bodies within  
175 drainage rights-of-way or drainage easements which have been



176 recorded in the public records of the county, when ~~where~~ the  
177 spoil material is to be removed and placed ~~deposited~~ on a self-  
178 contained, upland spoil site which will prevent the escape of  
179 the spoil material into the waters of the state, provided that  
180 no more dredging is to be performed than is necessary to restore  
181 the canals, channels, and intake and discharge structures, and  
182 previously dredged portions of natural water bodies, to original  
183 design specifications or configurations, provided that the work  
184 is conducted in compliance with s. 379.2431(2)(d), provided that  
185 no significant impacts occur to previously undisturbed natural  
186 areas, and provided that control devices for return flow and  
187 best management practices for erosion and sediment control are  
188 used ~~utilized~~ to prevent bank erosion and scouring and to  
189 prevent turbidity, dredged material, and toxic or deleterious  
190 substances from discharging into adjacent waters during  
191 maintenance dredging. ~~Further,~~ For maintenance dredging of  
192 previously dredged portions of natural water bodies within  
193 recorded drainage rights-of-way or drainage easements, an entity  
194 that seeks an exemption must notify the department or water  
195 management district, as applicable, at least 30 days before  
196 ~~prior to~~ dredging and provide documentation of original design  
197 specifications or configurations when ~~where~~ such exist. This  
198 exemption applies to all canals and previously dredged portions  
199 of natural water bodies within recorded drainage rights-of-way  
200 or drainage easements constructed before ~~prior to~~ April 3, 1970,

201 and to those canals and previously dredged portions of natural  
202 water bodies constructed on or after April 3, 1970, pursuant to  
203 all necessary state permits. This exemption does not apply to  
204 the removal of a natural or manmade barrier separating a canal  
205 or canal system from adjacent waters. When no previous permit  
206 has been issued by the Board of Trustees of the Internal  
207 Improvement Trust Fund or the United States Army Corps of  
208 Engineers for construction or maintenance dredging of the  
209 existing manmade canal or intake or discharge structure, such  
210 maintenance dredging shall be limited to a depth of no more than  
211 5 feet below mean low water. The Board of Trustees of the  
212 Internal Improvement Trust Fund may fix and recover from the  
213 permittee an amount equal to the difference between the fair  
214 market value and the actual cost of the maintenance dredging for  
215 material removed during such maintenance dredging; ~~however, a~~  
216 ~~no~~ charge may not ~~shall~~ be exacted by the state for material  
217 removed during such maintenance dredging by a public port  
218 authority. The removing party may subsequently sell such  
219 material; however, proceeds from such sale that exceed the costs  
220 of maintenance dredging shall be remitted to the state and  
221 deposited in the Internal Improvement Trust Fund.

222 (g) The maintenance of existing insect control structures,  
223 dikes, and irrigation and drainage ditches, provided that spoil  
224 material is placed ~~deposited~~ on a self-contained, upland spoil  
225 site which will prevent the escape of the spoil material into

226 | waters of the state. In the case of insect control structures,  
227 | if the cost of using a self-contained, upland spoil site is so  
228 | excessive, as determined by the Department of Health, pursuant  
229 | to s. 403.088(1), that it will inhibit proposed insect control,  
230 | then-existing spoil sites or dikes may be used, upon  
231 | notification to the department. In the case of insect control  
232 | where upland spoil sites are not used pursuant to this  
233 | exemption, turbidity control devices shall be used to confine  
234 | the spoil material discharge to that area previously disturbed  
235 | when the receiving body of water is used as a potable water  
236 | supply, is designated as shellfish harvesting waters, or  
237 | functions as a habitat for commercially or recreationally  
238 | important shellfish or finfish. In all cases, no more dredging  
239 | is to be performed than is necessary to restore the dike or  
240 | irrigation or drainage ditch to its original design  
241 | specifications.

242 | (h) The repair or replacement of existing functional pipes  
243 | or culverts the purpose of which is the discharge or conveyance  
244 | of stormwater. In all cases, the invert elevation, the diameter,  
245 | and the length of the culvert may ~~shall~~ not be changed. However,  
246 | the material used for the culvert may be different from the  
247 | original.

248 | (i) The construction of private docks of 1,000 square feet  
249 | or less of over-water surface area and seawalls in artificially  
250 | created waterways when ~~where~~ such construction will not violate

251 existing water quality standards, impede navigation, or affect  
252 flood control. This exemption does not apply to the construction  
253 of vertical seawalls in estuaries or lagoons unless the proposed  
254 construction is within an existing manmade canal where the  
255 shoreline is currently occupied in whole or part by vertical  
256 seawalls.

257 (j) The construction and maintenance of swales.

258 (k) The installation of aids to navigation and buoys  
259 associated with such aids, provided the devices are marked  
260 pursuant to s. 327.40.

261 (l) The replacement or repair of existing open-trestle  
262 foot bridges and vehicular bridges that are 100 feet or less in  
263 length and two lanes or less in width, provided that no more  
264 dredging or filling of submerged lands is performed other than  
265 that which is necessary to replace or repair pilings and that  
266 the structure to be replaced or repaired is the same length, the  
267 same configuration, and in the same location as the original  
268 bridge. ~~No~~ Debris from the original bridge may not ~~shall~~ be  
269 allowed to remain in the waters of the state.

270 (m) The installation of subaqueous transmission and  
271 distribution lines laid on, or embedded in, the bottoms of  
272 waters in the state, except in Class I and Class II waters and  
273 aquatic preserves, provided no dredging or filling is necessary.

274 (n) The replacement or repair of subaqueous transmission  
275 and distribution lines laid on, or embedded in, the bottoms of

276 | waters of the state.

277 |       (o) The construction of private seawalls in wetlands or  
278 | other surface waters when ~~where~~ such construction is between and  
279 | adjoins at both ends existing seawalls; follows a continuous and  
280 | uniform seawall construction line with the existing seawalls; is  
281 | not ~~no~~ more than 150 feet in length; and does not violate  
282 | existing water quality standards, impede navigation, or affect  
283 | flood control. However, in estuaries and lagoons the  
284 | construction of vertical seawalls is limited to the  
285 | circumstances and purposes stated in s. 373.414(5)(b)1.-4. This  
286 | paragraph does not affect the permitting requirements of chapter  
287 | 161, and department rules must clearly indicate that this  
288 | exception does not constitute an exception from the permitting  
289 | requirements of chapter 161.

290 |       (p) The restoration of existing insect control impoundment  
291 | dikes which are less than 100 feet in length. Such impoundments  
292 | shall be connected to tidally influenced waters for 6 months  
293 | each year beginning September 1 and ending February 28 if  
294 | feasible or operated in accordance with an impoundment  
295 | management plan approved by the department. A dike restoration  
296 | may involve no more dredging than is necessary to restore the  
297 | dike to its original design specifications. For the purposes of  
298 | this paragraph, restoration does not include maintenance of  
299 | impoundment dikes of operating insect control impoundments.

300 |       (q) The construction, operation, or maintenance of

301 stormwater management facilities which are designed to serve  
302 single-family residential projects, including duplexes,  
303 triplexes, and quadruplexes, if they are less than 10 acres  
304 total land and have less than 2 acres of impervious surface and  
305 if the facilities:

306 1. Comply with all regulations or ordinances applicable to  
307 stormwater management and adopted by a city or county;

308 2. Are not part of a larger common plan of development or  
309 sale; and

310 3. Discharge into a stormwater discharge facility exempted  
311 or permitted by the department under this chapter which has  
312 sufficient capacity and treatment capability as specified in  
313 this chapter and is owned, maintained, or operated by a city,  
314 county, special district with drainage responsibility, or water  
315 management district; however, this exemption does not authorize  
316 discharge to a facility without the facility owner's prior  
317 written consent.

318 (r) The removal of aquatic plants, the removal of  
319 tussocks, the associated replanting of indigenous aquatic  
320 plants, and the associated removal from lakes of organic  
321 detrital material when such planting or removal is performed and  
322 authorized by permit or exemption granted under s. 369.20 or s.  
323 369.25, provided that:

324 1. Organic detrital material that exists on the surface of  
325 natural mineral substrate shall be allowed to be removed to a

326 depth of 3 feet or to the natural mineral substrate, whichever  
327 is less;

328 2. All material removed pursuant to this paragraph shall  
329 be placed on a self-contained, ~~deposited in an~~ upland spoil site  
330 which in a manner that will prevent the escape ~~reintroduction~~ of  
331 the spoil material into waters in the state except when spoil  
332 material is permitted to be used to create wildlife islands in  
333 freshwater bodies of the state when a governmental entity is  
334 permitted pursuant to s. 369.20 to create such islands as a part  
335 of a restoration or enhancement project;

336 3. All activities are performed in a manner consistent  
337 with state water quality standards; and

338 4. ~~No~~ Activities under this exemption are not conducted in  
339 wetland areas, as defined in s. 373.019(27), which are supported  
340 by a natural soil as shown in applicable United States  
341 Department of Agriculture county soil surveys, except when a  
342 governmental entity is permitted pursuant to s. 369.20 to  
343 conduct such activities as a part of a restoration or  
344 enhancement project.

345  
346 The department may not adopt implementing rules for this  
347 paragraph, notwithstanding any other provision of law.

348 (s) The construction, installation, operation, or  
349 maintenance of floating vessel platforms or floating boat lifts,  
350 provided that such structures:

351 1. Float at all times in the water for the sole purpose of  
352 supporting a vessel so that the vessel is out of the water when  
353 not in use;

354 2. Are wholly contained within a boat slip previously  
355 permitted under ss. 403.91-403.929, 1984 Supplement to the  
356 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
357 do not exceed a combined total of 500 square feet, or 200 square  
358 feet in an Outstanding Florida Water, when associated with a  
359 dock that is exempt under this subsection or associated with a  
360 permitted dock with no defined boat slip or attached to a  
361 bulkhead on a parcel of land where there is no other docking  
362 structure;

363 3. Are not used for any commercial purpose or for mooring  
364 vessels that remain in the water when not in use, and do not  
365 substantially impede the flow of water, create a navigational  
366 hazard, or unreasonably infringe upon the riparian rights of  
367 adjacent property owners, as defined in s. 253.141;

368 4. Are constructed and used so as to minimize adverse  
369 impacts to submerged lands, wetlands, shellfish areas, aquatic  
370 plant and animal species, and other biological communities,  
371 including locating such structures in areas where seagrasses are  
372 least dense adjacent to the dock or bulkhead; and

373 5. Are not constructed in areas specifically prohibited  
374 for boat mooring under conditions of a permit issued in  
375 accordance with ss. 403.91-403.929, 1984 Supplement to the



376 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
377 other form of authorization issued by a local government.

