
**SUMMARY OF
TRANSPORTATION-RELATED
LEGISLATION ENACTED BY THE
2013 LEGISLATURE**

MARCH 2013

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SUMMARY OF TRANSPORTATION LEGISLATION

Readers are encouraged to consult information provided by the Department's Budget Office with regard to SB 1500, the General Appropriations Act, and SB 1502, Implementing the 2012-2013 General Appropriations Act, for transportation-related funding impacts. Further, a review for necessary details of any bill contained herein is recommended, and links to each bill are provided. Lastly, this document is intended to provide information on transportation-related bills and other bills of interest that were passed by the 2013 Legislature.

SUMMARY OF BUDGET CONFORMING BILLS

State Employees

[SB 1504](#) by the Senate Appropriations Committee provides for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; provides for all other mandatory collective bargaining issues that are at impasse and that are not addressed by the act or the General Appropriations Act to be resolved consistent with personnel rules or by otherwise maintaining the status quo, etc.

Effective Date: July 1, 2013

Department of Highway Safety and Motor Vehicles

[SB 1522](#) by the Senate Appropriations Committee redirects \$1.00 of an existing \$2.00 fee charged on annual vehicle registrations, from the State Transportation Trust Fund in the Department of Transportation to the Highway Safety Operating Trust Fund in the Department of Highway Safety and Motor Vehicles. This will provide a recurring revenue source to support the Florida Highway Patrol – Office of Motor Carrier Compliance at the Department of Highway Safety and Motor Vehicles, in lieu of the annual transfer of funds from the Department of Transportation State Transportation Trust Fund.

Effective Date: October 1, 2013

State Employee Health Insurance

[SB 1802](#) by the Senate Governmental Oversight and Accountability Committee provides and revises definitions needed for the state employee group health insurance program to comply with the requirements for large employers under the Patient Protection and Affordable Care Act; permits Other-Personal-Services (OPS) employees who are expected to work an average of at least 30 or more hours per week or who have worked an average of at least 30 or more hours per week to be eligible to participate in the state employee group health insurance program beginning January 1, 2014; requires agency employers of Other-Personal-Services (OPS) employees to provide specified information to the Department of Management Services; revises the amount of the required employer contribution for part-time employees participating in the state group insurance program; provides for the amount of the state contribution to health savings accounts for the 2013-2014 fiscal year; and provides that the state's contribution for health savings accounts may be set annually in the General Appropriations Act beginning in the 2014-2015 fiscal year; authorizes the Department of Management Services to adopt emergency rules to modify the eligibility of persons paid with Other-Personal-Services funds to comply with federal the Patient Protection and Affordable Care Act to mitigate the state's exposure to potential liability under the penalty provisions of that law. The emergency rules must expire by June 30, 2014.

Effective Date: July 1, 2013, except as otherwise expressly provided in this act.

Florida Retirement System

[SB 1810](#) by the Senate Governmental Oversight and Accountability Committee increases the employer contribution for the Retiree Health Insurance Subsidy (HIS) from 1.11 percent to 1.20 percent of employee gross compensation; adjusts the employer-paid contribution rates for normal cost and unfunded actuarial liability for the Florida Retirement System (FRS), based on the 2012 Actuarial Valuation; and provides legislative findings that a proper and legitimate state purpose is served when public retirement systems, including health insurance subsidies, are administered and funded in a reasonable manner.

Effective Date: July 1, 2013

Transparency in State Contracting

[HB 5401](#) by the House Government Operations Appropriations provides for the establishment of a website by the Executive Office of the Governor that provides access to all other websites which must be consistent in visual design, interaction, data presentation, etc. A similar website is to be established relating to the approved operating budget and fiscal planning for the state. Affected Department offices and personnel will need to ensure compliance. The Department of Management Services (DMS) is directed to establish a website that provides current information relating to each employee or officer of a state agency which would include rate of pay, position number, class code, class title, employing agency, and budget entity.