378  
379 Structures that qualify for this exemption are relieved from any  
380 requirement to obtain permission to use or occupy lands owned by  
381 the Board of Trustees of the Internal Improvement Trust Fund  
382 and, with the exception of those structures attached to a  
383 bulkhead on a parcel of land where there is no docking  
384 structure, may ~~shall~~ not be subject to any more stringent  
385 permitting requirements, registration requirements, or other  
386 regulation by any local government. Local governments may  
387 require either permitting or one-time registration of floating  
388 vessel platforms to be attached to a bulkhead on a parcel of  
389 land where there is no other docking structure as necessary to  
390 ensure compliance with local ordinances, codes, or regulations.  
391 Local governments may require either permitting or one-time  
392 registration of all other floating vessel platforms as necessary  
393 to ensure compliance with the exemption criteria in this  
394 section; to ensure compliance with local ordinances, codes, or  
395 regulations relating to building or zoning, which are no more  
396 stringent than the exemption criteria in this section or address  
397 subjects other than subjects addressed by the exemption criteria  
398 in this section; and to ensure proper installation, maintenance,  
399 and precautionary or evacuation action following a tropical  
400 storm or hurricane watch of a floating vessel platform or

401 floating boat lift that is proposed to be attached to a bulkhead  
402 or parcel of land where there is no other docking structure. The  
403 exemption provided in this paragraph shall be in addition to the  
404 exemption provided in paragraph (b). The department shall adopt  
405 a general permit by rule for the construction, installation,  
406 operation, or maintenance of those floating vessel platforms or  
407 floating boat lifts that do not qualify for the exemption  
408 provided in this paragraph but do not cause significant adverse  
409 impacts to occur individually or cumulatively. The issuance of  
410 such general permit shall also constitute permission to use or  
411 occupy lands owned by the Board of Trustees of the Internal  
412 Improvement Trust Fund. ~~No~~ Local governments may not ~~government~~  
413 ~~shall~~ impose a more stringent regulation, permitting  
414 requirement, registration requirement, or other regulation  
415 covered by such general permit. Local governments may require  
416 either permitting or one-time registration of floating vessel  
417 platforms as necessary to ensure compliance with the general  
418 permit in this section; to ensure compliance with local  
419 ordinances, codes, or regulations relating to building or zoning  
420 that are no more stringent than the general permit in this  
421 section; and to ensure proper installation and maintenance of a  
422 floating vessel platform or floating boat lift that is proposed  
423 to be attached to a bulkhead or parcel of land where there is no  
424 other docking structure.

425 (t) The repair, stabilization, or paving of existing

426 county maintained roads and the repair or replacement of bridges  
427 that are part of the roadway, within the Northwest Florida Water  
428 Management District and the Suwannee River Water Management  
429 District, provided:

430 1. The road and associated bridge were in existence and in  
431 use as a public road or bridge, and were maintained by the  
432 county as a public road or bridge on or before January 1, 2002;

433 2. The construction activity does not realign the road or  
434 expand the number of existing traffic lanes of the existing  
435 road; however, the work may include the provision of safety  
436 shoulders, clearance of vegetation, and other work reasonably  
437 necessary to repair, stabilize, pave, or repave the road,  
438 provided that the work is constructed by generally accepted  
439 engineering standards;

440 3. The construction activity does not expand the existing  
441 width of an existing vehicular bridge in excess of that  
442 reasonably necessary to properly connect the bridge with the  
443 road being repaired, stabilized, paved, or repaved to safely  
444 accommodate the traffic expected on the road, which may include  
445 expanding the width of the bridge to match the existing  
446 connected road. ~~However, no~~ Debris from the original bridge may  
447 not shall be allowed to remain in waters of the state, including  
448 wetlands;

449 4. Best management practices for erosion control shall be  
450 employed as necessary to prevent water quality violations;

451 5. Roadside swales or other effective means of stormwater  
452 treatment must be incorporated as part of the project;

453 6. No more dredging or filling of wetlands or water of the  
454 state is performed than that which is reasonably necessary to  
455 repair, stabilize, pave, or repave the road or to repair or  
456 replace the bridge, in accordance with generally accepted  
457 engineering standards; and

458 7. Notice of intent to use the exemption is provided to  
459 the department, if the work is to be performed within the  
460 Northwest Florida Water Management District, or to the Suwannee  
461 River Water Management District, if the work is to be performed  
462 within the Suwannee River Water Management District, 30 days  
463 before ~~prior to~~ performing any work under the exemption.

464  
465 Within 30 days after this act becomes a law, the department  
466 shall initiate rulemaking to adopt a no fee general permit for  
467 the repair, stabilization, or paving of existing roads that are  
468 maintained by the county and the repair or replacement of  
469 bridges that are part of the roadway where such activities do  
470 not cause significant adverse impacts to occur individually or  
471 cumulatively. The general permit shall apply statewide and, with  
472 no additional rulemaking required, apply to qualified projects  
473 reviewed by the Suwannee River Water Management District, the  
474 St. Johns River Water Management District, the Southwest Florida  
475 Water Management District, and the South Florida Water

476 Management District under the division of responsibilities  
477 contained in the operating agreements applicable to part IV of  
478 chapter 373. Upon adoption, this general permit shall, pursuant  
479 to ~~the provisions of~~ subsection (2), supersede and replace the  
480 exemption in this paragraph.

481 (u) Notwithstanding any provision to the contrary in this  
482 subsection, a permit or other authorization under chapter 253,  
483 chapter 369, chapter 373, or this chapter is not required for an  
484 individual residential property owner for the removal of organic  
485 detrital material from freshwater rivers or lakes that have a  
486 natural sand or rocky substrate and that are not Aquatic  
487 Preserves or for the associated removal and replanting of  
488 aquatic vegetation for the purpose of environmental enhancement,  
489 providing that:

490 1. No activities under this exemption are conducted in  
491 wetland areas, as defined in s. 373.019(27), which are supported  
492 by a natural soil as shown in applicable United States  
493 Department of Agriculture county soil surveys.

494 2. No filling or peat mining is allowed.

495 3. No removal of native wetland trees, including, but not  
496 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

497 4. When removing organic detrital material, no portion of  
498 the underlying natural mineral substrate or rocky substrate is  
499 removed.

500 5. Removed organic detrital material and plant material

501 ~~removed~~ is placed on ~~deposited in~~ an upland spoil site which in  
502 ~~a manner that~~ will not cause water quality violations.

503 6. All activities are conducted in such a manner, and with  
504 appropriate turbidity controls, so as to prevent any water  
505 quality violations outside the immediate work area.

506 7. Replanting with a variety of aquatic plants native to  
507 the state shall occur in a minimum of 25 percent of the  
508 preexisting vegetated areas where organic detrital material is  
509 removed, except for areas where the material is removed to bare  
510 rocky substrate; however, an area may be maintained clear of  
511 vegetation as an access corridor. The access corridor width may  
512 not exceed 50 percent of the property owner's frontage or 50  
513 feet, whichever is less, and may be a sufficient length  
514 waterward to create a corridor to allow access for a boat or  
515 swimmer to reach open water. Replanting must be at a minimum  
516 density of 2 feet on center and be completed within 90 days  
517 after removal of existing aquatic vegetation, except that under  
518 dewatered conditions replanting must be completed within 90 days  
519 after reflooding. The area to be replanted must extend waterward  
520 from the ordinary high water line to a point where normal water  
521 depth would be 3 feet or the preexisting vegetation line,  
522 whichever is less. Individuals are required to make a reasonable  
523 effort to maintain planting density for a period of 6 months  
524 after replanting is complete, and the plants, including  
525 naturally recruited native aquatic plants, must be allowed to

526 expand and fill in the revegetation area. Native aquatic plants  
527 to be used for revegetation must be salvaged from the  
528 enhancement project site or obtained from an aquatic plant  
529 nursery regulated by the Department of Agriculture and Consumer  
530 Services. Plants that are not native to the state may not be  
531 used for replanting.

532 8. No activity occurs any farther than 100 feet waterward  
533 of the ordinary high water line, and all activities must be  
534 designed and conducted in a manner that will not unreasonably  
535 restrict or infringe upon the riparian rights of adjacent upland  
536 riparian owners.

537 9. The person seeking this exemption notifies the  
538 applicable department district office in writing at least 30  
539 days before commencing work and allows the department to conduct  
540 a preconstruction site inspection. Notice must include an  
541 organic-detrital-material removal and disposal plan and, if  
542 applicable, a vegetation-removal and revegetation plan.

543 10. The department is provided written certification of  
544 compliance with the terms and conditions of this paragraph  
545 within 30 days after completion of any activity occurring under  
546 this exemption.

547 (v) Notwithstanding any other provision in this chapter,  
548 chapter 373, or chapter 161, a permit or other authorization is  
549 not required for the following exploratory activities associated  
550 with beach restoration and nourishment projects and inlet

551 management activities:

552 1. The collection of geotechnical, geophysical, and  
553 cultural resource data, including surveys, mapping, acoustic  
554 soundings, benthic and other biologic sampling, and coring.

555 2. Oceanographic instrument deployment, including  
556 temporary installation on the seabed of coastal and  
557 oceanographic data collection equipment.

558 3. Incidental excavation associated with any of the  
559 activities listed under subparagraph 1. or subparagraph 2.

560 Section 3. This act shall take effect July 1, 2020.



Amendment No.

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: State Affairs Committee  
2 Representative Overdorf offered the following:

**Amendment (with title amendment)**

Remove lines 45-72 and insert:

6 material" that is appropriate for the local community.

7 (b) Each contract between a recovered materials processing  
8 facility and a county or municipality for processing residential  
9 recyclable material, and each request for proposal or other  
10 solicitation for processing residential recyclable material,  
11 must include all of the following:

12 1. The respective strategies and obligations of the county  
13 or municipality and the facility to reduce the amount of  
14 contaminated recyclable material being collected and processed.

Amendment No.

15       2. The procedures for identifying, documenting, managing,  
16 and rejecting residential recycling containers, truck loads,  
17 carts, or bins that contain contaminated recyclable material.

18       3. The remedies authorized to be used if a container or  
19 truck load contains contaminated recyclable material.

20       4. A definition of the term "contaminated recyclable  
21 material" that is appropriate for the local community.

22       (c) After a contract is executed, a residential recycling  
23 collector is not required to collect or transport contaminated  
24 recyclable material, except pursuant to a contract consistent  
25 with paragraph (a). As used in this subsection, the term  
26 "residential recycling collector" means a for-profit business  
27 entity that collects and transports residential recyclable  
28 material on behalf of a county or municipality.

29       (d) After a contract is executed, a recovered materials  
30 processing facility is not

31  
32       -----

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

34       Remove lines 7-11 and insert:  
35 residential recycling material; providing that a residential  
36 recycling collector or recovered materials processing facility  
37 is not required to collect, transport, or process contaminated  
38 recyclable material except pursuant to specified contractual  
39 requirements after a contract is executed; defining



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7003      PCB OTM 20-04      OGSR/Payment Instrument Transaction Information/Office of Financial Regulation

**SPONSOR(S):** Oversight, Transparency & Public Management Subcommittee; Andrade

**TIED BILLS:**                      **IDEN./SIM. BILLS:** SB 7014

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Oversight, Transparency & Public Management Subcommittee	12 Y, 0 N	Harrington	Smith
1) Insurance & Banking Subcommittee	9 Y, 0 N	Hinshelwood	Cooper
2) State Affairs Committee		Harrington	Williamson

### SUMMARY ANALYSIS

The Open Government Sunset Review Act (Act) requires the Legislature to review each public record exemption and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Office of Financial Regulation (OFR) licenses and regulates check cashers. Florida law imposes various requirements on check cashers, including that such licensees maintain records of certain payment instrument transaction information. Beginning in 2013, Florida law required check cashers to enter specified information related to each payment instrument that exceeds \$1,000 into OFR's check cashing database. A public record exemption was also created in 2013 to provide that such payment instrument transaction information held by OFR within the check cashing database that identifies a licensee, payor, payee, or conductor is confidential and exempt from public record requirements. In accordance with the Act, the 2013 public record exemption for information in the check cashing database was set for repeal on October 2, 2018.

In 2018, the Legislature amended the exemption to clarify that OFR may release payment instrument transaction information in the aggregate, so long as the information released does not reveal information that identifies a licensee, payor, payee, or conductor. The 2018 legislation also extended the repeal date of the public record exemption, moving it from 2018 to 2020.

The bill saves from repeal the public record exemption, which will repeal on October 2, 2020, if this bill does not become law.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### Open Government Sunset Review Act

The Open Government Sunset Review Act<sup>1</sup> (Act) sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded (essentially creating a new exemption), then a public necessity statement and a two-thirds vote for passage are required.<sup>4</sup> If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created<sup>5</sup> then a public necessity statement and a two-thirds vote for passage are not required.

##### Office of Financial Regulation Check Cashing Regulations

The Office of Financial Regulation (OFR) licenses and regulates check cashers pursuant to chapter 560, F.S. Florida law imposes various requirements on check cashers, including requiring the licensee to maintain copies of each payment instrument cashed.<sup>6</sup> If the payment instrument exceeds \$1,000, the following additional information must be maintained:

- Customer files, as prescribed by rule,<sup>7</sup> on all customers who cash corporate payment instruments that exceed \$1,000;
- A copy of the personal identification that bears a photograph of the customer used as identification and presented by the customer; and
- A thumbprint of the customer taken by the licensee when the payment instrument is presented for negotiation or payment.<sup>8</sup>

In addition to the information that a licensee must maintain, the following information must be entered into the check cashing database operated by OFR before entering into each check cashing transaction for each payment instrument being cashed if the payment exceeds \$1,000:

- Transaction date;
- Payor name as displayed on the payment instrument;

---

<sup>1</sup> Section 119.15, F.S.

<sup>2</sup> Section 119.15(3), F.S.

<sup>3</sup> Section 119.15(6)(b), F.S.

<sup>4</sup> Section 24(c), Art. I of the State Constitution.

<sup>5</sup> An example of an exception to a public record exemption would be allowing another agency access to confidential and exempt records.

<sup>6</sup> Section 560.310(1), F.S.

<sup>7</sup> Rule 69V-560.704, F.A.C.

<sup>8</sup> Section 560.310(2)(a)-(c), F.S.

- Payee name as displayed on the payment instrument;
- Conductor<sup>9</sup> name, if different from the payee name;
- Amount of the payment instrument;
- Amount of currency provided;
- Type of payment instrument, which may include personal, payroll, government, corporate, third-party, or another type of instrument;
- Amount of the fee charged for cashing of the payment instrument;
- Branch or location where the payment instrument was accepted;
- The type of identification and the identification number presented by the payee or conductor;
- Payee's workers' compensation insurance policy number or exemption certificate number, if the payee is a business; and
- Such additional information as required by rule.<sup>10</sup>

OFR must ensure that the check cashing database provides an interface with the Secretary of State's database for purposes of verifying corporate registration and articles of incorporation and with the Department of Financial Services' (DFS) database for purposes of determining proof of coverage for workers' compensation.<sup>11</sup>

#### Public Record Exemption under Review

In 2013, the Legislature created a public record exemption for payment instrument transaction information (check cashing database information) held by OFR that identifies a licensee, payor, payee, or conductor.<sup>12</sup> OFR may enter into information-sharing agreements with DFS, law enforcement agencies, and other governmental agencies in certain circumstances, and require those agencies to maintain the confidentiality of the information, except as required by court order.

The 2013 public necessity statement for the exemption provided that use of the check cashing database is necessary to deter money laundering through these entities and to prevent fraud, including workers' compensation fraud. In addition, it provided that:

[T]he public availability of payment instrument transaction information would reveal sensitive, personal financial information about payees and conductors who use check-cashing programs, including paycheck amounts, salaries, and business activities, as well as information regarding the financial stability of these persons. Such information is traditionally private and sensitive. Protecting the confidentiality of information that would identify these payees and conductors would provide adequate protection for these persons while still providing public oversight of the program. The public release of payment instrument transaction information would also identify licensees or payors and reveal private business transaction information that is traditionally private and could be used by competitors to harm other licensee or payors in the marketplace. If such information were publicly available, competitors could determine the amount of business conducted by other licensees or payors.<sup>13</sup>

During the 2017 interim, subcommittee staff met with staff from OFR and DFS as part of its review of the exemption under the Open Government Sunset Review Act. OFR and DFS recommended that the exemption be reenacted noting that the exemption has allowed the agencies to properly regulate licensees and to monitor and prevent fraud while preventing the disclosure of information that would

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<sup>9</sup> "Conductor" is defined as "a natural person who presents himself or herself to a [check casher] for purposes of cashing a payment instrument." Section 560.103(9), F.S. The term is used in the context of the cashing of a corporate payment instrument, which is a payment instrument on which the payee is not a natural person (i.e., the payee is a corporate entity). Section 560.103(10), F.S. A check casher may "accept[] or cash[] a corporate payment instrument from a conductor who is an authorized officer of the corporate payee named on the instrument's face." Section 560.309(4), F.S.

<sup>10</sup> Section 560.310(1)(d), F.S.

<sup>11</sup> Section 560.310(5), F.S.

<sup>12</sup> Chapter 2013-155, L.O.F.; codified as s. 560.312, F.S.

<sup>13</sup> Section 2, ch. 2013-155, L.O.F.

identify the licensee payor, payee, or conductor. In 2018, the Legislature amended the exemption to clarify that OFR may release payment instrument transaction information in the aggregate, so long as the information released does not reveal information that identifies a licensee, payor, payee, or conductor.<sup>14</sup> The 2018 legislation also extended the repeal date of the public record exemption, moving it from 2018 to 2020.

During the 2019 interim, subcommittee staff discussed the exemption with OFR, and OFR reiterated the importance of maintaining the exemption to protect licensees and the personal financial information of consumers. According to OFR, disclosure of such information could expose such individuals to significant risk for identity theft.

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2020, unless reenacted by the Legislature.<sup>15</sup>

### **Effect of the Bill**

The bill removes the repeal date, thereby maintaining the public record exemption for payment instrument transaction information held by OFR pursuant to s. 560.310, F.S., which identifies a licensee, payor, payee, or conductor.

#### **B. SECTION DIRECTORY:**

Section 1 amends s. 560.312, F.S., to save from repeal the public record exemption for payment instrument transaction information held by OFR that reveals a licensee, payor, payee, or conductor.

Section 2 provides an effective date of October 1, 2020.

## **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.

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<sup>14</sup> Chapter 2018-116, L.O.F.; codified as s. 560.312(4), F.S.

<sup>15</sup> Section 560.312(3), F.S.

### **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. The bill does not authorize or require rulemaking.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.



HB 7003

2020

1 A bill to be entitled

2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 560.312, F.S., which  
4 provides an exemption from public records requirements  
5 for certain payment instrument transaction information  
6 held by the Office of Financial Regulation; removing  
7 the scheduled repeal of the exemption; providing an  
8 effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (4) of section 560.312, Florida  
13 Statutes, is amended to read:

14 560.312 Database of payment instrument transactions;  
15 confidentiality.—

16 ~~(4) This section is subject to the Open Government Sunset~~  
17 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
18 ~~on October 2, 2020, unless reviewed and saved from repeal~~  
19 ~~through reenactment by the Legislature.~~

20 Section 2. This act shall take effect October 1, 2020.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7009      PCB PIE 20-01      Penalties for Violations of the Constitutional Prohibition  
Against Abuse of Public Position

**SPONSOR(S):** Public Integrity & Ethics Committee, Byrd

**TIED BILLS:**                      **IDEN./SIM. BILLS:** SB 7006

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Public Integrity & Ethics Committee	15 Y, 0 N	Rubottom	Rubottom
1) State Affairs Committee		Etheridge	Williamson

### SUMMARY ANALYSIS

During the 2018 general election, Florida voters approved Amendment 12, which amended art. II, s. 8 of the Florida Constitution to, among other things, provide a constitutional prohibition on public officers and public employees who abuse their positions to obtain a disproportionate benefit for themselves or other specified persons or entities.

Amendment 12 included an implementation schedule, which provides:

- The abuse of public position provision becomes effective on December 31, 2020;
- The Florida Commission on Ethics (Commission) must, by rule, define the term “disproportionate benefit” and prescribe the intent for finding a violation of the prohibition against abuse of public position by October 1, 2019; and
- Following the adoption of rules by the Commission, the Legislature must establish penalties for violations of the prohibition against abuse of public position to take effect December 31, 2020.

As required by Amendment 12, the Commission adopted Rule 32-18.001, F.A.C., to define the term “disproportionate benefit” and to prescribe the requisite intent for finding a violation of the abuse of position provision.

The bill reenacts s. 112.317, F.S., to implement Amendment 12, which amended art. II, s. 8 and created art. XII, s. 38 of the Florida Constitution, to specify penalties for violations of the prohibition against abuse of public position. Under the bill, the penalties applicable to the abuse of public position provision will be the same penalties applicable to other violations of art. II, s. 8 of the Florida Constitution.

The bill may have a slightly positive fiscal impact in that it authorizes financial penalties for violating the new prohibition.