Department offices will need to ensure this information is collected and available to the extent it is not already available to DMS. Existing requirements regarding the establishment of a contract tracking system by the CFO are modified. To the extent that these requirements change what is currently being done by the Department to comply with the CFO's FACTS (Florida Accountability Contract Tracking System), the affected offices and personnel will need to take steps to ensure compliance. The new requirements include entry of each contract within 30 days of execution and within 30 days of each executed amendment, among other things. These requirements are not only prospective, but retroactive to include all contracts executed before July 1, 2013 with payment from state funds made after June 30, 2013. There are also redaction requirements in accordance with public records law. The bill also authorizes the CFO to adopt rules to administer these provisions.

Effective Date: July 1, 2013

SUMMARY OF HIGHWAY SAFETY LEGISLATION

Highway Safety and Motor Vehicles

[CS/CS/HB 7125](#) by the House Economic Affairs Committee and the Transportation & Economic Development Appropriations Subcommittee contains a variety of highway safety-related provisions. Below is a description of sections of the bill of interest to the Department.

Section 3: Amends s. 316.066, F.S. relating to written reports of crashes, adds the Florida Department of Transportation to the list of entities that may immediately receive a crash report that is ordinarily confidential and exempt for 60 days after the date the report is filed. The provision has no fiscal impact.

Sections 4-10: Provides guidance to DHSMV and local governments as to what constitutes a “careful and prudent manner” for the purpose of issuing a red light camera citation for a right-on-red violation. Under the bill, a notice of violation and uniform traffic citation may not be issued for a right-on-red violation if the driver of the vehicle came to a complete stop before turning right (provided a right-hand turn is permissible) – even if the driver has stopped beyond the stop line or other point at which a stop is required.

The bill also allows a person that has been issued a notice of violation for a red light camera violation to elect to receive a hearing within 60 days of the notice of violation. The bill explicitly provides that no payment or fee may be required in order to receive the hearing. Further, if a person elects to receive a hearing, the bill provides that the person waives his or her right to challenge delivery of the notice of violation.

To facilitate the hearings, local governments may use their currently appointed code enforcement board or special magistrate to serve as the local hearing officer. If the person is found to have committed the violation, he or she will be required to pay the notice of violation and county or municipal costs not to exceed \$250, within 10 days unless he or she enters into a payment plan. If the person does not pay the notice of violation and associated costs within 10 days, or does not comply with the terms of his or her payment plan, the bill requires the Clerk of Court to notify DHSMV. Upon notification, DHSMV is required to place a hold on the person’s (or business entity’s) registration until the fine and costs are paid. In this case, the registration hold will be placed on any vehicle owned or co-owned by the person.

The bill provides that upon receipt of an affidavit, DHSMV or the appropriate local government may issue the person identified on the affidavit as the actual driver of the vehicle a notice of violation and allow him or her to pay it before issuance of a uniform traffic citation. The effect of the proposed change lifts the time constraints on traffic infraction enforcement officers responsible for mailing notices of violations and uniform traffic citations, and gives the person identified on the affidavit as the actual driver the same rights as the registered owner of the vehicle. Specifically, the bill allows the person to pay the \$158 notice of violation that is not subject to court costs, fees, and risks associated with attending a hearing on a uniform traffic

citation – namely the possibility of a conviction being noted on the person’s driving record and points added to his or her driver license.

The fiscal impact of these provisions is indeterminate.

Section 14: Amends s. 316.3025, F.S. by adopting the federal regulation that requires commercial motor vehicle drivers to provide medical certification information regarding the type of commercial motor vehicle operation they drive in or expect to drive in with their CDL to their state driver license agency by January 31, 2014. There is a \$100 civil penalty if a commercial motor vehicle driver violates this requirement. In as much as this provision subject violators to a civil penalty, this provision has an indeterminate fiscal impact on the State Transportation Trust Fund (STTF), as fine amounts are distributed to the STTF for the purpose of maintaining and repairing state roads.