The bill has an effective date of December 31, 2020, as required by Amendment 12.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Florida Constitution contains ethics standards applicable to public officers, candidates for public office, and public employees.<sup>1</sup> These standards impose financial disclosure and campaign finance disclosure requirements on public officers and candidates, as well as prohibitions on personal representation post-service.<sup>2</sup>

The Florida Code of Ethics for Public Officers and Employees (Code), codified in ch. 112, part III, F.S., implements the constitutional ethics standards.<sup>3</sup> Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government.<sup>4</sup> The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law.<sup>5</sup> While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.<sup>6</sup>

The Code contains provisions that establish standards for the conduct of elected and appointed officials and government employees.

The Florida Commission on Ethics (Commission) is the independent body charged with receiving and investigating sworn complaints involving Florida's constitutional ethics provisions, as well as any other violation of the Code.<sup>7</sup> While the Commission receives and investigates sworn complaints, the Commission does not have the authority to impose punishment for an ethics violation.<sup>8</sup> Instead, whenever the Commission finds probable cause exists that an ethics violation has occurred, the Commission is required to submit its findings, along with a recommended penalty, to the statutorily designated official who may impose punishment.<sup>9</sup>

Pursuant to statute, in any case in which a civil penalty or restitution is imposed, the Attorney General is required to bring a civil action to recover such penalty.

##### *Amendment 12*

During the 2018 general election, Florida voters approved Amendment 12, which amended art. II, s. 8 of the Florida Constitution, which among other things, provides a constitutional prohibition on public officers and public employees abusing their positions in order to obtain a disproportionate benefit for themselves or other specified persons or entities.<sup>10</sup> The amendment becomes effective December 31, 2020.<sup>11</sup>

Specifically, Amendment 12 prohibits public officers and public employees from abusing their public positions to obtain a disproportionate benefit for themselves and their spouse, children, employer, or entities with which they have certain business interests. Amendment 12 required the Commission to

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<sup>1</sup> Art. II, s. 8, Fla. Const.

<sup>2</sup> *Id.*

<sup>3</sup> Ch. 112, F.S.

<sup>4</sup> S. 112.311, F.S.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> S. 112.324, F.S.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Art. XII, s. 38, Fla. Const.

<sup>11</sup> *Id.*

define, by rule, the term “disproportionate benefit” and prescribe the intent for finding a violation of the prohibition against abuse of public position by October 1, 2019.

As required by Amendment 12, the Commission adopted Rule 34-18.001, F.A.C., effective September 30, 2019, to define the term “disproportionate benefit,” and to prescribe the requisite intent for finding a violation of the provision.<sup>12</sup> The rule defines “disproportionate benefit” as a benefit, privilege, exemption or result arising from an act or omission by a public officer or public employee inconsistent with the proper performance of his or her public duties.<sup>13</sup> The rule prescribes that the public officer or public employee acted, or refrained from acting, with the requisite intent for finding a violation of the prohibition against abuse of public position if the public officer or public employee acted, or refrained from acting, with a wrongful intent for the purpose of obtaining any benefit, privilege, exemption, or result from the act or omission which is inconsistent with the proper performance of his or her public duties.<sup>14</sup>

Amendment 12 also mandates that “appropriate penalties shall be prescribed by law,” and includes an implementation schedule<sup>15</sup> requiring the Legislature to enact penalty legislation “following the adoption of rules” by the Commission to take effect December 31, 2020.<sup>16</sup>

### Effect of Proposed Changes

The bill reenacts s. 112.317, F.S., the existing statutory section in the Code that provides penalties for ethics violations.<sup>17</sup> The reenactment of s. 112.317, F.S., will make the penalty provisions of the section applicable to art. II, s. 8 of the Florida Constitution, as amended by Amendment 12, which provides:

A public officer or public employee shall not abuse his or her public position in order to obtain a disproportionate benefit for himself or herself; his or her spouse, children, or employer; or for any business with which he or she contracts; in which he or she is an officer, a partner, a director, or a proprietor; or in which he or she owns an interest.

The bill reenacts s. 112.317, F.S., effective December 31, 2020, to make the penalty provisions of the section applicable to the amended provisions of art. II, s. 8 of the Florida Constitution that take effect the same day and follow the adoption of Rule 34-18.001, F.A.C., by the Commission. This meets the requirement of the Amendment 12 implementation schedule.

#### B. SECTION DIRECTORY:

Section 1. Provides directory language and reenacts s. 112.317, F.S., which provides penalties.

Section 2. Provides an effective date of December 31, 2020.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The bill authorizes financial penalties for violating the new prohibition. Any revenue impact is expected to be slight.

##### 2. Expenditures:

None.

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<sup>12</sup> R. 34-18.001, F.A.C.

<sup>13</sup> R. 34-18.001(2), F.A.C.

<sup>14</sup> R. 34-18.001(4), F.A.C.

<sup>15</sup> Art. XII, s. 38, Fla. Const.

<sup>16</sup> Art. XII, s. 38(b), Fla. Const.

<sup>17</sup> S. 112.317, F.S.

**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:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

The bill implements a constitutional amendment directly regulating conduct of public officers and public employees but requiring provision of penalties in general law.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The bill consists only of directory language. While unusual, a simple reenactment by statutory reference need not reprint the statute affected.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.

HB 7009

2020

1                   A bill to be entitled  
2           An act relating to penalties for violations of the  
3           constitutional prohibition against abuse of public  
4           position; reenacting s. 112.317, F.S., relating to  
5           penalties; providing an effective date.  
6

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

9           Section 1. For the purpose of implementing the amendment  
10 to s. 8, Article II of the State Constitution and the creation  
11 of s. 38, Article XII of the State Constitution, as adopted in  
12 Amendment 12 in the 2018 general election, and specifying the  
13 applicable penalties for violations of the prohibition against  
14 abuse of public position, section 112.317, Florida Statutes, is  
15 reenacted.

16           Section 2. This act shall take effect December 31, 2020.





**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB SAC 20-01 Repeal of Advisory Bodies and Councils

**SPONSOR(S):** State Affairs Committee

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1636

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
Orig. Comm.: State Affairs Committee		Etheridge	Williamson

**SUMMARY ANALYSIS**

Under Florida law, a “committee” or “task force” is an advisory body created by the Legislature without specific statutory enactment, for a time not to exceed one year in duration, or created by specific statutory enactment, for a time not to exceed three years. Generally, a committee or task force is appointed to study a specific problem and recommend a solution or policy alternative addressing the problem, and upon completion of that mission, the committee terminates. The Legislature must terminate advisory bodies that are no longer necessary and beneficial to the furtherance of a public purpose.

The bill repeals advisory bodies and councils that have been deemed inactive or unnecessary and are therefore no longer necessary and beneficial to the furtherance of a public purpose.

The bill will likely have a positive fiscal impact on state government because abolishing these advisory bodies and councils will eliminate their administrative costs and expenses.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Advisory Bodies, Commissions, and Boards**

Under Florida law, a “committee” or “task force” is an advisory body created by the Legislature without specific statutory enactment, for a time not to exceed one year in duration, or created by specific statutory enactment, for a time not to exceed three years.<sup>1</sup> Generally, a committee or task force is appointed to study a specific problem and recommend a solution or policy alternative addressing the problem, and upon completion of that mission, the committee terminates.

An advisory body, commission, board of trustees, or any other collegial body created by specific statutory authority as an adjunct to an executive agency must be established, evaluated, and maintained in accordance with the following provisions:<sup>2</sup>

- It must be created only when it is necessary and beneficial to the furtherance of a public purpose;
- It must be terminated when it is no longer necessary and beneficial to the furtherance of a public purpose;
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies, commissions, boards of trustees, and other collegial bodies established as adjuncts to executive agencies; and
- It must meet a statutorily defined purpose and its power must conform to the definitions for governmental units.<sup>3</sup>

As such, the Legislature must terminate advisory bodies that are no longer necessary and beneficial to the furtherance of a public purpose.<sup>4</sup>

This bill repeals inactive or unnecessary advisory bodies and councils that are no longer necessary and beneficial to the furtherance of a public purpose.

##### **Citrus/Hernando Waterways Restoration Council**

###### Background

The Citrus/Hernando Waterways Restoration Council was established, in 2003, in response to regional concerns for the health of Citrus and Hernando county waterways.<sup>5</sup> It is the council’s responsibility to review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, evaluate whether additional studies are needed, explore all possible sources of funding to conduct restoration activities, and report to the Legislature on the progress made and any recommendations for the next fiscal year. The council last submitted an annual report in 2015.

In 2014, the Southwest Florida Water Management District formed its Springs Coast Steering Committee, which performs the same work as the council.

###### Effect of the Bill

The bill repeals the Citrus/Hernando Waterways Restoration Council.

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<sup>1</sup> S. 20.03(8), F.S.

<sup>2</sup> S. 20.052, F.S.

<sup>3</sup> Section 20.03, F.S., provides definitions for governmental units.

<sup>4</sup> S. 20.052(2), F.S.

<sup>5</sup> Ch. 2003-28, Laws of Fla. In 2006, the Legislature expanded the council’s responsibilities to include all of the waterways in Citrus and Hernando Counties. Ch. 2006-43, Laws of Fla.

## **My Safe Florida Home Program Advisory Council**

### Background

The My Safe Florida Home Program (program) is established within the Department of Financial Services (DFS) to develop and implement a comprehensive and coordinated approach for hurricane damage mitigation. The program provides trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties. It also provides grants to eligible applicants as funding allows.

In 2006, the My Safe Florida Home Program Advisory Council was established to advise DFS in its administration of the program.<sup>6</sup> The program, after fulfilling its purpose, ceased operations in 2008. As such, the council has not been utilized.

### Effect of the Bill

The bill repeals the My Safe Florida Home Program Advisory Council.

## **The Great Floridian Program**

### Background

The Great Floridian Program is a program administered under the Division of Historical Resources within the Department of State to recognize and record the achievements of Floridians, living and deceased, who have made major contributions to the progress and welfare of this state.<sup>7</sup> Annually, the division must convene an ad hoc committee to nominate not fewer than two persons whose names must be submitted to the Secretary of State with the recommendation that they be honored with the designation "Great Floridian."<sup>8</sup>

The last time Great Floridian recognitions were made was in 2013. In addition, a 2008 sunset review report by the Office of Program Policy Analysis and Government Accountability recommended abolishing the committee.<sup>9</sup>

### Effect of the Bill

The bill removes the requirement that the division annually convene an ad hoc committee to administer the Great Floridian Program.

## **Florida Film and Entertainment Advisory Council**

### Background

The Office of Film and Entertainment is created within the Department of Economic Opportunity (DEO) for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.<sup>10</sup> The Florida Film and Entertainment Advisory Council was established to provide DEO and the Office of Film and Entertainment with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.<sup>11</sup> The Office of Film and Entertainment has not received funding for its program for several years. Without such funding, the office's operational capabilities and activities have been limited in recent years, which reduces or eliminates the need for an advisory council.

### Effect of the Bill

The bill repeals the Florida Film and Entertainment Advisory Council.

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<sup>6</sup> S. 215.5586(4), F.S.

<sup>7</sup> S. 267.0731, F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Office of Program Policy Analysis and Government Accountability, *Department of State Advisory Committees Assessment*, The Florida Legislature Sunset Review, December 2008, at 7. Available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/08-S12.pdf>.

<sup>10</sup> S. 288.1251, F.S.

<sup>11</sup> S. 288.1252, F.S.

## **Geneva Freshwater Lens Task Force**

### Background

The Geneva Freshwater Lens Task Force was created in 1993 to provide a means by which representatives from state agencies, local government, water management districts, environmental organizations, industry, and the public at large could evaluate the management needs of the Geneva Freshwater Lens for the proper protection of the public interest and to recommend actions for addressing any deficiencies discovered.<sup>12</sup> The task force was directed to present a report to the President of the Senate and the Speaker of the House of Representatives by December 1, 1993, which evaluated the adequacy of current planning, regulatory, and other programs and made recommendations for future management of the Geneva Freshwater Lens.<sup>13</sup>

The task force submitted its report and in 1995, the Legislature directed the appropriate state agencies to implement the recommendations of the Geneva Freshwater Lens Task Force.<sup>14</sup>

### Effect of the Bill

The bill repeals provisions relating to the Geneva Freshwater Lens Task Force, because the task force has completed its responsibilities and the Legislature directed implementation of its recommendations.

## **Brownfield Areas Loan Guarantee Council**

### Background

The Brownfield Areas Loan Guarantee Council was established in 1998 to support the Brownfield Areas Loan Guarantee Program, which provides tax credits for rehabilitation of brownfield sites in designated brownfield areas. The term “brownfield sites” means real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.<sup>15</sup> The term “brownfield area” means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Brownfield areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects.<sup>16</sup>

The Brownfield Areas Loan Guarantee Council reviews certain partnership agreements with local governments, financial institutions, and other entities associated with the redevelopment of brownfields for limited guarantees of loans or loss reserves.<sup>17</sup> By 2006, the loan guarantee provisions had been used only once. As such, the council does not appear to be active.

### Effect of the Bill

The bill repeals the Brownfield Areas Loan Guarantee Council.

## **Nonmandatory Land Reclamation Committee**

### Background

The Nonmandatory Land Reclamation Committee was created within the Department of Environmental Protection (DEP) to advise the department on nonmandatory land reclamation and recommend approval, modification, or denial of reclamation grant applications submitted by landowners for lands disturbed by phosphate mining prior to July 1, 1975.<sup>18</sup> According to DEP’s website, all projects for

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<sup>12</sup> Ch. 93-273, L.O.F.

<sup>13</sup> *Id.*

<sup>14</sup> Ch. 95-377, L.O.F.; codified at s. 373.4597(3), F.S.

<sup>15</sup> S. 376.79(4), F.S.

<sup>16</sup> S. 376.79(5), F.S.

<sup>17</sup> S. 376.86, F.S.

<sup>18</sup> S. 378.033, F.S. *See also* Nonmandatory Land Reclamation Program, DEP website <https://floridadep.gov/water/mine-restoration-funding-program> (last visited Jan. 14, 2020).

nonmandatory land reclamation have been identified and selected.<sup>19</sup> No new applicants are being accepted as the funding program will end when the last of the projects are funded and released. As such, the committee appears to be inactive.

#### Effect of the Bill

The bill repeals the Nonmandatory Land Reclamation Committee within DEP. The bill also modifies procedures governing reclamation program applications to conform to the repeal of the committee. Specifically, the bill requires DEP staff to present applicants to the Secretary of DEP and to make recommendations and prioritize applications for approval, rather than the committee. As such, if applicants are considered in the future, DEP will serve in place of the committee.

### **Sturgeon Production Working Group**

#### Background

The Sturgeon Production Working Group was created within the Department of Agriculture and Consumer Services (DACs) to coordinate the implementation of a state sturgeon production management plan to promote the commercial production and stock enhancement of sturgeon in the state.<sup>20</sup> The group has not met since 2009.

#### Effect of the Bill

The bill repeals the Sturgeon Production Working Group within DACs.

### **Trap Certificate Technical Advisory and Appeals Board**

#### Background

The Trap Certificate Technical Advisory and Appeals Board was established to consider and advise the Florida Fish and Wildlife Conservation Commission (FWC) on disputes and other problems arising from the implementation of the spiny lobster trap certificate program.<sup>21</sup> Current law provides that, beginning July 1, 1994, the board will no longer consider and advise FWC on disputes and other problems arising from implementation of the trap certificate program or allotment of certificates.<sup>22</sup> As such, the board no longer appears to be active or necessary.

#### Effect of the Bill

The bill repeals the Trap Certificate Technical Advisory and Appeals Board.

### **Clean Fuel Florida Advisory Board**

#### Background

The Clean Fuel Florida Advisory Board was established within DEP to serve as a resource to the department and to provide the Governor, the Legislature, and the Secretary of DEP with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.<sup>23</sup> Current law provides for termination of the board five years after the effective date of s. 403.42, F.S.<sup>24</sup> The board appears to have terminated in 2006.

#### Effect of the Bill

The bill repeals the Clean Fuel Florida Advisory Board within DEP.

### **Technical Advisory Council, Water and Domestic Wastewater Operator Certification**

#### Background

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<sup>19</sup> Nonmandatory Land Reclamation Program, DEP website <https://floridadep.gov/water/mine-restoration-funding-program> (last visited Jan. 14, 2020).

<sup>20</sup> S. 379.2524, F.S.

<sup>21</sup> S. 379.3671, F.S.

<sup>22</sup> S. 379.3671(4)(i), F.S.

<sup>23</sup> S. 403.42(3), F.S.

<sup>24</sup> S. 403.42(3)(b)7., F.S.

The Technical Advisory Council for Water and Domestic Wastewater Operator Certification was established in 1997 to advise DEP regarding the operator certification program and provide expertise on water and wastewater treatment.<sup>25</sup> The council does not appear to be active. In addition, DEP has a separate water and domestic wastewater operator certification program and likely does not need an advisory council.

#### Effect of the Bill

The bill repeals the Technical Advisory Council for Water and Domestic Wastewater Operator Certification.

### **Florida Health Choices Corporation**

#### Background

The Florida Health Choices Corporation (corporation) was established in 2008 to create an online market for diverse health care coverage products, particularly for small businesses, as an Internal Revenue Code s. 125 cafeteria plan using pre-tax dollars.<sup>26</sup> The corporation is governed by a 15-member board of directors made up of members appointed by the Speaker, President, and Governor, as well as state agency ex-officio members.<sup>27</sup> The board of directors may establish technical advisory panels consisting of interested parties, including consumers, health care providers, individuals with expertise in insurance regulation, and insurers.<sup>28</sup> The last appropriation of funding for the corporation was vetoed in 2017. As such, the corporation does not appear to be active and the authority to establish advisory panels no longer appears to be necessary.

#### Effect of the Bill

The bill repeals the authorization for the Florida Health Choices Corporation Board of Directors to establish technical advisory panels, because such authority no longer appears necessary as the corporation is no longer active.

### **Technical Advisory Panel, Child Welfare Results-Oriented Accountability Program**

#### Background

The child welfare results-oriented accountability program monitors and measures the use of resources, the quality and amount of services provided, and child and family outcomes in Florida's child welfare system.<sup>29</sup> Current law requires the Department of Children and Families (DCF) to establish a technical advisory panel to advise DCF on the implementation of the results-oriented accountability program.<sup>30</sup> It appears DCF is no longer using this technical advisory panel for advice on implementing the program.

#### Effect of the Bill

The bill repeals the technical advisory panel for the child welfare results-oriented accountability program.

### **Learning Gateway Steering Committee**

#### Background

In 2002, the Legislature authorized a three-year demonstration program called the Learning Gateway. The purpose of Learning Gateway is to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9.<sup>31</sup>

The Learning Gateway Steering Committee was established within the Department of Education to provide policy development, consultation, oversight, and support for the implementation of the Learning

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<sup>25</sup> S. 403.87, F.S.

<sup>26</sup> See s. 408.910, F.S.

<sup>27</sup> S. 408.910(11)(a), F.S.

<sup>28</sup> S. 408.910(11)(h), F.S.

<sup>29</sup> S. 409.997(2), F.S.

<sup>30</sup> S. 409.997(3), F.S.

<sup>31</sup> S. 411.226(1), F.S.

Gateway Programs and to advise the agencies, the Legislature, and the Governor on statewide implementation of system components and issues and on strategies for continuing improvement to the system.<sup>32</sup> No appointments have been made to the steering committee since the original three-year term appointments, and the steering committee was marked as inactive in 2014.

#### Effect of the Bill

The bill repeals the Learning Gateway program, which was only authorized for three years, and the steering committee, which is no longer active.

### **Department of Elderly Affairs Advisory Council**

#### Background

The Department of Elderly Affairs Advisory Council was established within the Department of Elderly Affairs to serve in an advisory capacity to the Secretary of Elderly Affairs and to assist the secretary in carrying out the purpose, duties, and responsibilities of the department.<sup>33</sup> The advisory council is not required to submit any reports and only appears to serve as an advisor to the secretary, who may create an ad hoc group to advise him or her at any time. As such, the establishment of the advisory council in statute appears unnecessary.

#### Effect of the Bill

The bill repeals the Department of Elderly Affairs Advisory Council.

### **Florida Young Farmer and Rancher Advisory Council**

#### Background

The Florida Young Farmer and Rancher Advisory Council was created within DACS in 2018.<sup>34</sup> The council may, but is not required to, submit to the Commissioner of Agriculture findings and recommendations for mitigating challenges facing aspiring farmers and ranchers in the early stages of their careers.<sup>35</sup> The council may examine issues that include, but are not limited to, access to land, availability of credit and capital, and access to business skills training.<sup>36</sup> It does not appear that the council is active.

#### Effect of the Bill

The bill repeals the Florida Young Farmer and Rancher Advisory Council within DACS.

### **Florida Agricultural Promotional Campaign Advisory Council**

#### Background

The Florida Agricultural Promotional Campaign Advisory Council is created within DACS<sup>37</sup> to review and make recommendations to the Commissioner of Agriculture regarding the Florida Agricultural Promotion Campaign.<sup>38</sup> The council does not appear to be active as the last noticed meeting was in 2013.

#### Effect of the Bill

The bill repeals the Florida Agricultural Promotional Campaign Advisory Council within DACS.

### **Healthy Schools for Healthy Lives Council**

#### Background

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<sup>32</sup> S. 411.226(2), F.S.