The bill adds a graduated fine structure for violations of the federal prohibition on the use of a hand-held mobile telephone while driving a commercial motor vehicle and texting-while-driving a commercial motor vehicle. An employer may be fined if it requires or allows a CDL holder employee to engage in the prohibited activity.

The bill requires that fine amounts paid by a commercial motor vehicle driver or his or her employer be paid to the Chief Financial Officer and credited to the STTF for the repair and maintenance of roads.

Section 15: Revises the exception to the width and height limitations provided for farming or agricultural equipment that is operated during daylight hours upon non-limited access roads, and within a 50 mile radius of real property owned, rented, or leased by the equipment’s owner. Specifically, the bill expands the exception to include real property managed or harvested by the equipment owner.

The bill also revises the length limitations for straight trucks. Under the bill, a straight truck may attach a forklift to the rear of the cargo bed, provided the overall combined length of the vehicle and the forklift does not exceed 50 feet.

Section 73: Makes technical and clarifying changes to the requirements for the seaport bonding program established in s. 319.32, F.S. The bill requires the Division of Bond Finance to issue revenue bonds at DOT’s request, and provides that the bonds are secured by motor vehicle certificate of title fees deposited into the State Transportation Trust Fund (STTF). The bill provides that revenue bonds issued at DOT’s request are to be considered a first lien on the revenues to the STTF derived from the motor vehicle certificate of title fees. As required under s. 11(f), Art. VII of the Florida Constitution, the bill provides Legislative approval of bond financing for the seaport projects included in the Department’s adopted work program, including any projects added to the work program by a work program amendment.

After the money is used to fund the seaport bond program described above, the remaining funds are to be used as specified in the section for Florida’s Turnpike Enterprise, the Transportation

Disadvantage Program, the Small County Outreach Program, and other strategic transportation projects.

Section 94: Effective Date: July 1, 2013

SUMMARY OF OTHER LEGISLATION OF INTEREST

Ethics

[CS/SB 2](#) by Ethics and Elections prohibits public officers from accepting additional employment with the state or any of its political subdivisions under specified conditions; provides circumstances under which the Commission on Ethics must determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; authorizes the commission to collect an unpaid fine within a specified period of issuance of the final order; deletes references to committees of continuous existence, etc.

Effective Date: May 1, 2013

Public Meetings

[CS/CS/SB 50](#) by Senator Negron requires that a member of the public be given a reasonable opportunity to be heard by a board or commission before it takes official action on a proposition; provides that compliance with the requirements of this section is deemed to have occurred under certain circumstances; provides that a circuit court has jurisdiction to issue an injunction under certain circumstances; provides that an action taken by a board or commission which is found in violation of this section is not void, etc.

Effective Date: October 1, 2013

Use of Wireless Communications Devices While Driving

[CS/CS/CS/SB 52](#) by Senator Detert creates the “Florida Ban on Texting While Driving Law”; prohibits the operation of a motor vehicle while using a wireless communications device for certain purposes; defines the term “wireless communications device”; specifies information that is admissible as evidence of a violation; provides for enforcement as a secondary action; provides for points to be assessed against a driver license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash, etc.

Effective Date: October 1, 2013

Low-speed Vehicles

[CS/CS/SB 62](#) by Senator Hays authorizes the conversion of a vehicle titled or branded and registered as a low-speed vehicle to a golf cart; requires the Department of Highway Safety and Motor Vehicles to issue a decal, etc. Such vehicles are exempt from vehicle title and registration fees and, as a result, the bill is estimated to reduce revenues to the STTF by approximately \$200,000 annually.

Effective Date: July 1, 2013

Public-Private Partnerships

[CS/CS/HB 85](#) by Senator Diaz de la Portilla authorizes public-private partnerships for certain purposes and establishes requirements for such partnerships.

The bill authorizes public-private partnerships to contract for public service work with a not-for-profit-organization or charitable youth organization, and provides certain requirements for contracts specific to park land and public education buildings; creates an alternative procurement process and requirements for public-private partnerships to facilitate the construction of public-purpose projects; creates a Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to recommend guidelines for the Legislature to consider for the purpose of creating a uniform process for establishing public-private partnerships; authorizes the use of public-private partnerships for purposes of county road projects, and permits counties to receive or solicit proposals and enter into agreements with private entities to construct, extend, or improve a county road if certain requirements are met; and extends the terms for leases that the Orlando-Orange County Expressway Authority may enter into from 40 years to 99 years.

The bill has an insignificant negative fiscal impact on the Department of Management Services related to administrative support costs associated with the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force. The bill has an indeterminate fiscal impact on local governments.

Effective Date: July 1, 2013

Spaceport Territory

[CS/HB 135](#) by Representative Goodson amends s. 331.304, F.S., to designate the following properties in Brevard County as spaceport territory: the Space Coast Regional Airport, the Space Coast Industrial Park and the Spaceport Commerce Park. As a result of the bill, new and expanding businesses engaged in spaceport activities at those designated properties may qualify for a tax exemption on machinery and equipment purchases pursuant to s. 212.08, F.S.

The Revenue Estimating Conference adopted a negative recurring impact of \$100,000 on the General Revenue Fund related to the machinery and equipment tax exemption.

Effective Date: Upon becoming law

Eminent Domain Proceedings

[CS/HB 179](#) by Representative Young revises distribution of interest on certain deposits held by clerks of court in eminent domain proceedings.

Eminent domain refers to the power of the government to take private property for a public use. Florida law allows state and local governments, and specified entities (“condemning authorities”) to acquire title and possession of real property before eminent domain proceedings have concluded through a process referred to as “quick taking.” The condemning authority must first

deposit the estimated value of the property with the Clerk of the Circuit Court. Florida law provides that 90 percent of the interest earned on this deposit is paid to the condemning authority.

The bill provides that 90 percent of interest earned is paid to the ultimate owner of the deposit, which may be the property owner or judgment creditors.

Effective Date: July 1, 2013

Transportation Trust Funds

[SB 200](#) by Senator Gardiner re-creates the Transportation Revenue Bond Trust Fund within the Department of Transportation without modification. Section 339.0815, F.S., which terminates the trust fund on July 1, 2014, is repealed.

Effective Date: July 1, 2013

[SB 202](#) by Senator Gardiner re-creates, without modification, the Transportation Governmental Bond Trust Fund, within the Department of Transportation. The bill is effective July 1, 2013, and has no fiscal impact on state or local funds.

This bill repeals section 339.0816(3), Florida Statutes.

Effective Date: July 1, 2013

[SB 204](#) by Senator Gardiner terminates three trust funds within the Department of Transportation: the Everglades Parkway Construction Trust Fund; the Jacksonville Transportation Authority Project Trust Fund; and the Federal Law Enforcement Trust Fund. The bill has no fiscal impact on state or local funds.

This bill repeals sections 339.082 and 932.7055(6)(j), Florida Statutes, and section 2(2)(b) and (f) of chapter 2004-235, Laws of Florida.

Effective Date: July 1, 2013

Public Construction Projects

[CS/CS/HB 269](#) by Representative Beshears requires counties to attach certain disclaimers & include certain permit conditions when issuing development permits; revises notice requirements in Local Government Code Enforcement Boards Act; requires governmental entities to specify certain products associated with public works projects; requires state agencies to use certain building rating systems & building codes for each new construction and renovation project; specifies that certain actions relating to onsite sewage treatment & removal are not required if bedroom is not added during remodeling addition or modification to single-family home; authorizes local building department to retain 75 percent of certain fines collected if it transmits 25 percent to Department of Business & Professional Regulation; prohibits any provision of International Residential Code relating to mandated fire sprinklers from incorporation into

Florida Building Code; requires Florida Building Commission to adopt Florida Building Code-Energy Conservation; revises purpose of Florida Building Energy-Efficiency Rating Act.