<sup>33</sup> S. 430.05, F.S.

<sup>34</sup> Ch. 570.843, L.O.F.; codified as s. 570.843, F.S.

<sup>35</sup> S. 570.843(3), F.S.

<sup>36</sup> *Id.*

<sup>37</sup> S. 571.28(1), F.S.

<sup>38</sup> S. 571.28, F.S.

The Healthy Schools for Healthy Lives Council is created within DACS to advise the department on matters relating to nutritional standards and the prevention of childhood obesity, nutrition education, anaphylaxis, and other needs to further the development of the various school nutrition programs.<sup>39</sup> The council does not appear to be active.

#### Effect of the Bill

The bill repeals the Healthy Schools for Healthy Lives Council within DACS.

### **Tropical Fruit Advisory Council**

#### Background

Current law creates the Tropical Fruit Advisory Council within DACS to provide necessary assistance, review, and recommendations to the Commissioner of Agriculture for drafting a South Florida Tropical Fruit Plan.<sup>40</sup> However, the council does not appear to be active.

#### Effect of the Bill

The bill repeals the Tropical Fruit Advisory Council within DACS.

### **Advisory Board, Preeminent State Research University Institute for Online Learning**

#### Background

Current law establishes a collaborative partnership between the Board of Governors (BOG) and the Legislature to elevate the academic and research preeminence of Florida's highest-performing state research universities. The partnership stems from the State University System Governance Agreement executed on March 24, 2010, wherein the Governor and leaders of the Legislature agreed to a framework for the collaborative exercise of their joint authority and shared responsibility for the State University System.<sup>41</sup>

The preeminent state research universities program requires each state research university that meets all 12 academic and research excellence standards, as verified by the BOG, to establish an institute for online learning.

In 2013, the BOG was required to convene an advisory body to support the development of high-quality, fully online baccalaureate degree programs; advise the BOG on the release of funding to the university; and monitor, evaluate, and report on the implementation of the plan to the BOG, the Governor, the President of the Senate, and the Speaker of the House of Representatives.<sup>42</sup> The advisory board for the preeminent state research university institute for online learning has completed its statutory duties.

#### Effect of the Bill

The bill repeals the advisory board for the preeminent state research university institute for online learning.

### **Florida Early Learning Advisory Council**

#### Background

The Florida Early Learning Advisory Council was created within the Agency for Workforce Innovation in 2004<sup>43</sup> and was moved within the Office of Early Learning in 2011.<sup>44</sup> The Office of Early Learning provides staff and administrative support for the council.<sup>45</sup>

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<sup>39</sup> S. 595.701(1), F.S.

<sup>40</sup> S. 603.203, F.S.

<sup>41</sup> S. 1001.7065(1), F.S.

<sup>42</sup> S. 1001.7065(4), F.S.

<sup>43</sup> S. 1, Ch. 2004-484, L.O.F.; codified at s. 1002.77, F.S.

<sup>44</sup> S. 457, Ch. 2011-142, L.O.F.

<sup>45</sup> S. 1002.77(5), F.S.



The Florida Early Learning Advisory Council is tasked with periodically analyzing and providing recommendations to the Office of Early Learning on the effective and efficient use of local, state, and federal funds; the content of professional development training programs; and best practices for the development and implementation of early learning coalition plans.<sup>46</sup> However, the advisory council does not appear to be active.

Effect of the Bill

The bill repeals the Florida Early Learning Advisory Council within the Office of Early Learning.

B. SECTION DIRECTORY:

Section 1 repeals chapters 2003-287 and 2006-43, L.O.F., relating to the membership, powers, and duties of the Citrus/Hernando Waterways Restoration Council.

Section 2 repeals s. 215.5586(4), F.S., relating to the advisory council for the My Safe Florida Home Program.

Section 3 amends s. 267.0731, F.S., relating to the Great Floridians Program.

Section 4 amends s. 288.1251, F.S., conforming a provision to changes made by the act.

Section 5 repeals s. 288.1252, F.S., relating to the Florida Film and Entertainment Advisory Council.

Section 6 amends s. 288.1254, F.S., conforming a provision to changes made by the act.

Section 7 repeals s. 373.4597(3), F.S., relating to the Geneva Freshwater Lens Task Force.

Section 8 repeals s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Council.

Section 9 repeals s. 378.032(3), F.S., deleting a definition to conform to changes made by the act.

Section 10 repeals s. 378.033, F.S., relating to the Nonmandatory Land Reclamation Committee.

Section 11 amends s. 378.034, F.S., modifying procedures governing reclamation program applications to conform to the repeal of the Nonmandatory Land Reclamation Committee.

Section 12 repeals s. 379.2524, F.S., relating to the Sturgeon Production Working Group.

Section 13 amends s. 379.361, F.S., deleting cross-references to conform to changes made by the act.

Section 14 amends s. 379.367, F.S., conforming a cross-reference to changes made by the act.

Section 15 repeals s. 379.3671(4), F.S., relating to the Trap Certificate Technical Advisory and Appeals Board.

Section 16 repeals s. 403.42, F.S., relating to the Clean Fuel Florida Advisory Board.

Section 17 repeals s. 403.87, F.S., relating to the technical advisory council for water and domestic wastewater operator certification.

Section 18 repeals s. 408.910(11)(h), F.S., relating to technical advisory panels of Florida Health Choices, Inc.

Section 19 repeals s. 409.997(3), F.S., relating to the child welfare results-oriented accountability program technical advisory panel.

Section 20 repeals s. 411.226, F.S., relating to the Learning Gateway.

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<sup>46</sup> S. 1002.77, F.S.

Section 21 repeals s. 430.05, F.S., relating to the Department of Elderly Affairs Advisory Council.

Section 22 repeals s. 570.843, F.S., relating to the Florida Young Farmer and Rancher Advisory Council.

Section 23 repeals s. 517.24(7), F.S., relating to the duties of DACS to conform to changes made by the act.

Section 24 repeals s. 571.28, F.S., relating to the Florida Agricultural Promotional Campaign Advisory Council.

Section 25 repeals s. 595.701, F.S., relating to the Healthy Schools for Healthy Lives Council.

Section 26 repeals s. 603.203, F.S., relating to the Tropical Fruit Advisory Council.

Section 27 amends s. 603.204, F.S., conforming a provision to changes made by the act.

Section 28 repeals s. 1001.7065(4)(a)–(f), F.S., relating to the preeminent state research universities program.

Section 29 repeals s. 1002.77, F.S., relating to the Florida Early Learning Advisory Council.

Section 30 amends s. 1002.83, F.S., conforming a provision to changes made by the act.

Section 31 provides an effective date of July 1, 2020.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

See Fiscal Comments.

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:**

The bill will likely have a positive fiscal impact on state government because abolishing these advisory bodies will eliminate their administrative costs and expenses.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable. The bill does not appear to affect county or municipal governments.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill repeals inactive or unnecessary advisory bodies and councils but does not substantively affect any agency rulemaking.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1                                   A bill to be entitled  
 2           An act relating to the repeal of advisory bodies and  
 3           councils; repealing chapters 2003-287 and 2006-43,  
 4           Laws of Florida, relating to the membership, powers,  
 5           and duties of the Citrus/Hernando Waterways  
 6           Restoration Council; repealing s. 215.5586(4), F.S.,  
 7           relating to the advisory council for the My Safe  
 8           Florida Home Program; amending s. 267.0731, F.S.;  
 9           removing the requirement that the Division of  
 10          Historical Resources of the Department of State  
 11          annually convene an ad hoc committee for purposes of  
 12          administering the Great Floridians program; amending  
 13          s. 288.1251, F.S.; conforming a provision to changes  
 14          made by the act; repealing s. 288.1252, F.S., relating  
 15          to the Florida Film and Entertainment Advisory  
 16          Council; amending s. 288.1254, F.S.; conforming a  
 17          provision to changes made by the act; repealing s.  
 18          373.4597(3), F.S., relating to the Geneva Freshwater  
 19          Lens Task Force; repealing s. 376.86, F.S., relating  
 20          to the Brownfield Areas Loan Guarantee Council;  
 21          repealing s. 378.032(3), F.S., relating to  
 22          definitions; deleting a definition to conform to  
 23          changes made by the act; repealing s. 378.033, F.S.,  
 24          relating to the Nonmandatory Land Reclamation  
 25          Committee; amending s. 378.034, F.S.; modifying

26 | procedures governing reclamation program applications  
 27 | to conform to the repeal of the Nonmandatory Land  
 28 | Reclamation Committee; repealing s. 379.2524, F.S.,  
 29 | relating to the Sturgeon Production Working Group;  
 30 | amending s. 379.361, F.S.; deleting cross-references  
 31 | to conform to changes made by the act; amending s.  
 32 | 379.367, F.S.; conforming a cross-reference to changes  
 33 | made by the act; repealing s. 379.3671(4), F.S.,  
 34 | relating to the Trap Certificate Technical Advisory  
 35 | and Appeals Board; repealing s. 403.42, F.S., relating  
 36 | to the Clean Fuel Florida Advisory Board; repealing s.  
 37 | 403.87, F.S., relating to the technical advisory  
 38 | council for water and domestic wastewater operator  
 39 | certification; repealing s. 408.910(11)(h), F.S.,  
 40 | relating to technical advisory panels of Florida  
 41 | Health Choices, Inc.; repealing s. 409.997(3), F.S.,  
 42 | relating to the child welfare results-oriented  
 43 | accountability program technical advisory panel;  
 44 | repealing s. 411.226, F.S., relating to the Learning  
 45 | Gateway; repealing s. 430.05, F.S., relating to the  
 46 | Department of Elderly Affairs Advisory Council;  
 47 | repealing s. 570.843, F.S., relating to the Florida  
 48 | Young Farmer and Rancher Advisory Council; repealing  
 49 | s. 571.24(7), F.S., relating to duties of the  
 50 | Department of Agriculture and Consumer Services;

51 | repealing s. 571.28, F.S., relating to the Florida  
 52 | Agricultural Promotional Campaign Advisory Council;  
 53 | repealing s. 595.701, F.S., relating to the Healthy  
 54 | Schools for Healthy Lives Council; repealing s.  
 55 | 603.203, F.S., relating to the Tropical Fruit Advisory  
 56 | Council; amending s. 603.204, F.S.; conforming a  
 57 | provision to changes made by the act; repealing s.  
 58 | 1001.7065(4)(a)-(f), F.S., relating to the advisory  
 59 | board on online learning for preeminent state research  
 60 | universities; repealing s. 1002.77, F.S., relating to  
 61 | the Florida Early Learning Advisory Council; amending  
 62 | s. 1002.83, F.S.; conforming a provision to changes  
 63 | made by the act; providing an effective date.  
 64 |

65 | Be It Enacted by the Legislature of the State of Florida:  
 66 |

67 | Section 1. Chapters 2003-287 and 2006-43, Laws of Florida,  
 68 | are repealed.