The bill includes an exemption from using state-produced timber for transportation projects for which federal aid funds are available, as well as if the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture.

Effective Date: July 1, 2013

Community Transportation Projects

[CS/CS/CS/HB 319](#) by Representative Ray revises provisions for local governments implementing transportation concurrency plans and provides requirements for certain alternatives.

The bill encourages any local government implementing an alternative mobility funding system to follow the same general principles as local governments implementing transportation concurrency. Alternative funding systems must provide a means for new development to pay for its impacts and proceed with development. If an alternative funding system is not mobility fee based, it may not require new developments to pay for existing transportation deficiencies.

The bill also allows local governments to pool contributions from multiple applicants toward one planned facility improvement and clarifies when s. 163.3180(5)(h), F.S., applies to local governments implementing transportation concurrency or development agreements. The bill also provides that an applicant may satisfy concurrency requirements by making a good faith offer to enter into a binding agreement and requires local governments to provide the basis upon which landowners will be assessed a proportionate share of costs.

Effective Date: Upon becoming law

Manufacturing Development

[CS/HB 357](#) by Representative Boyd authorizes local governments to establish a local manufacturing development program that provides for master development approval for certain sites; requires DEO to develop model ordinance containing specified information & provisions; requires local manufacturing development program ordinance to include certain information; requires department, in cooperation with participating agencies, to establish manufacturing development coordinated approval process for certain manufacturers; requires department to convene meeting when requested by certain manufacturer; requires participating agencies to attend meetings convened by department; specifies that department is not required, but is authorized, to mediate between participating agencies & manufacturer; requires that coordinated approval process have no effect on department's approval of economic development incentives; provides for applicability with respect to permit applications governed by federally delegated or approved permitting programs; requires department to develop materials that identify local manufacturing development programs; requires Enterprise Florida, Inc., & authorizes other state agencies, to distribute such material.

Effective Date: July 1, 2013

Economic Development

[CS/SB 406](#) by Senator Gardiner establishes the Economic Development Programs Evaluation; requires the Division of Alcoholic Beverages and Tobacco to certify the amount derived from the cigarette tax until a specified time; requires the Department of Economic Opportunity to analyze each economic development incentive application; provides a certification process for an applicant to receive state funding for a facility for a spring training franchise; prohibits tax levied under ch. 212, F.S., from being collected during a certain time period for the sale of specified items, etc.

Effective Date: Except as otherwise expressly provided in the act, this act shall take effect May 20, 2013

Tax on Sales, Use & Other Transactions

[CS/HB 423](#) by Representative Atkins provides exception to sales tax for dyed diesel fuel used in vessels for commercial fishing & aquacultural purposes; provides exception from sales tax collected by licensed sales tax dealer for dyed diesel fuel used in vessels for commercial fishing & aquacultural purposes; provides sales tax exemption for dyed diesel fuel used in vessels for commercial fishing & aquacultural purposes.

This bill is estimated to reduce annual revenues to the STTF by approximately \$400,000 annually.

Effective Date: July 1, 2013

Publicly-funded Defined Benefit Retirement Plans

[CS/CS/CS/SB 534](#) by Senator Brandes explicitly provides that the state is not liable for any obligation relating to any financial shortfalls in any local government retirement plan. The bill also specifies additional reporting requirements for public pension plans - excluding the Florida Retirement System - and provides that local plans, which do not comply with the reporting requirements, may jeopardize their revenue sharing funds. Each local government defined benefit retirement system or plan and plan sponsor that has a publicly available website must post certain information about the retirement system or plan on its website.