69 | Section 2. Subsection (4) of section 215.5586, Florida  
 70 | Statutes, is repealed.

71 | Section 3. Subsection (1) of section 267.0731, Florida  
 72 | Statutes, is amended to read:

73 | 267.0731 Great Floridians Program.—The division shall  
 74 | establish and administer a program, to be entitled the Great  
 75 | Floridians Program, which shall be designed to recognize and

76 record the achievements of Floridians, living and deceased, who  
 77 have made major contributions to the progress and welfare of  
 78 this state.

79 (1) (a) The division shall nominate present or former  
 80 citizens of this state, living or deceased, who during their  
 81 lives have made major contributions to the progress of the  
 82 nation or this state and its citizens. Nominations shall be  
 83 submitted to the Secretary of State who shall select from those  
 84 nominated not less than two persons each year who shall be  
 85 honored with the designation "Great Floridian," provided no  
 86 person whose contributions have been through elected or  
 87 appointed public service shall be selected while holding any  
 88 such office.

89 (b) ~~(a)~~ To enhance public participation and involvement in  
 90 the identification of any person worthy of being nominated as a  
 91 Great Floridian, the division shall seek advice and assistance  
 92 from persons qualified through the demonstration of special  
 93 interest, experience, or education in the dissemination of  
 94 knowledge about the state's history.

95 ~~(b) Annually, the division shall convene an ad hoc~~  
 96 ~~committee composed of representatives of the Governor, each~~  
 97 ~~member of the Florida Cabinet, the President of the Senate, the~~  
 98 ~~Speaker of the House of Representatives, and the Secretary of~~  
 99 ~~State. This committee shall meet at least twice. The committee~~  
 100 ~~shall nominate not fewer than two persons whose names shall be~~

101 ~~submitted to the Secretary of State with the recommendation that~~  
 102 ~~they be honored with the designation "Great Floridian."~~

103 Section 4. Paragraph (a) of subsection (2) of section  
 104 288.1251, Florida Statutes, is amended to read:

105 288.1251 Promotion and development of entertainment  
 106 industry; Office of Film and Entertainment; creation; purpose;  
 107 powers and duties.—

108 (2) POWERS AND DUTIES.—

109 (a) The Office of Film and Entertainment, in performance  
 110 of its duties, shall:

111 1. ~~In consultation with the Florida Film and Entertainment~~  
 112 ~~Advisory Council,~~ Update the strategic plan every 5 years to  
 113 guide the activities of the Office of Film and Entertainment in  
 114 the areas of entertainment industry development, marketing,  
 115 promotion, liaison services, field office administration, and  
 116 information. The plan shall:

117 a. Be annual in construction and ongoing in nature.

118 b. Include recommendations relating to the organizational  
 119 structure of the office.

120 c. Include an annual budget projection for the office for  
 121 each year of the plan.

122 d. Include an operational model for the office to use in  
 123 implementing programs for rural and urban areas designed to:

124 (I) Develop and promote the state's entertainment  
 125 industry.



126 (II) Have the office serve as a liaison between the  
 127 entertainment industry and other state and local governmental  
 128 agencies, local film commissions, and labor organizations.

129 (III) Gather statistical information related to the  
 130 state's entertainment industry.

131 (IV) Provide information and service to businesses,  
 132 communities, organizations, and individuals engaged in  
 133 entertainment industry activities.

134 (V) Administer field offices outside the state and  
 135 coordinate with regional offices maintained by counties and  
 136 regions of the state, as described in sub-sub-subparagraph (II),  
 137 as necessary.

138 e. Include performance standards and measurable outcomes  
 139 for the programs to be implemented by the office.

140 f. Include an assessment of, and make recommendations on,  
 141 the feasibility of creating an alternative public-private  
 142 partnership for the purpose of contracting with such a  
 143 partnership for the administration of the state's entertainment  
 144 industry promotion, development, marketing, and service  
 145 programs.

146 2. Develop, market, and facilitate a working relationship  
 147 between state agencies and local governments in cooperation with  
 148 local film commission offices for out-of-state and indigenous  
 149 entertainment industry production entities.

150 3. Implement a structured methodology prescribed for

151 coordinating activities of local offices with each other and the  
 152 commissioner's office.

153 4. Represent the state's indigenous entertainment industry  
 154 to key decisionmakers within the national and international  
 155 entertainment industry, and to state and local officials.

156 5. Prepare an inventory and analysis of the state's  
 157 entertainment industry, including, but not limited to,  
 158 information on crew, related businesses, support services, job  
 159 creation, talent, and economic impact and coordinate with local  
 160 offices to develop an information tool for common use.

161 6. Identify, solicit, and recruit entertainment production  
 162 opportunities for the state.

163 7. Assist rural communities and other small communities in  
 164 the state in developing the expertise and capacity necessary for  
 165 such communities to develop, market, promote, and provide  
 166 services to the state's entertainment industry.

167 Section 5. Section 288.1252, Florida Statutes, is  
 168 repealed.

169 Section 6. Paragraph (b) of subsection (4) of section  
 170 288.1254, Florida Statutes, is amended to read:

171 288.1254 Entertainment industry financial incentive  
 172 program.—

173 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;  
 174 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;  
 175 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND

176 ACQUISITIONS.—

177 (b) Tax credit eligibility.—

178 1. General production queue.—Ninety-four percent of tax  
 179 credits authorized pursuant to subsection (6) in any state  
 180 fiscal year must be dedicated to the general production queue.  
 181 The general production queue consists of all qualified  
 182 productions other than those eligible for the commercial and  
 183 music video queue or the independent and emerging media  
 184 production queue. A qualified production that demonstrates a  
 185 minimum of \$625,000 in qualified expenditures is eligible for  
 186 tax credits equal to 20 percent of its actual qualified  
 187 expenditures, up to a maximum of \$8 million. A qualified  
 188 production that incurs qualified expenditures during multiple  
 189 state fiscal years may combine those expenditures to satisfy the  
 190 \$625,000 minimum threshold.

191 a. An off-season certified production that is a feature  
 192 film, independent film, or television series or pilot is  
 193 eligible for an additional 5 percent tax credit on actual  
 194 qualified expenditures. An off-season certified production that  
 195 does not complete 75 percent of principal photography due to a  
 196 disruption caused by a hurricane or tropical storm may not be  
 197 disqualified from eligibility for the additional 5 percent  
 198 credit as a result of the disruption.

199 b. If more than 45 percent of the sum of total tax credits  
 200 initially certified and awarded after April 1, 2012, total tax

201 credits initially certified after April 1, 2012, but not yet  
202 awarded, and total tax credits available for certification after  
203 April 1, 2012, but not yet certified has been awarded for high-  
204 impact television series, then no high-impact television series  
205 is eligible for tax credits under this subparagraph. Tax credits  
206 initially certified for a high-impact television series after  
207 April 1, 2012, may not be awarded if the award will cause the  
208 percentage threshold in this sub-subparagraph to be exceeded.  
209 This sub-subparagraph does not prohibit the award of tax credits  
210 certified before April 1, 2012, for high-impact television  
211 series.

212 c. Subject to sub-subparagraph b., first priority in the  
213 queue for tax credit awards not yet certified shall be given to  
214 high-impact television series and high-impact digital media  
215 projects. For the purposes of determining priority between a  
216 high-impact television series and a high-impact digital media  
217 project, the first position must go to the first application  
218 received. Thereafter, priority shall be determined by  
219 alternating between a high-impact television series and a high-  
220 impact digital media project on a first-come, first-served  
221 basis. However, if the Office of Film and Entertainment receives  
222 an application for a high-impact television series or high-  
223 impact digital media project that would be certified but for the  
224 alternating priority, the office may certify the project as  
225 being in the priority position if an application that would

226 normally be the priority position is not received within 5  
227 business days.

228 d. A qualified production for which at least 67 percent of  
229 its principal photography days occur within a region designated  
230 as an underutilized region at the time that the production is  
231 certified is eligible for an additional 5 percent tax credit.

232 e. A qualified production that employs students enrolled  
233 full-time in a film and entertainment-related or digital media-  
234 related course of study at an institution of higher education in  
235 this state is eligible for an additional 15 percent tax credit  
236 on qualified expenditures that are wages, salaries, or other  
237 compensation paid to such students. The additional 15 percent  
238 tax credit is also applicable to persons hired within 12 months  
239 after graduating from a film and entertainment-related or  
240 digital media-related course of study at an institution of  
241 higher education in this state. The additional 15 percent tax  
242 credit applies to qualified expenditures that are wages,  
243 salaries, or other compensation paid to such recent graduates  
244 for 1 year after the date of hiring.

245 f. A qualified production for which 50 percent or more of  
246 its principal photography occurs at a qualified production  
247 facility, or a qualified digital media project or the digital  
248 animation component of a qualified production for which 50  
249 percent or more of the project's or component's qualified  
250 expenditures are related to a qualified digital media production

251 facility, is eligible for an additional 5 percent tax credit on  
252 actual qualified expenditures for production activity at that  
253 facility.

254 g. A qualified production is not eligible for tax credits  
255 provided under this paragraph totaling more than 30 percent of  
256 its actual qualified expenses.

257 2. Commercial and music video queue.—Three percent of tax  
258 credits authorized pursuant to subsection (6) in any state  
259 fiscal year must be dedicated to the commercial and music video  
260 queue. A qualified production company that produces national or  
261 regional commercials or music videos may be eligible for a tax  
262 credit award if it demonstrates a minimum of \$100,000 in  
263 qualified expenditures per national or regional commercial or  
264 music video and exceeds a combined threshold of \$500,000 after  
265 combining actual qualified expenditures from qualified  
266 commercials and music videos during a single state fiscal year.  
267 After a qualified production company that produces commercials,  
268 music videos, or both reaches the threshold of \$500,000, it is  
269 eligible to apply for certification for a tax credit award. The  
270 maximum credit award shall be equal to 20 percent of its actual  
271 qualified expenditures up to a maximum of \$500,000. If there is  
272 a surplus at the end of a fiscal year after the Office of Film  
273 and Entertainment certifies and determines the tax credits for  
274 all qualified commercial and video projects, such surplus tax  
275 credits shall be carried forward to the following fiscal year

276 and are available to any eligible qualified productions under  
277 the general production queue.