Beginning in Fiscal Year 2014-2015, the Department of Management Services (DMS) will incur increased administrative costs for the Division of Retirement (division) as a result of the bill. Local government defined benefit retirement systems or plans and plan sponsors also will experience increased reporting costs. See Section V.

This bill substantially amends sections 112.63, 112.66 and 112.665, Florida Statutes, and creates section 112.664, Florida Statutes.

Effective Date: July 1, 2013

Growth Management

[CS/CS/HB 537](#) by Representative Moraitis prohibits local government initiative or referendum processes for local comprehensive plan and map amendments affecting more than five parcels of

land, except for those processes in effect as of June 1, 2011, and specifically authorized by charter language.

The bill also repeals Section 4, Chapter 2012-75, Laws of Florida, which allowed qualifying agricultural enclaves to use a different approval process when applying for comprehensive plan amendments.

Effective Date: Upon becoming a law

Natural Gas Motor Fuel (CNG)

[CS/CS/HB 579](#) by Representative Ray creates Part V of Chapter 206, F.S., consisting of ss. 206.9951-206.998, F.S., and entitles it “Natural Gas Fuel.” It repeals the annual decal fee program for motor vehicles powered by alternative fuels effective January 1, 2014, and establishes a fuel tax structure for natural gas used as a motor fuel similar to that for diesel fuel beginning January 1, 2019, thereby exempting natural gas fuel from fuel taxes for five years. The bill also exempts natural gas fuel from state sales and use taxes and expands the definition of “energy efficiency improvement” to include “installation of systems for natural gas fuel” under uses authorized by the Local Government Infrastructure Surtax.

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete and submit a report regarding taxation of natural gas fuel used to power motor vehicles to the President of the Senate and the Speaker of the House by December 1, 2017. The bill creates the Natural Gas Fuel Fleet Vehicle Rebate Program to provide rebates for up to 50 percent of the eligible costs of converting certain vehicles to natural gas-powered vehicles. An applicant is eligible to receive a maximum rebate of \$25,000 per vehicle up to a total of \$250,000 per applicant per fiscal year. The rebate program is to be administered by the Department of Agriculture and Consumer Services (DACS) on a first-come, first-served basis.

By October 1, 2014, and each year thereafter, DACS is required to provide an annual assessment of the use of the rebate program to the Governor, the President of the Senate, the Speaker of the House, and OPPAGA. By January 31, 2016, OPPAGA is to provide a report reviewing the rebate program to the Governor, the President of the Senate, and the Speaker of the House.

For the tax provisions in the bill, the Revenue Estimating Conference estimated that in FY 2013-14, there will be an insignificant negative impact on revenues to the General Revenue Fund, a -\$0.3 million impact to state trust funds, and an insignificant negative impact to local governments. However, the recurring revenue impacts, reflecting eventual full implementation in FY 2018-19, will be \$0.1 million to the General Revenue Fund, -\$0.3 million to state trust funds, and \$0.2 million to local government.

The bill provides \$6 million per year for 5 years from the General Revenue Fund to fund rebates for eligible costs of converting certain vehicles to natural gas-powered vehicles.

Effective Date: January 1, 2014 (Rebate provisions take effect July 1, 2013)

Northeast Florida Regional Transportation Commission

[CS/SB 606](#) by Senator Gibson creates the Northeast Florida Regional Transportation Commission (commission) for the purposes of improving mobility and expanding multimodal transportation options for persons and freight throughout Baker, Clay, Duval, Nassau, Putnam, and St. Johns Counties. The primary provisions of the bill create the Northeast Florida Regional Transportation Commission; provide for commission membership, powers and duties, and funding; provide criteria for transportation projects of regional significance; authorize the acquisition of lands and property but do not authorize the use of condemnation or eminent domain; exempt the commission from taxation; provide for repeal of the commission unless certain conditions are met; and provide that the commission is exempt from the Administrative Procedures Act.

This bill creates the following sections of the Florida Statutes: 343.1001, 343.1002, 343.1003, 343.1004, 343.1005, 343.1006, 343.1008, 343.1009, 343.1010, 343.1011, 343.1012, and 343.1013, constituting part V of chapter 343; and amends section 120.52 of the Florida Statutes.

Effective Date: July 1, 2013

Fossil Fuel Combustion Products

[CS/CS/SB 682](#) by Senator Simpson specifies that certain uses of fossil fuel combustion products (FFCPs) would be defined as beneficial uses and exempts the beneficial use of FFCPs from certain provisions in Part IV of ch. 403, F.S. The bill also exempts disposal facilities that accept FFCPs from the prohibition on hazardous waste landfills in Florida.

This bill creates section 403.7047 and amends section 403.7222 of the Florida Statutes.

Effective Date: July 1, 2013

Public Records

[CS/HB 1075](#) by Representative Rangel creates a public record exemption for information relating to a complaint of misconduct filed against an agency employee. While state law provides limited exemptions from public record requirements for information relating to complaints alleging misconduct and ensuing investigations carried out by agencies in certain contexts, there is no general exemption for information obtained pursuant to an investigation following a complaint of misconduct filed against a public employee.

This bill creates a public record exemption for a complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to the investigation by the agency of the complaint of misconduct. The information is confidential and exempt from public record requirements until the investigation ceases to be active, or until the agency provides written notice to the employee who is the subject of the complaint that the agency concluded the investigation and either will or will not proceed with disciplinary action or file charges.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. In addition, the bill provides a statement of public necessity as required by the State Constitution.

Effective Date: July 1, 2013

State-owned or State-leased Space

[CS/CS/CS/HB 1145](#) by Representative La Rosa addresses various inventory, sales, lease, and reporting requirements applicable to state-owned and state-leased property.

The bill revises reporting requirements applicable to the annual inventory of state-owned facilities, and provides and revises various reporting and notice requirements applicable to surplus property; requires the Division of State Lands in the Department of Environmental Protection to consider a comparable sales analysis or a broker's opinion of value, as opposed to an appraisal, when determining the sale price of certain surplus lands; requires a state agency, state university, or Florida College System institution to submit a plan for the proposed use of a building or parcel determined to be surplus that the entity seeks to lease; requires the Board of Trustees of the Internal Improvement Trust Fund to adopt rules; and defines terms.

The bill also modifies requirements applicable to notices relating to the occupation of state-owned and state-leased facilities; authorizes the Department of Management Services (DMS) to direct certain agencies to occupy or relocate to space in any state-owned office building; requires DMS to include the strategic leasing plan in the annual master leasing report, and to submit the report by October 1 of each year; requires the leasing report to contain recommendations for using capital improvement funds to implement the consolidation of state agencies into state-owned office buildings; subjects the Department of Transportation to DMS' leasing procedures as established by rule; removes the ability of certain agencies to negotiate a replacement lease if that agency determines it is in its best interest to remain in its current space, and authorizes DMS to make the determination; authorizes DMS to approve the emergency acquisition of space without competitive bids under certain conditions; and revises energy performance analysis requirements.

Effective Date: July 1, 2013

Procurement of Commodities and Contractual Services

[CS/CS/HB 1309](#) by Representative Albritton requires public agency contracts for services performed on behalf of the agency to contain contract provisions clarifying the public record responsibilities of the contractor. If a contractor does not comply with a public records request, the public agency must enforce the contract provisions in accordance with the contract.

The bill creates additional requirements for grant agreements and requires the Chief Financial Officer (CFO) to perform audits of executed grant agreements. It also requires agencies to designate a grant manager and provides training requirements for those managers.