278 3. Independent and emerging media production queue.—Three  
279 percent of tax credits authorized pursuant to subsection (6) in  
280 any state fiscal year must be dedicated to the independent and  
281 emerging media production queue. This queue is intended to  
282 encourage independent film and emerging media production in this  
283 state. Any qualified production, excluding commercials,  
284 infomercials, or music videos, which demonstrates at least  
285 \$100,000, but not more than \$625,000, in total qualified  
286 expenditures is eligible for tax credits equal to 20 percent of  
287 its actual qualified expenditures. If a surplus exists at the  
288 end of a fiscal year after the Office of Film and Entertainment  
289 certifies and determines the tax credits for all qualified  
290 independent and emerging media production projects, such surplus  
291 tax credits shall be carried forward to the following fiscal  
292 year and are available to any eligible qualified productions  
293 under the general production queue.

294 4. Family-friendly productions.—A certified theatrical or  
295 direct-to-video motion picture production or video game  
296 determined by the Commissioner of Film and Entertainment, ~~with~~  
297 ~~the advice of the Florida Film and Entertainment Advisory~~  
298 ~~Council~~, to be family-friendly, based on review of the script  
299 and review of the final release version, is eligible for an  
300 additional tax credit equal to 5 percent of its actual qualified

301 expenditures. Family-friendly productions are those that have  
 302 cross-generational appeal; would be considered suitable for  
 303 viewing by children age 5 or older; are appropriate in theme,  
 304 content, and language for a broad family audience; embody a  
 305 responsible resolution of issues; and do not exhibit or imply  
 306 any act of smoking, sex, nudity, or vulgar or profane language.

307 Section 7. Subsection (3) of section 373.4597, Florida  
 308 Statutes, is repealed.

309 Section 8. Section 376.86, Florida Statutes, is repealed.

310 Section 9. Subsection (3) of section 378.032, Florida  
 311 Statutes, is repealed.

312 Section 10. Section 378.033, Florida Statutes, is  
 313 repealed.

314 Section 11. Subsections (5), (6), (7), (9), and (10) of  
 315 section 378.034, Florida Statutes, are amended to read:

316 378.034 Submission of a reclamation program request;  
 317 procedures.—

318 (5) (a) The department staff shall, by February 1 of each  
 319 year, present to the secretary ~~committee~~ for his or her ~~its~~  
 320 consideration those reclamation program applications received by  
 321 the preceding November 1.

322 (b) The department staff shall recommend an order of  
 323 priority for the reclamation program applications that is  
 324 consistent with subsection (6).

325 (c) The recommendation of the department staff shall



326 include an estimate of the cost of each reclamation program or  
327 land acquisition.

328 ~~(6) The committee shall recommend approval, modification,~~  
329 ~~or denial of the reclamation program applications, associated~~  
330 ~~cost estimates, and the department staff's recommended~~  
331 ~~prioritized list.~~ Recommendations on the order of priority shall  
332 be based, among other criteria, on the following criteria;  
333 however, department staff ~~the committee~~ may give greater weight  
334 to one or more of the criteria depending on the overall needs of  
335 the nonmandatory land reclamation program:

336 (a) Whether health and safety hazards exist; and, if so,  
337 such hazards shall be given the greatest weight;

338 (b) Whether the economic or environmental utility or the  
339 aesthetic value of the land will return naturally within a  
340 reasonable period of time;

341 (c) Whether there is a reasonable geographic and applicant  
342 diversity in light of previously awarded reclamation contracts,  
343 reclamation program applications before the committee, and the  
344 remaining eligible lands;

345 (d) Whether reclamation is in the public interest;

346 (e) Whether the land has been naturally reclaimed or is  
347 eligible for acquisition by the state for hunting, fishing, or  
348 other outdoor recreation purposes or for wildlife preservation;

349 (f) Whether the land is to be reclaimed for agricultural  
350 use and the applicant has agreed to maintain the land in

351 agricultural use for at least 5 years after the completion of  
 352 the reclamation;

353 (g) Whether the program, alone or in conjunction with  
 354 other reclamation programs, will provide a substantial regional  
 355 benefit;

356 (h) Whether the program, alone or in conjunction with  
 357 other reclamation programs, will benefit regional drainage  
 358 patterns;

359 (i) Whether the land is publicly owned and will be  
 360 reclaimed for public purposes;

361 (j) Whether the program includes a donation or agreement  
 362 to sell a portion of the program application area to the state  
 363 for outdoor recreational or wildlife habitat protection  
 364 purposes;

365 (k) Whether the program is cost-effective in achieving the  
 366 goals of the nonmandatory land reclamation program; and

367 (l) Whether the program will reclaim lands described in  
 368 subsection (2).

369 (7) The prioritized list developed by department staff  
 370 ~~approved by the committee~~ may contain more reclamation program  
 371 applications than there are funds available during the year.

372 (9) ~~The committee recommendations shall be submitted to~~  
 373 ~~the secretary by April 1 of each year for final agency action~~ By  
 374 June 1 of each ~~that~~ year, ~~the~~ secretary shall approve, in whole  
 375 or in part, the list of reclamation program applications in the

376 | order of priority in which the applications are presented by  
 377 | department staff.

378 | (10) Any approved reclamation program application that was  
 379 | not funded shall, at the request of the applicant, be considered  
 380 | by department staff ~~the committee~~ at its next meeting called for  
 381 | that purpose, together with other reclamation program  
 382 | applications received by November 1 of the next year.

383 | Section 12. Section 379.2524, Florida Statutes, is  
 384 | repealed.

385 | Section 13. Paragraph (b) of subsection (4) of section  
 386 | 379.361, Florida Statutes, is amended to read:

387 | 379.361 Licenses.—

388 | (4) SPECIAL ACTIVITY LICENSES.—

389 | (b) The Fish and Wildlife Conservation Commission is  
 390 | authorized to issue special activity licenses in accordance with  
 391 | this section ~~and s. 379.2524~~, to permit the importation and  
 392 | possession of wild anadromous sturgeon. The commission is also  
 393 | authorized to issue special activity licenses, in accordance  
 394 | with this section ~~and s. 379.2524~~, to permit the importation,  
 395 | possession, and aquaculture of native and nonnative anadromous  
 396 | sturgeon until best management practices are implemented for the  
 397 | cultivation of anadromous sturgeon pursuant to s. 597.004. The  
 398 | special activity license shall provide for specific management  
 399 | practices to protect native populations of saltwater species.

400 | Section 14. Paragraph (b) of subsection (2) of section

401 379.367, Florida Statutes, is amended to read:

402 379.367 Spiny lobster; regulation.—

403 (2)

404 (b) Twenty-five dollars of the \$125 fee for a spiny  
 405 lobster endorsement required under subparagraph (a)1. must be  
 406 used only for trap retrieval as provided in s. 379.2424. The  
 407 remainder of the fees collected under paragraph (a) shall be  
 408 deposited as follows:

409 1. Fifty percent of the fees collected shall be deposited  
 410 in the Marine Resources Conservation Trust Fund for use in  
 411 enforcing the provisions of paragraph (a) through aerial and  
 412 other surveillance and trap retrieval.

413 2. Fifty percent of the fees collected shall be deposited  
 414 as provided in s. 379.3671(4) ~~379.3671(5)~~.

415 Section 15. Subsection (4) of section 379.3671, Florida  
 416 Statutes, is repealed.

417 Section 16. Section 403.42, Florida Statutes, is repealed.

418 Section 17. Section 403.87, Florida Statutes, is repealed.

419 Section 18. Paragraph (h) of subsection (11) of section  
 420 408.910, Florida Statutes, is repealed.

421 Section 19. Subsection (3) of section 409.997, Florida  
 422 Statutes, is repealed.

423 Section 20. Section 411.226, Florida Statutes, is  
 424 repealed.

425 Section 21. Section 430.05, Florida Statutes, is repealed.

426 Section 22. Section 570.843, Florida Statutes, is  
 427 repealed.

428 Section 23. Subsection (7) of section 571.24, Florida  
 429 Statutes, is repealed.

430 Section 24. Section 571.28, Florida Statutes, is repealed.

431 Section 25. Section 595.701, Florida Statutes, is  
 432 repealed.

433 Section 26. Section 603.203, Florida Statutes, is  
 434 repealed.

435 Section 27. Section 603.204, Florida Statutes, is amended  
 436 to read:

437 603.204 South Florida Tropical Fruit Plan.—The  
 438 Commissioner of Agriculture, ~~in consultation with the Tropical~~  
 439 ~~Fruit Advisory Council,~~ shall develop and update a South Florida  
 440 Tropical Fruit Plan, which shall identify problems and  
 441 constraints of the tropical fruit industry, propose possible  
 442 solutions to such problems, and develop planning mechanisms for  
 443 orderly growth of the industry, including:

444 (1) Criteria for tropical fruit research, service, and  
 445 management priorities.

446 (2) Proposed legislation that may be required.

447 (3) Plans relating to other tropical fruit programs and  
 448 related disciplines in the State University System.

449 (4) Potential tropical fruit products in terms of market  
 450 and needs for development.

451 (5) Evaluation of production and fresh fruit policy  
 452 alternatives, including, but not limited to, setting minimum  
 453 grades and standards, promotion and advertising, development of  
 454 production and marketing strategies, and setting minimum  
 455 standards on types and quality of nursery plants.

456 (6) Evaluation of policy alternatives for processed  
 457 tropical fruit products, including, but not limited to, setting  
 458 minimum quality standards and development of production and  
 459 marketing strategies.

460 (7) Research and service priorities for further  
 461 development of the tropical fruit industry.

462 (8) Identification of state agencies and public and  
 463 private institutions concerned with research, education,  
 464 extension, services, planning, promotion, and marketing  
 465 functions related to tropical fruit development, and delineation  
 466 of contributions and responsibilities. The recommendations in  
 467 the plan relating to education or research shall be submitted to  
 468 the Institute of Food and Agricultural Sciences.

469 (9) Business planning, investment potential, financial  
 470 risks, and economics of production and use.

471 Section 28. Paragraphs (a), (b), (c), (d), (e), and (f) of  
 472 subsection (4) of section 1001.7065, Florida Statutes, are  
 473 repealed.

474 Section 29. Section 1002.77, Florida Statutes, is  
 475 repealed.

476 Section 30. Subsection (11) of section 1002.83, Florida  
 477 Statutes, is amended to read:

478 1002.83 Early learning coalitions.—

479 (11) Each early learning coalition shall establish terms  
 480 for all appointed members of the coalition. The terms must be  
 481 staggered and must be a uniform length that does not exceed 4  
 482 years per term. Coalition chairs shall be appointed for 4 years  
 483 ~~in conjunction with their membership on the Early Learning~~  
 484 ~~Advisory Council~~ pursuant to s. 20.052. Appointed members may  
 485 serve a maximum of two consecutive terms. When a vacancy occurs  
 486 in an appointed position, the coalition must advertise the  
 487 vacancy.

488 Section 31. This act shall take effect July 1, 2020.