The bill revises several provisions governing state agency procurement and contracting, including, but not limited to removing the requirement that the Department of Management Services (DMS) establish and maintain a vendor list; permitting DMS to lead, rather than solely enter into, joint agreements with governmental entities; requiring an invitation to bid be awarded to the vendor with the lowest responsive bid; revising the training requirements for contract managers, including providing that both DMS and the CFO are jointly responsible for contract management training; requiring the agency head to sign, rather than certify under oath, a written statement of emergency; and requiring the CFO to audit executed contract documents and contract manager records.

The bill will likely have a minimal fiscal impact on state government. However, it is anticipated that the provisions of the bill will be handled within existing agency resources.

Effective Date: July 1, 2013

Economic Development

[CS/CS/HB 7007](#) by the Economic Development & Tourism Subcommittee modifies and revises various programs and activities administered by the Department of Economic Opportunity (DEO). Specifically, the bill addresses the following areas:

- **Economic Development Program Evaluations and Reporting**

Directs the Office of Economic and Demographic Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate economic development programs; and directs EDR to determine the economic benefits of each economic development program on a 3-year review schedule; directs DEO to maintain a website for publishing information pertaining to economic development incentives awarded to Florida businesses on a project-by-project basis; and to publish on its website Quick Action Closing Fund (QACF) project information and the average time it takes to receive and approve completed applications; and consolidates reports and reporting dates for various economic development programs prepared by DEO, Enterprise Florida, Inc. (EFI), the Office of Film and Entertainment, and Space Florida.

- **Machinery and Equipment Sales Tax Exemption**

The bill creates a sales tax exemption for machinery and equipment used within Florida to manufacture, process, compound, or produce tangible goods for sale. The sales tax exemption is available for 3 years, from April 30, 2014 until April 30, 2017.

- **Gulf Coast Restoration**

The bill creates Triumph Gulf Coast, Inc., a nonprofit corporation administratively housed within the DEO, to administer and invest 75 percent of all funds recovered by the Attorney General for economic damages to the state resulting from the Deepwater Horizon oil spill.

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- The Florida Small Business Development Center Network and Redevelopment Programs

The bill modifies the size and make-up of the Small Business Development Center Network (Network) statewide advisory board, codifies support services the Network must provide to small businesses, provides for performance incentives, and requires annual reports to the Legislature.

The bill revises the Small Cities Community Development Block Grant Loan Guarantee Program to reduce the risk to the state and eligible local governments, provides for the expansion of enterprise zone boundaries in certain areas of the state, and defines “brownfield area” for purposes of the sales tax exemption for building materials.

- Reemployment Assistance Program

The bill revises provisions related to benefit eligibility, interest assessments, confidentiality, and fraudulent claims to enhance program integrity and implement certain federal requirements.

Effective Date: May 17, 2013

Development Permits

[CS/HB 7019](#) by the Economic Development & Tourism Subcommittee amends sections 125.022 and 166.033, Florida Statutes, to bring state law into compliance with the federal requirements of the National Flood Insurance Program; amends s. 163.3167, F.S., prohibiting local government initiative or referendum processes for all development orders and prohibiting initiative or referendum processes for local comprehensive plan and map amendments affecting more than five parcels of land except for those processes in effect as of June 1, 2011 and specifically authorized by charter language; defines “communication facilities” and “railroad company” for purposes of the Florida Rail Enterprise Act and creates s. 341.822(2)(c), F.S., requiring the establishment of a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high speed rail system; authorizes boards of county commissioners to lease commercial developments ancillary to a professional sports franchise if such ancillary commercial development is located on property that is part of or contiguous to the professional sports franchise facility; amends subsection section 24 of chapter 2012-205, Laws of Florida, to provide that valid permit holders eligible for a two year extension have until October 1, 2013 to notify the authorizing agency of their intention to utilize the extension; extends certain permits issued by the Department of Environmental Protection or by a water management district for three years and provides that onsite sewage treatment and disposal systems installed after July 1, 2010 in the unincorporated parts of Monroe County, excluding special wastewater districts, are not required to connect to a central sewer system until December 31, 2020.

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

Effective Date: July 1, 2013